

**CARRYOVER**

**LEGISLATION**

**Bill Titles and Resolutions  
Introduced in the  
One Hundred Third Legislature, First Session, 2013,  
and Pending Before the  
One Hundred Third Legislature, Second Session, 2014**

**January 8, 2014**

03-01-10-2014

**STATUS OF CARRYOVER  
BILLS  
AND  
RESOLUTIONS**

**Introduced in the  
One Hundred Third Legislature, First Session, 2013  
and pending before the  
One Hundred Third Legislature, Second Session, 2014**

General File (75): (522A 574) 52 590 174 446 LR29CA 33 56 399 359 359A 13  
403 642 46 128 215 470 76 371 272 514 597 513 313 281 278 637 588 354  
354A 96 348 144 382 167 188 362 362A 82 474 577 577A 543 260 433 393  
253 546 267 106 415 541 449 219 565 251 390 578 51 151 161 441 438 364  
534 603 249 392 385 606 191 383 373

Select File (9): (57 - 1/10/2014) 254 252 259 273 LR41CA 464 522 402

**BILLS HELD BY COMMITTEES:**

Agriculture (8): 60 288 339 431 550 587 636 654  
Appropriations (30): 4 20 114 119 122 126 130 157 184 185 187 190 193 234  
268 285 286 334 375 376 394 400 424 425 432 486 492 519 569 582  
Bank., Com. & Ins. (14): 71 80 92 168 218 228 239 312 397 505 523 614 621  
655  
Business & Labor (21): 19 58 95 163 177 248 291 297 302 307 310 324 396  
436 437 537 559 560 570 584 652  
Education (25): 47 116 129 131 143 162 201 275 301 356 365 367 401 409 460  
465 478 480 481 491 512 540 575 619 651  
Executive Board (2): 18 609  
General Affairs (5): 73 244 444 456 LR34CA  
Gov., Mil. & Vet. Affs. (21): 41 65 108 127 160 183 206 217 241 257 292 294  
381 448 450 509 515 521 632 LR12CA LR23  
Hlth. & Human Serv. (29): 8 54 132 139 220 236 245 261 270 276 309 315 330  
347 395 421 422 427 428 430 452 508 524 526 527 535 555 605 630  
Judiciary (68): 12 22 37 45 50 61 86 89 109 115 120 124 134 136 142 148 152  
171 202 204 212 226 246 247 256 280 284 293 300 314 318 319 320 335 350  
352 355 369 374 379 380 412 451 455 461 462 463 471 472 473 482 485 498  
503 533 542 551 562 564 580 592 602 608 610 611 615 631 LR42  
Natural Resources (11): 325 353 391 454 494 557 567 598 601 622 635  
Nebr. Ret. Sys. (7): 77 138 305 321 552 554 594  
Revenue (60): 5 14 17 25 26 43 53 62 63 64 74 75 81 101 110 145 150 159 175  
176 227 237 238 264 266 282 317 327 328 333 346 370 389 411 414 419 439  
440 447 457 468 475 488 489 490 501 502 516 531 532 547 558 571 572 581  
600 618 626 627 LR2CA  
Trans. & Telecom. (15): 10 11 83 84 118 181 189 258 351 358 378 445 453 548  
596  
Urban Affairs (5): 48 404 529 591 633

Resolutions Reported for Further Consideration (1): LR38

(Totals in parentheses include bills, A bills, and resolutions of each section.)

**TITLES TO BILLS**

**LEGISLATIVE BILL 4.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2012; to change provisions governing transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 5.** Introduced by Krist, 10; Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits and military retirement benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 8.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to children; to amend section 68-911, Reissue Revised Statutes of Nebraska, and sections 68-908 and 68-1202, Revised Statutes Cumulative Supplement, 2012; to include children's day health services in assistance provided under the Medical Assistance Act and the social services program; to require rules and regulations; and to repeal the original sections.

**LEGISLATIVE BILL 10.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,265 and 60-6,270, Reissue Revised Statutes of Nebraska, and sections 60-6,267 and 60-6,268, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to occupant protection systems; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 11.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-435, Reissue Revised Statutes of Nebraska, and sections 86-457 and 86-903, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 12.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska; to change provisions relating to product liability actions; to eliminate obsolete provisions; and to repeal the original section.

**LEGISLATIVE BILL 13.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to real property; to amend sections 71-3501, 71-3507, 71-3508.03, and 71-3519, Reissue Revised Statutes of Nebraska, and section 71-3503, Revised Statutes Cumulative Supplement, 2012; to state findings; to define terms; to provide powers and duties; to require radon resistant construction as prescribed; to create a task force; to require radon mitigation statements for sales of residential real property as prescribed; to provide for a cause of action; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 14.** Introduced by Krist, 10; Kintner, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2012; to adopt the Elementary and Secondary Educational Opportunity Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 17.** Introduced by Nordquist, 7; Ashford, 20; Bolz, 29; Cook, 13; Crawford, 45; Lathrop, 12; McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits from state income taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 18.** Introduced by Nordquist, 7; Lathrop, 12.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to prohibit members of the Legislature and certain constitutional offices from participating in the Nebraska State Insurance Program; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 19.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2501, 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2511, 48-2512, 48-2512.01, 48-2514, 48-2516, 48-2518, 48-2520, 48-2521, 48-2522, 48-2525, 48-2526, 48-2527, 48-2528, 48-2529, 48-2530, and 81-405, Reissue Revised Statutes of Nebraska; to change administration of the act from the Commissioner of Labor to the State Fire Marshal; to rename a committee; to create a fund; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 48-2509, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 20.** Introduced by Nordquist, 7; Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the rural health provider incentive program.

**LEGISLATIVE BILL 22.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to child custody; to amend section 43-2921, Reissue Revised Statutes of Nebraska, and section 43-2929, Revised Statutes Cumulative Supplement, 2012; to change provisions of the Parenting Act relating to findings and parenting plans; and to repeal the original sections.

**LEGISLATIVE BILL 25.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2604, 77-4014, and 86-527, Reissue Revised Statutes of Nebraska, and sections 77-2602 and 77-2602.03, Revised Statutes Cumulative Supplement, 2012; to change the manner and timing for reporting and paying the cigarette tax and the tobacco products tax; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to cigarette tax; to amend section 77-2608, Revised Statutes Cumulative Supplement, 2012; to change the commission allowed to stamping agents; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 33.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 32-1610, 77-3904, 77-3905, and 77-4022, Reissue Revised Statutes of Nebraska, and section 77-3906, Revised Statutes Cumulative Supplement, 2012; to provide for agreements relating to collections; to provide for a penalty for delinquent taxes; to eliminate a provision relating to campaign fund contributions; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-27,119.04, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 37.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2476, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to powers of personal representatives with respect to a decedent's Internet sites; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 41.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to elections; to amend sections 32-910, 32-916, 32-938, 32-943, 32-949, 32-950, 32-951, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-808, 32-941, 32-942, and 32-1002, Revised Statutes Cumulative Supplement, 2012; to provide for a permanent early voting request list; to provide powers and duties; to change provisions relating to early voting; to permit return of ballots for early voting to polling places as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 43.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to a property tax exemption; and to repeal the original section.

**LEGISLATIVE BILL 45.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-1101 and 24-1102, Reissue Revised Statutes of Nebraska; to change Court of Appeals judges eligibility requirements; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 46.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crime laboratories; to provide for consolidation and coordination of services in certain counties.

**LEGISLATIVE BILL 47.** Introduced by Ashford, 20; McGill, 26; Coash, 27.

A BILL FOR AN ACT relating to education; to amend section 85-932.01, Reissue Revised Statutes of Nebraska, and sections 79-777 and 85-1540, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to career academies; to create a fund; to provide for and change provisions relating to grants as prescribed; to redefine a term; and to repeal the original sections.

**LEGISLATIVE BILL 48.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to housing agencies; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,140, Reissue Revised Statutes of Nebraska; to change provisions relating to the board of commissioners and disposal of personal property; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 50.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to prohibit unreasonable placement of a firearm where a minor may unlawfully possess it; to provide for civil liability; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 51.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

**LEGISLATIVE BILL 52.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-183, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the employment of persons committed to the Department of Correctional Services; and to repeal the original section.

**LEGISLATIVE BILL 53.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2707, Reissue Revised Statutes of Nebraska; to change provisions relating to sales and use tax with respect to the sale of a business or stock of goods; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 54.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-105 and 38-124, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to display of credentials and advertisement; to provide for disciplinary action; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 56.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to county officers; to amend section 32-815, Reissue Revised Statutes of Nebraska, and section 32-811, Revised Statutes Cumulative Supplement, 2012; to provide for automatic nomination of certain county officers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 57.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend section 81-15,175, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to allocations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 58.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to labor and employment; to adopt the Workplace Privacy Act.

**LEGISLATIVE BILL 60.** Introduced by Larson, 40; Carlson, 38; Schilz, 47; Lautenbaugh, 18.

A BILL FOR AN ACT relating to livestock; to amend section 54-1,109, Reissue Revised Statutes of Nebraska; to exclude Knox County from the brand inspection area; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 61.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to finance; to amend sections 87-803 and 87-804, Reissue Revised Statutes of Nebraska; to change provisions relating to the Financial Data Protection and Consumer Notification of Data Security

Breach Act of 2006; to provide powers to and duties for the Attorney General; and to repeal the original sections.

**LEGISLATIVE BILL 62.** Introduced by Schilz, 47; Brasch, 16; Davis, 43; Hansen, 42; Johnson, 23; Larson, 40; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-2809, 35-508, 35-509, 35-514.02, 35-517, 77-3443, and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2012; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 63.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to change the distribution of sales and use tax revenue; and to repeal the original section.

**LEGISLATIVE BILL 64.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to deductions of refunds from municipal sales and use tax receipts; and to repeal the original section.

**LEGISLATIVE BILL 65.** Introduced by Schilz, 47; Davis, 43.

A BILL FOR AN ACT relating to sheriff's fees and commissions; to amend section 33-117, Revised Statutes Cumulative Supplement, 2012; to authorize counties to set such fees and commissions; and to repeal the original section.

**LEGISLATIVE BILL 71.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to require coverage for cochlear implants as prescribed.

**LEGISLATIVE BILL 73.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1228, Reissue Revised Statutes of Nebraska; to change provisions relating to interstate simulcast facility licenses; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 74.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 75.** Introduced by Janssen, 15.



A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exclude military retirement benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 76.** Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transparency Act; to create an advisory committee; and to declare an emergency.

**LEGISLATIVE BILL 77.** Introduced by Avery, 28; Mello, 5.

A BILL FOR AN ACT relating to state investments; to adopt the Nebraska Iran Divestment Act.

**LEGISLATIVE BILL 80.** Introduced by Schumacher, 22; Pirsch, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-310, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and section 60-501, Revised Statutes Cumulative Supplement, 2012; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 81.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to provide for deduction of dividend payments from corporate income; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 82.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2703, Revised Statutes Supplement, 2012; to adopt the Taxpayer Investment Program; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 83.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,161, Reissue Revised Statutes of Nebraska; to change provisions relating to turn signals; and to repeal the original section.

**LEGISLATIVE BILL 84.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of utility-type vehicles; and to repeal the original section.

**LEGISLATIVE BILL 86.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to juvenile confinement; to amend sections 83-4,124, 83-4,125, and 83-4,132, Reissue Revised Statutes of Nebraska, and sections 43-2,108.05, 71-2453, 83-4,126, 83-4,131, and 83-4,133, Revised Statutes Cumulative Supplement, 2012; to authorize inspection and regulation of staff secure juvenile facilities by the board as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 89.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to weather emergencies; to amend section 81-829.66, Reissue Revised Statutes of Nebraska; to provide immunity from liability for providing shelter as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 92.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to prohibit the use of credit information and discriminatory practices as prescribed; to define terms; to eliminate the Model Act Regarding Use of Credit Information in Personal Insurance; to provide an operative date; and to outright repeal sections 44-7701, 44-7702, 44-7703, 44-7704, 44-7705, 44-7706, 44-7707, 44-7708, 44-7709, 44-7710, 44-7711, and 44-7712, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 95.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employee Credit Privacy Act.

**LEGISLATIVE BILL 96.** Introduced by Dubas, 34; Bloomfield, 17; Brasch, 16; Carlson, 38; Christensen, 44; Karpisek, 32; Larson, 40; Lathrop, 12; Schilz, 47; Seiler, 33; Wallman, 30; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2012; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 101.** Introduced by Watermeier, 1; Davis, 43; Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2012; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 106.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to unsworn declarations; to amend sections 14-915 and 28-915.01, Reissue Revised Statutes of Nebraska; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating to perjury; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 108.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 14-102, 14-109, 15-203, 15-208, 15-215, 15-217, 15-220, 16-205, 16-206, 16-226, 16-233, 16-237, 17-120, 17-132, 17-133, 17-134, 17-207, 17-505, 17-525, 17-526, 23-808, and 23-813, Reissue Revised Statutes of Nebraska; to prohibit credentialing of professions and occupations as prescribed; to provide exceptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 109.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to precious metals dealers; to amend sections 69-201, 69-204, 69-205, 69-208, and 69-210, Reissue Revised Statutes of Nebraska, and section 69-206, Revised Statutes Cumulative Supplement, 2012; to define a term; to provide requirements for dealers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 110.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3502, 77-3509.01, 77-3509.02, 77-3514, 77-3516, and 77-3526, Reissue Revised Statutes of Nebraska; to change the eligibility date for homestead exemption determination; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 114.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the University of Nebraska at Omaha.

**LEGISLATIVE BILL 115.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to homicide; to amend sections 28-302, 60-6,210, and 83-961, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-111, 28-1351, 28-1354, 29-4003, and 84-205, Revised Statutes Cumulative Supplement, 2012; to adopt, change, and eliminate provisions relating to manslaughter; to eliminate certain jury verdict determinations relating to homicide; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-305 and 29-2027, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 116.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Educational Service Units Act; to amend sections 79-1201 and 79-1201.01, Reissue Revised Statutes of Nebraska; to

redefine a term; to provide requirements for dual-enrollment courses; and to repeal the original sections.

**LEGISLATIVE BILL 118.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2012; to change enforcement provisions for using a handheld wireless communication device while operating a motor vehicle; and to repeal the original section.

**LEGISLATIVE BILL 119.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to health and human services of local public health departments.

**LEGISLATIVE BILL 120.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1410, 76-1416, and 76-1431, Reissue Revised Statutes of Nebraska; to redefine the term tenant; to change deposit requirements; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 122.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for an environmental study of a hydroelectric dam project.

**LEGISLATIVE BILL 124.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1802, Reissue Revised Statutes of Nebraska; to provide an additional ground for seeking visitation; and to repeal the original section.

**LEGISLATIVE BILL 126.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to amend sections 43-3718, 43-3719, and 43-3720, Revised Statutes Cumulative Supplement, 2012; to state intent relating to the Court Appointed Special Advocate Fund; to add and change provisions relating to grants; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 127.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to elections; to amend sections 32-301, 32-308, 32-311, 32-311.01, 32-312.05, 32-318.01, 32-320, 32-326, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-310, 32-312, 60-484, and 60-4,120, Revised Statutes Cumulative Supplement, 2012; to provide for certain sixteen-year-olds and seventeen-year-olds to preregister to vote; to provide procedures; to change and provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 128.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to create the offense of disarming an officer; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 129.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend section 72-201, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to compensation of board members; and to repeal the original section.

**LEGISLATIVE BILL 130.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 66-1345 and 84-612, Revised Statutes Cumulative Supplement, 2012; to eliminate transfers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 131.** Introduced by Nordquist, 7; Campbell, 25; Harms, 48; Howard, 9; Kolowski, 31; McGill, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-714, Reissue Revised Statutes of Nebraska; to adopt the Tobacco-Free Schools Act; to change provisions relating to accreditation; and to repeal the original section.

**LEGISLATIVE BILL 132.** Introduced by Nordquist, 7; Avery, 28; Campbell, 25; Howard, 9.

A BILL FOR AN ACT relating to tanning facilities; to adopt the Skin Cancer Prevention Act.

**LEGISLATIVE BILL 134.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2308, Reissue Revised Statutes of Nebraska; to provide for inheritance by certain issue conceived after decedent's death; and to repeal the original section.

**LEGISLATIVE BILL 136.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the use of administrative fines and costs and forfeited property; to amend sections 2-10,103.02, 8-169, 8-1,134, 8-223, 8-332, 8-1108.01, 8-1120, 8-1726, 9-832, 21-20,169, 44-322, 44-3,127, 44-5814, 44-5815, 45-191.09, 45-347, 45-921, 45-1014, 45-1017, 45-1019, 54-415, 54-2606, 58-703, 58-711, 59-1725.01, 60-6,345, 69-2116, 69-2117, 69-2118, 71-449, 71-1920, 71-8006, 75-309.01, 81-5,162, and 81-3537, Reissue Revised Statutes of Nebraska, and sections 45-351 and 45-1002, Revised Statutes Cumulative Supplement, 2012; to provide for distribution of administrative fines in accordance with Article VII, section 5, of the Constitution of Nebraska and

forfeited property in accordance with Article VII, section 7, of the Constitution of Nebraska; to provide for disposition of certain costs; to delete obsolete or repetitive provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 138.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-128 and 85-129, Reissue Revised Statutes of Nebraska, and section 85-122, Revised Statutes Cumulative Supplement, 2012; to create the Group Health Trust Fund; to provide for investment of the fund by the state investment officer; to change provisions relating to the State Treasurer's authority for university funds; and to repeal the original sections.

**LEGISLATIVE BILL 139.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-615, Revised Statutes Cumulative Supplement, 2012; to change annulment and dissolution of marriage reporting requirements; and to repeal the original section.

**LEGISLATIVE BILL 142.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2263, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2012; to declare probation records not subject to disclosure as provided; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 143.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to child sexual abuse; to authorize schools to adopt a child sexual abuse policy as prescribed.

**LEGISLATIVE BILL 144.** Introduced by Brasch, 16.

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

**LEGISLATIVE BILL 145.** Introduced by Brasch, 16; Watermeier, 1; Coash, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2012; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 148.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1212 and 69-2422, Reissue Revised Statutes of Nebraska, and sections 28-1204.01, 28-1206, and 28-1354, Revised Statutes Cumulative Supplement, 2012; to include ammunition in certain offenses involving firearms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 150.** Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to natural gas; to amend sections 14-2138, 14-2139, and 77-2704.13, Reissue Revised Statutes of Nebraska; to change provisions relating to the retail sale of natural gas by metropolitan utilities districts; to exempt sales and purchases of energy or fuel used in the compression of natural gas from sales and use taxes as prescribed; to eliminate obsolete provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 151.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide a hearsay exception for certain documents and data kept in the regular course of business; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 152.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to eminent domain; to restrict negotiations of a condemner as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 157.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to support of dental services.

**LEGISLATIVE BILL 159.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2713, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2708, and 77-2709, Revised Statutes Cumulative Supplement, 2012; to provide a sales and use tax amnesty for gold, silver, and platinum commodities purchased for investment; to authorize a partial refund of state sales and use tax paid on purchases of gold, silver, and platinum commodities for investment; to change sales tax enforcement provisions relating to sales and purchases of gold, silver, and platinum commodities for investment; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 160.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-1302 and 32-1403, Reissue Revised Statutes of Nebraska, and section 32-101, Revised

Statutes Cumulative Supplement, 2012; to provide for electronic signatures on recall, initiative, and referendum petitions; to provide powers and duties; to provide fees; to create a fund; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 161.** Introduced by McGill, 26; Mello, 5.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-415, Reissue Revised Statutes of Nebraska; to change a penalty for violation of building ordinances or regulations; and to repeal the original section.

**LEGISLATIVE BILL 162.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1413, Revised Statutes Cumulative Supplement, 2012; to state findings; to define terms; to provide for a notification process relating to award of associate degrees as prescribed; to provide duties for the Coordinating Commission for Postsecondary Education, community college boards of governors, the Board of Trustees of the Nebraska State Colleges, and the Board of Regents of the University of Nebraska; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 163.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to education; to provide for a report on educational credentials and workforce needs as prescribed; and to provide duties for the Coordinating Commission for Postsecondary Education, the Department of Labor, and the State Department of Education.

**LEGISLATIVE BILL 167.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-713 and 32-714, Reissue Revised Statutes of Nebraska; to require a pledge; to change balloting and vacancy provisions; and to repeal the original sections.

**LEGISLATIVE BILL 168.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-101, Reissue Revised Statutes of Nebraska; to authorize series limited liability companies; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 171.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2430, Reissue Revised Statutes of Nebraska; to provide for an expedited permit process as prescribed for victims of domestic violence; and to repeal the original section.



**LEGISLATIVE BILL 174.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Reissue Revised Statutes of Nebraska; to change provisions relating to load contents and spillage; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 175.** Introduced by Smith, 14; Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to representing Nebraska under the streamlined sales and use tax agreement; and to repeal the original section.

**LEGISLATIVE BILL 176.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exclude military retirement benefits from income taxation; and to repeal the original section.

**LEGISLATIVE BILL 177.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to labor; to amend section 48-1228, Reissue Revised Statutes of Nebraska; to provide enforcement and penalty provisions to the Nebraska Wage Payment and Collection Act; and to repeal the original section.

**LEGISLATIVE BILL 181.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,307, Reissue Revised Statutes of Nebraska; to prohibit certain passengers on motorcycles; and to repeal the original section.

**LEGISLATIVE BILL 183.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to election commissioners; to amend sections 32-207, 32-209, 32-213, and 32-214, Reissue Revised Statutes of Nebraska; to provide for appointment by the county board in certain counties; to eliminate powers and duties of the Governor regarding such appointments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 184.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for the Nebraska Wind Applications Center.

**LEGISLATIVE BILL 185.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Cumulative Supplement, 2012; to authorize state assistance for

streamflow enhancement projects; to provide funding; to provide for a fund transfer; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 187.** Introduced by Nelson, 6; Crawford, 45; Gloor, 35; Howard, 9; Nordquist, 7; Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services to fund the Dental Health Director.

**LEGISLATIVE BILL 188.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to election commissioners; to amend section 32-207, Reissue Revised Statutes of Nebraska; to require legislative approval of gubernatorial appointments; and to repeal the original section.

**LEGISLATIVE BILL 189.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to occupant protection systems; to amend sections 60-6,265, 60-6,270, and 60-6,272, Reissue Revised Statutes of Nebraska, and sections 60-4,182, 60-6,267, and 60-6,268, Revised Statutes Cumulative Supplement, 2012; to provide for a loss of points under the point system; to update references to federal regulations; to change violation provisions and authorize enforcement of a violation as a primary offense; to increase a fine and eliminate an exemption for court costs; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 190.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Early Childhood Education Endowment Cash Fund.

**LEGISLATIVE BILL 191.** Introduced by Nordquist, 7; Ashford, 20; Coash, 27; Dubas, 34; Howard, 9; Lathrop, 12; Mello, 5; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-908, 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Job Creation and Mainstreet Revitalization Act; to provide tax credits as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 193.** Introduced by Nelson, 6; Davis, 43; Gloor, 35; Hansen, 42; Harms, 48; Kintner, 2; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend section 82-331, Revised Statutes Cumulative Supplement, 2012; to provide for transfers to the fund; and to repeal the original section.

**LEGISLATIVE BILL 201.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to educational entities; to amend sections 79-526 and 79-1201, Reissue Revised Statutes of Nebraska; to authorize emergency expenditures as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 202.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 29-4106.01 and 81-2004.02, Reissue Revised Statutes of Nebraska, and section 29-4107, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to DNA collection; to create a fund; to provide duties for the Superintendent of Law Enforcement and Public Safety; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 204.** Introduced by Larson, 40; Lautenbaugh, 18; Schilz, 47.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 54-908, Reissue Revised Statutes of Nebraska, and sections 28-101 and 28-1017, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the reporting of cruelty to animals; to change penalties; to create the offense of damaging or interfering with the operations of an animal facility; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 206.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-103, 32-202, 32-813, 32-916, 32-936, 32-949, 32-950, 32-953, 32-954, 32-957, 32-1006, 32-1027, and 32-1030, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-809, 32-816, 32-915, 32-947, and 32-1002, Revised Statutes Cumulative Supplement, 2012; to require secret-ballot envelopes for certain ballots; to change provisions relating to voting and counting votes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 212.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2929, Revised Statutes Cumulative Supplement, 2012; to provide a presumption for court-created parenting plans; and to repeal the original section.

**LEGISLATIVE BILL 215.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend section 81-3717, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to use of the County Visitors Promotion Fund; and to repeal the original section.

**LEGISLATIVE BILL 217.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 75-104, 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska; to increase salaries as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 218.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to insurance; to require coverage for amino acid-based formulas as prescribed.

**LEGISLATIVE BILL 219.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-616, Revised Statutes Cumulative Supplement, 2012; to change eligibility provisions for petitions for placement on the general election ballot; and to repeal the original section.

**LEGISLATIVE BILL 220.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901 and 68-915, Revised Statutes Cumulative Supplement, 2012; to state intent; to change provisions and provide duties for the Department of Health and Human Services relating to redeterminations of children's eligibility; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 226.** Introduced by Smith, 14; Krist, 10; Nordquist, 7.

A BILL FOR AN ACT relating to personal property; to regulate dealers in the business of purchasing and reselling precious items; to provide a penalty; and to harmonize provisions.

**LEGISLATIVE BILL 227.** Introduced by Kintner, 2; Hansen, 42; Murante, 49; Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exclude certain retirement benefits from income taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 228.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers relating to copayments, coinsurance, and deductibles; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 234.** Introduced by Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to provide for appropriations for nurse visitation services as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 236.** Introduced by Howard, 9; Nordquist, 7; Conrad, 46.

A BILL FOR AN ACT relating to individual development accounts; to appropriate funds for a pilot project.

**LEGISLATIVE BILL 237.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to a property tax exemption; and to repeal the original section.

**LEGISLATIVE BILL 238.** Introduced by Crawford, 45; Murante, 49; Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to exempt social security and certain retirement benefits from state income taxation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 239.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to health care; to adopt the Nebraska All-Payer Patient-Centered Medical Home Act.

**LEGISLATIVE BILL 241.** Introduced by Sullivan, 41; Bolz, 29.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-519, and 32-524, Revised Statutes Cumulative Supplement, 2012; to authorize voters to vote regarding partisan or nonpartisan ballots for nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 244.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2113, 81-2117.01, and 81-2118, Reissue Revised Statutes of Nebraska, and section 81-2104, Revised Statutes Cumulative Supplement, 2012; to require apprentices to complete continuing education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 245.** Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-955, Reissue Revised Statutes of Nebraska; to change provisions relating to the preferred drug list; and to repeal the original section.

**LEGISLATIVE BILL 246.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to correctional health care; to amend sections 47-701 and 47-704, Reissue Revised Statutes of Nebraska, and section 83-1,135,

Revised Statutes Cumulative Supplement, 2012; to provide for a copayment; to provide exemptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 247.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-290, Reissue Revised Statutes of Nebraska; to change provisions relating to costs of care and treatment and reimbursement by parents; and to repeal the original section.

**LEGISLATIVE BILL 248.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-601, 48-602, and 48-628, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Cumulative Supplement, 2012; to provide for seasonal employers and when benefits are paid to seasonal employees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 249.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-463 and 60-465, Reissue Revised Statutes of Nebraska, and sections 60-462, 75-362, 75-363, 75-364, and 75-366, Revised Statutes Cumulative Supplement, 2012; to define and redefine terms in the Motor Vehicle Operator's License Act and in motor carrier provisions; to change motor carrier provisions relating to covered farm vehicles and drivers transporting agricultural commodities or farm supplies; to update federal references; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 251.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4501, Reissue Revised Statutes of Nebraska; to change a fee relating to the rental of motor vehicles; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 252.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-161, 85-162.03, 85-304, and 85-931, Reissue Revised Statutes of Nebraska; to correct and change subdivision numbering and references to governmental entities; and to repeal the original sections.

**LEGISLATIVE BILL 253.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-401 and 79-862, Reissue Revised Statutes of Nebraska; to correct a reference to a governmental entity and a statutory reference; and to repeal the original sections.

**LEGISLATIVE BILL 254.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend section 81-1120.24, Reissue Revised Statutes of Nebraska; to correct a reference to the commission and change statutory references; and to repeal the original section.

**LEGISLATIVE BILL 256.** Introduced by McGill, 26; Pirsch, 4.

A BILL FOR AN ACT relating to property; to amend sections 28-439, 28-440, 28-441, 28-442, 28-445, 28-1439.02, 28-1439.03, 37-1299, 37-12,102, 60-1901, 60-1903.01, and 81-2004.05, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to criminal forfeiture; to provide for civil forfeiture as prescribed; to provide legislative intent; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal section 28-431, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 257.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to municipal counties; to amend sections 13-2801 and 13-2809, Reissue Revised Statutes of Nebraska; to change provisions relating to the creation of municipal counties; to change a restriction on annexation; and to repeal the original sections.

**LEGISLATIVE BILL 258.** Introduced by Sullivan, 41; Harms, 48.

A BILL FOR AN ACT relating to schools; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of interactive wireless communication devices by school bus drivers as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 259.** Introduced by Karpisek, 32.

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

**LEGISLATIVE BILL 260.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-810, Revised Statutes Cumulative Supplement, 2012; to change requirements for a data and information system as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 261.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Medicaid Insurance for Workers with Disabilities Act; and to create an advisory committee.

**LEGISLATIVE BILL 264.** Introduced by Bolz, 29; Coash, 27; Cook, 13; Nordquist, 7; Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit for qualified resident individuals caring for dependents as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 266.** Introduced by Chambers, 11; Ashford, 20; Pirsch, 4; Murante, 49.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend sections 77-27,142, 77-27,142.01, and 77-27,142.02, Revised Statutes Cumulative Supplement, 2012; to eliminate provisions relating to increases in sales and use taxes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 267.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to prohibit persons on parole, probation, or work release from acting as undercover agents or employees of law enforcement; and to prohibit the admissibility of evidence derived from such actions.

**LEGISLATIVE BILL 268.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to state intent; and to require an upgrade of an electronic data collection system as prescribed.

**LEGISLATIVE BILL 270.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-911, Reissue Revised Statutes of Nebraska; to provide for a medicaid state plan amendment or waiver; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 272.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101, 46-1103, 46-1119, and 46-1121, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to permit approval and fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 273.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-607, Reissue Revised Statutes of Nebraska; to change restrictions on keno; and to repeal the original section.

**LEGISLATIVE BILL 275.** Introduced by Nordquist, 7; Ashford, 20; Campbell, 25; Conrad, 46; Cook, 13; Gloor, 35; B. Harr, 8; Howard, 9; Kolowski, 31; Lathrop, 12; Mello, 5.



A BILL FOR AN ACT relating to public health and welfare; to amend sections 9-812 and 9-836.01, Reissue Revised Statutes of Nebraska, and sections 68-907 and 68-968, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Coordinated School Health Act; to change allocation provisions relating to the Education Innovation Fund; to change provisions relating to School Health Center Advisory Councils; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 276.** Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to medicaid; to amend sections 43-2515 and 68-911, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to reimbursement pursuant to the Early Intervention Act; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 278.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

**LEGISLATIVE BILL 280.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-323, Revised Statutes Cumulative Supplement, 2012; to change domestic assault provisions; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 281.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6306, Revised Statutes Cumulative Supplement, 2012; to change the amount of tax credits allowed under the Angel Investment Tax Credit Act; and to repeal the original section.

**LEGISLATIVE BILL 282.** Introduced by Pirsch, 4; B. Harr, 8; Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.14, Reissue Revised Statutes of Nebraska, and section 77-2701.16, Revised Statutes Cumulative Supplement, 2012; to exempt motor vehicle washing and waxing services from sales and use tax; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 284.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919, 13-920, 13-922, and 13-926, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; to change amounts

recoverable as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 285.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Health Care Cash Fund; to amend section 71-7611, Revised Statutes Cumulative Supplement, 2012; to change provisions governing transfers; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 286.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to fund transfers; to amend section 68-1604, Reissue Revised Statutes of Nebraska, and sections 58-703 and 84-612, Revised Statutes Cumulative Supplement, 2012; to provide for Cash Reserve Fund transfers for affordable housing, homeless shelter assistance, and legal aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 288.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-626, 54-627, 54-630, and 54-641.01, Revised Statutes Cumulative Supplement, 2012; to change provisions of the Commercial Dog and Cat Operator Inspection Act; and to repeal the original sections.

**LEGISLATIVE BILL 291.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2012; to provide time limits and penalties for late payment of medical payments; and to repeal the original section.

**LEGISLATIVE BILL 292.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Revised Statutes Cumulative Supplement, 2012; to change population restrictions on conducting elections by mail; and to repeal the original section.

**LEGISLATIVE BILL 293.** Introduced by Kintner, 2; Bloomfield, 17; Johnson, 23; Karpisek, 32; Larson, 40; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to prohibit disclosure of any applicant or permitholder information regarding firearms registration, possession, sale, or use as prescribed.

**LEGISLATIVE BILL 294.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,101.02, Reissue Revised Statutes of

Nebraska; to change provisions relating to use of public resources by public officials and public employees; and to repeal the original section.

**LEGISLATIVE BILL 297.** Introduced by Bolz, 29; Hansen, 42; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to mental injuries and mental illness compensation; and to repeal the original section.

**LEGISLATIVE BILL 300.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2012; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 301.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to transfers of property; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 302.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to provide annual adjustments for total disability income benefits; and to repeal the original section.

**LEGISLATIVE BILL 305.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Revised Statutes Cumulative Supplement, 2012; to change benefit calculations and provisions related to retirement system funding; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 307.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-121, 48-141, and 48-162.01, Reissue Revised Statutes of Nebraska, and sections 48-120 and 48-1,110, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to medical treatment, temporary disability compensation, and periodic payment modification; to provide intent and purpose; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 309.** Introduced by Bolz, 29; Cook, 13.

A BILL FOR AN ACT relating to social services; to adopt the Department of Health and Human Services Delivery Improvement and Efficiency Act.

**LEGISLATIVE BILL 310.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to clarify compensation for shoulder injuries; and to repeal the original section.

**LEGISLATIVE BILL 312.** Introduced by Scheer, 19; Chambers, 11; Crawford, 45; Howard, 9; Kintner, 2.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to designate certain acts by insurers as unfair trade practices; and to repeal the original section.

**LEGISLATIVE BILL 313.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to prisons; to amend sections 29-2262, 83-4,142, and 83-4,143, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to incarceration work camps; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-4,144, 83-4,145, and 83-4,146, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 314.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to escort agencies; to adopt the Escort Services Accountability and Permit Act; to provide penalties; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 315.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to massage therapy; to amend sections 38-1706 and 38-1709, Reissue Revised Statutes of Nebraska; to redefine massage therapy; to change licensure requirements; and to repeal the original sections.

**LEGISLATIVE BILL 317.** Introduced by Price, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1311.03, Revised Statutes Cumulative Supplement, 2012; to change a duty of county assessors; and to repeal the original section.

**LEGISLATIVE BILL 318.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-209, Reissue Revised Statutes of Nebraska; to change provisions relating to duties of law enforcement officers and agencies relating to the taking and distribution of fingerprints; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 319.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2443, Revised Statutes Cumulative Supplement, 2012; to change certain permitholder penalty provisions; and to repeal the original section.

**LEGISLATIVE BILL 320.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-248, 43-250, 43-254, 43-256, and 43-272.01, Revised Statutes Cumulative Supplement, 2012; to change temporary custody of juvenile without warrant provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 321.** Introduced by Crawford, 45; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to retirement; to amend section 16-1011, Reissue Revised Statutes of Nebraska; to change a provision concerning police officer disability payments; and to repeal the original section.

**LEGISLATIVE BILL 324.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska, and sections 48-125 and 48-1,110, Revised Statutes Cumulative Supplement, 2012; to change interest rate provisions on certain compensation court awards; to change provisions relating to first injury reports; to deny compensation in situations of false representation; to eliminate a sunset provision; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 48-1,111, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 325.** Introduced by Brasch, 16; Bloomfield, 17; Johnson, 23; Schilz, 47.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3211, Reissue Revised Statutes of Nebraska; to change provisions relating to board approval of boundary changes, division, or merger; and to repeal the original section.

**LEGISLATIVE BILL 327.** Introduced by Pirsch, 4; Brasch, 16; Lautenbaugh, 18; Nelson, 6; Price, 3; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change income tax rates; and to repeal the original section.

**LEGISLATIVE BILL 328.** Introduced by Pirsch, 4; B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Revised Statutes Cumulative Supplement, 2012; to change corporate income tax rates; and to repeal the original section.

**LEGISLATIVE BILL 330.** Introduced by Howard, 9; Cook, 13; Nordquist, 7; Conrad, 46.

A BILL FOR AN ACT relating to public health and welfare; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 333.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2012; to change the sales and use tax collection fees; and to repeal the original sections.

**LEGISLATIVE BILL 334.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Nebraska Opportunity Grant Program.

**LEGISLATIVE BILL 335.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to firearms; to authorize possession of firearms as prescribed.

**LEGISLATIVE BILL 339.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to fences; to amend sections 2-4808, 34-112.02, and 34-112.03, Reissue Revised Statutes of Nebraska; to change fence dispute provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 346.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to authorize school districts to levy for school security measures as prescribed; to redefine a term; to authorize school districts to exceed budget authority as prescribed; to authorize the creation of school funds; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 347.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide for a moratorium on issuance of certain licenses as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 348.** Introduced by B. Harr, 8; Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to the assessment of certain rent-restricted housing projects; and to repeal the original section.

**LEGISLATIVE BILL 350.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Police Standards Advisory Council; to amend section 81-1407, Reissue Revised Statutes of Nebraska; to add members to the council as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 351.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,118, Reissue Revised Statutes of Nebraska; to require a cognitive test for persons eighty years of age or older as prescribed; to provide an exception; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 352.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2429, Reissue Revised Statutes of Nebraska, and section 69-2427, Revised Statutes Cumulative Supplement, 2012; to define a term; to provide signage requirements and duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 353.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3228, Reissue Revised Statutes of Nebraska; to restrict rule and regulation authority; and to repeal the original section.

**LEGISLATIVE BILL 354.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 49-1499.02 and 66-1333, Reissue Revised Statutes of Nebraska, and section 66-1345.01, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Corn Promotion Act and repeal the Nebraska Corn Resources Act; to create a board; to create and eliminate funds; to provide a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-3601, 2-3602, 2-3603, 2-3604, 2-3605, 2-3606, 2-3607, 2-3608, 2-3609, 2-3610, 2-3611, 2-3612, 2-3614, 2-3615, 2-3616, 2-3617, 2-3618, 2-3619, 2-3620, 2-3621, 2-3622, 2-3623, 2-3627, 2-3628, 2-3629, 2-3630, 2-3631, 2-3632, 2-3633, 2-3634, and 2-3635, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 354A.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, One Hundred Third Legislature, First Session, 2013.

**LEGISLATIVE BILL 355.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the age of majority; to amend sections 2-1207, 8-2602, 9-255.06, 9-255.09, 9-334, 9-633, 9-646, 9-810, 9-814, 9-823, 9-826, 13-317, 20-403, 21-1724, 21-1781, 23-1213.01, 23-1824, 25-1601, 28-319, 28-320.01, 28-457, 28-833, 29-2270, 30-2412, 30-2603, 30-3402, 30-3502, 38-165, 38-1710, 38-2421, 38-3122, 42-371.01, 43-104.09, 43-117.01, 43-284.02, 43-289, 43-290, 43-294, 43-504, 43-2721, 43-3703, 44-7,103, 44-4053, 44-5238, 48-122.01, 48-124, 49-801, 53-168.06, 53-181, 53-1,122, 60-4,120.01, 60-6,157, 60-6,340, 68-1724, 71-629, 71-808, 71-824, 71-20,120, 71-3405, 71-4808, 71-6039.01, 76-1494, 79-296, 80-403, 81-885.13, 81-1916, 81-1936, 81-2036, 83-383, and 83-388, Reissue Revised Statutes of Nebraska, and sections 25-1628, 25-21,271, 28-311.08, 28-319.01, 28-416, 28-728, 28-813.01, 28-1463.04, 28-1463.05, 29-401, 29-4016, 30-2209, 30-2604, 30-3902, 32-602, 37-413, 37-452, 38-129, 43-245, 43-412, 43-1311.03, 43-2404.02, 43-2922, 53-180.05, 64-101, 68-915, 68-2002, 68-2004, 68-2005, 71-9105, 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 77-2704.63, 79-215, 79-267, 79-1003, 81-6,120, 81-1917, and 81-2026, Revised Statutes Cumulative Supplement, 2012; to change the age of majority from nineteen to eighteen years of age and certain age requirements as prescribed; to define and redefine terms; to change reporting provisions; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 44-706.01 and 71-826, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 356.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to schools; to prohibit participation in co-curricular or extracurricular activities as prescribed; and to provide exceptions.

**LEGISLATIVE BILL 358.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2308, Reissue Revised Statutes of Nebraska; to redefine excavation; and to repeal the original section.

**LEGISLATIVE BILL 359.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility redetermination for a child care subsidy as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 359A.** Introduced by Cook, 13.



A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, One Hundred Third Legislature, First Session, 2013.

**LEGISLATIVE BILL 362.** Introduced by Avery, 28; Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-434, 37-436, 37-441, 37-442, 37-443, 37-446, and 60-1513, Reissue Revised Statutes of Nebraska, and sections 37-438 and 60-3,156, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to park entry permits; to provide fees for motor vehicle registration; to provide for distribution and use of the fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 362A.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 362, One Hundred Third Legislature, First Session, 2013.

**LEGISLATIVE BILL 364.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to government contracts; to amend section 49-14,102, Reissue Revised Statutes of Nebraska; to permit certain government bodies to set limits on certain contracts; and to repeal the original section.

**LEGISLATIVE BILL 365.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to schools; to require instruction in certain emergency procedures as a requirement for high school graduation as prescribed; and to provide for a waiver.

**LEGISLATIVE BILL 367.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to education; to adopt the Twenty-First Century Developmental Education Act.

**LEGISLATIVE BILL 369.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2257 and 29-2262.06, Reissue Revised Statutes of Nebraska, and sections 29-2252, 29-2255, 29-2262.07, and 83-1,102, Revised Statutes Cumulative Supplement, 2012; to provide duties for the probation administrator and the Parole Administrator; to harmonize provisions; to eliminate obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 370.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Reissue Revised Statutes of Nebraska; to create the County Property Tax Assistance Program and the Municipal Property Tax Assistance Program; to

provide powers and duties; to create funds; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 371.** Introduced by Mello, 5; Karpisek, 32; Krist, 10.

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

**LEGISLATIVE BILL 373.** Introduced by Mello, 5; Lathrop, 12; Avery, 28.

A BILL FOR AN ACT relating to contractors; to amend sections 45-1201, 45-1202, 45-1203, and 45-1204, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Nebraska Construction Prompt Pay Act; to repeal the original sections; and to outright repeal section 45-1207, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 374.** Introduced by Nelson, 6; Pirsch, 4.

A BILL FOR AN ACT relating to bail; to amend section 29-2206, Revised Statutes Cumulative Supplement, 2012; to provide for a delinquent child support payment lien on an appearance bond as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 375.** Introduced by Lathrop, 12; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to designate funds to be used for services for persons with developmental disabilities.

**LEGISLATIVE BILL 376.** Introduced by Johnson, 23; Christensen, 44; Davis, 43; Hadley, 37; Schilz, 47; Seiler, 33; Kintner, 2; Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

**LEGISLATIVE BILL 378.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,122, 60-3,123, 60-3,124, and 60-3,125, Reissue Revised Statutes of Nebraska; to eliminate the additional fee for the issuance of Pearl Harbor, prisoner of war, disabled veteran, and Purple Heart license plates; and to repeal the original sections.

**LEGISLATIVE BILL 379.** Introduced by Nelson, 6; Kolowski, 31; Krist, 10; Lautenbaugh, 18.

A BILL FOR AN ACT relating to committed persons; to amend section 83-173.01, Reissue Revised Statutes of Nebraska, and sections 83-184 and 83-1,107, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to certain notices of furlough; to change furlough and reduction of sentence provisions for certain offenses; and to repeal the original sections.

**LEGISLATIVE BILL 380.** Introduced by Howard, 9; Ashford, 20; Avery, 28; Conrad, 46; B. Harr, 8; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 381.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to elections; to amend sections 32-110.02, 32-311.01, 32-321, 32-902, 32-914, 32-938, 32-953, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-915, 32-947, 32-1002, 60-4,115, and 60-4,181, Revised Statutes Cumulative Supplement, 2012; to require presentation of a government-issued photographic identification document to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to change provisions for issuance of state identification cards; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 382.** Introduced by Janssen, 15; McCoy, 39.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-714 and 32-1038, Reissue Revised Statutes of Nebraska, and section 32-710, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

**LEGISLATIVE BILL 383.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-3,130.04, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, and 60-3,104, Revised Statutes Cumulative Supplement, 2012; to provide for Nebraska Armed Forces Pride Plates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 385.** Introduced by Nordquist, 7; Conrad, 46.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.01, and 71-1902, Revised Statutes Cumulative Supplement, 2012; to prohibit certain bases for discrimination relating to placement; to provide placement standards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 389.** Introduced by Bolz, 29; Campbell, 25; Coash, 27; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit for adoption and guardianship costs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 390.** Introduced by Christensen, 44; Kintner, 2.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.40, Reissue Revised Statutes of Nebraska, and section 81-829.36, Revised Statutes Cumulative Supplement, 2012; to prohibit the suspension or limitation on the sale, dispensing, or transportation of firearms or ammunition by the Governor during a state of emergency; to proscribe prohibitions or restrictions on the possession, use, carrying, transfer, transportation, storage, or display of firearms or ammunition during a state of emergency; and to repeal the original sections.

**LEGISLATIVE BILL 391.** Introduced by Davis, 43; Bloomfield, 17; Carlson, 38; Christensen, 44; Hansen, 42; Larson, 40; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to water law; to amend section 46-241, Reissue Revised Statutes of Nebraska; to change provisions relating to storage reservoirs and underground water storage; and to repeal the original section.

**LEGISLATIVE BILL 392.** Introduced by Lathrop, 12; Coash, 27.

A BILL FOR AN ACT relating to crimes and offenses; to eliminate certain firearms provisions no longer authorized by federal law; and to outright repeal section 28-1211, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 393.** Introduced by Bloomfield, 17; Brasch, 16; Christensen, 44; Davis, 43; Janssen, 15; Karpisek, 32; Kintner, 2; Krist, 10; Larson, 40; Murante, 49; Scheer, 19; Schilz, 47.

A BILL FOR AN ACT relating to motorcycles; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions; to require eye protection; and to repeal the original section.

**LEGISLATIVE BILL 394.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Affordable Housing Trust Fund; to amend section 58-706, Revised Statutes Cumulative Supplement, 2012; to authorize support for vocational training in the housing and construction trades industries; and to repeal the original section.

**LEGISLATIVE BILL 395.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-907, Revised Statutes Cumulative Supplement, 2012; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 396.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to amend section 48-152, Reissue Revised Statutes of Nebraska; to authorize contempt and other sanctions; and to repeal the original section.

**LEGISLATIVE BILL 397.** Introduced by Conrad, 46; Bolz, 29.

A BILL FOR AN ACT relating to insurance; to require screening coverage for amino acid-based formulas.

**LEGISLATIVE BILL 399.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,232, Revised Statutes Cumulative Supplement, 2012; to permit a rotating or flashing amber light on a motor vehicle operated on behalf of a public safety or crime prevention organization as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 400.** Introduced by Lautenbaugh, 18; Lathrop, 12; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to state intent relating to aid to community colleges.

**LEGISLATIVE BILL 401.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend sections 13-916, 17-159, 48-1503, 66-1063, 79-405, 79-407, 79-409, 79-514, 79-516, 79-601, 79-610, 79-734, 79-746, and 79-10,105, Reissue Revised Statutes of Nebraska, and sections 79-408 and 79-2115, Revised Statutes Cumulative Supplement, 2012; to adopt the School Purchasing Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 402.** Introduced by Mello, 5; Davis, 43; Dubas, 34; Schilz, 47.

A BILL FOR AN ACT relating to the rural community-based energy development; to amend section 70-1904, Reissue Revised Statutes of Nebraska, and sections 70-1903 and 77-2704.57, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to power purchase agreements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 403.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to define a term; to prohibit retail sales of novelty lighters; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 404.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend sections 66-1866 and 66-1867, Reissue Revised Statutes of Nebraska; to change provisions relating to infrastructure system replacement cost recovery charges; and to repeal the original sections.

**LEGISLATIVE BILL 409.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1241.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to distribution of funds; and to repeal the original section.

**LEGISLATIVE BILL 411.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Revised Statutes Cumulative Supplement, 2012; to change a renewable energy tax credit; and to repeal the original section.

**LEGISLATIVE BILL 412.** Introduced by Schumacher, 22; Bloomfield, 17.

A BILL FOR AN ACT relating to unreasonable searches and seizures; to adopt the Freedom from Unwarranted Surveillance Act; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 414.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Municipal Equalization Fund; to amend section 13-2814, Reissue Revised Statutes of Nebraska, and sections 77-27,139.03 and 77-27,144, Revised Statutes Cumulative Supplement, 2012; to change funding; to eliminate collection fees; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 415.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to attachment and garnishment; to amend sections 25-1010 and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to financial institutions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 419.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6203, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the nameplate capacity tax; and to repeal the original section.

**LEGISLATIVE BILL 421.** Introduced by McGill, 26; Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-126 and 38-161, Reissue Revised Statutes of Nebraska; to provide powers and duties for professional boards relating to credentialing of veterans; and to repeal the original sections.

**LEGISLATIVE BILL 422.** Introduced by McGill, 26; Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-126, Reissue Revised Statutes of Nebraska, and section 38-101,

Revised Statutes Cumulative Supplement, 2012; to provide duties for professional boards; to provide for a temporary practice permit based on a credential in another jurisdiction as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 424.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds to the Nebraska State Patrol Internet Crimes Against Children Unit; and to declare an emergency.

**LEGISLATIVE BILL 425.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for intervention services for at-risk youth and their families as prescribed.

**LEGISLATIVE BILL 427.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to real estate; to adopt the Carbon Monoxide Safety Act.

**LEGISLATIVE BILL 428.** Introduced by K. Haar, 21; Wallman, 30; Christensen, 44.

A BILL FOR AN ACT relating to the Certified Nurse Midwifery Practice Act; to amend section 38-613, Reissue Revised Statutes of Nebraska; to change provisions relating to permitted practice; and to repeal the original section.

**LEGISLATIVE BILL 430.** Introduced by Crawford, 45; Campbell, 25; Cook, 13; Dubas, 34; Gloor, 35; K. Haar, 21; Krist, 10; McGill, 26; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1726, Reissue Revised Statutes of Nebraska, and sections 43-512, 43-512.11, and 68-1202, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to asset limitations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 431.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,245.01, Reissue Revised Statutes of Nebraska; to change the definition of food establishment; and to repeal the original section.

**LEGISLATIVE BILL 432.** Introduced by Price, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Interstate Compact on Educational Opportunity for Military Children.

**LEGISLATIVE BILL 433.** Introduced by Price, 3.

A BILL FOR AN ACT relating to elections; to amend section 32-944, Reissue Revised Statutes of Nebraska; to change provisions and require reports regarding administration of ballots to residents of nursing homes or hospitals; and to repeal the original section.

**LEGISLATIVE BILL 436.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to business and labor; to amend section 87-402, Reissue Revised Statutes of Nebraska; to redefine franchisee under the Franchise Practices Act; and to repeal the original section.

**LEGISLATIVE BILL 437.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to mechanical safety inspection programs; to amend sections 11-201, 48-719, 48-720, 48-721, 48-722, 48-723, 48-724, 48-725, 48-726, 48-727, 48-728, 48-729, 48-730, 48-731, 48-732, 48-733, 48-735.01, 48-736, 48-737, 48-738, 48-739, 48-740, 48-741, 48-742, 48-743, 48-1801, 48-1802, 48-1803, 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817, 48-1818, 48-1819, 48-1820, 48-2501, 48-2502, 48-2506, 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2513, 48-2514, 48-2516, 48-2517, 48-2518, 48-2519, 48-2520, 48-2530, 48-2531, 48-2532, 48-2533, 81-401, 81-405, and 81-501.01, Reissue Revised Statutes of Nebraska; to transfer powers and duties from the Commissioner of Labor to the State Fire Marshal under the Boiler Inspection Act, the Conveyance Safety Act, and the Nebraska Amusement Ride Act; to change and eliminate provisions of such acts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-1812, 48-2503, 48-2504, 48-2512, 48-2512.01, 48-2515, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, and 48-2529, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 438.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to education; to amend sections 79-757 and 79-760.06, Revised Statutes Cumulative Supplement, 2012; to provide for priority schools, operating councils, and community schools; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 439.** Introduced by Gloor, 35; Campbell, 25.

A BILL FOR AN ACT relating to taxation; to amend sections 77-4008 and 77-4025, Reissue Revised Statutes of Nebraska, and sections 71-5714, 71-7611, 77-2602, and 81-638, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to taxation of cigarettes and other tobacco products and distribution of proceeds; to state intent; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 440.** Introduced by Gloor, 35; Campbell, 25; Dubas, 34.



A BILL FOR AN ACT relating to emergency responders; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to adopt the Volunteer Emergency Responders Incentive Act; to provide for an income tax credit as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 441.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Funeral Directing and Embalming Practice Act; to amend sections 12-1101, 38-1425, 38-1426, and 38-1427, Reissue Revised Statutes of Nebraska, and sections 30-2201 and 71-605, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Burial Pre-Need Sale Act and the control of dead human remains; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 444.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-117.03 and 53-117.06, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Cumulative Supplement, 2012; to provide for issuance of certificates; to require employment of certified personnel; to require the presence of authorized personnel; to provide for a fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 445.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-483, Reissue Revised Statutes of Nebraska, and section 60-3,161, Revised Statutes Cumulative Supplement, 2012; to change the amount and distribution of fees as prescribed; to create a fund; to authorize the Department of Motor Vehicles to purchase a vehicle titling and registration computer system; and to repeal the original sections.

**LEGISLATIVE BILL 446.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-174, Reissue Revised Statutes of Nebraska, and sections 60-101 and 60-102, Revised Statutes Cumulative Supplement, 2012; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 447.** Introduced by Avery, 28; Campbell, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.24, Reissue Revised Statutes of Nebraska, and section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to provide for sales and use taxes on soft drinks; to change the distribution of sales tax proceeds; to create funds and a committee; to provide funding for various projects that assist children; to provide powers and duties; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 448.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to lobbyists; to amend section 49-1401, Reissue Revised Statutes of Nebraska; to prohibit contributions during legislative sessions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 449.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-604, Revised Statutes Cumulative Supplement, 2012; to redefine high elective office for restrictions on multiple office holding; and to repeal the original section.

**LEGISLATIVE BILL 450.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-709, Reissue Revised Statutes of Nebraska, and section 32-707, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to political party conventions and caucuses; and to repeal the original sections.

**LEGISLATIVE BILL 451.** Introduced by Janssen, 15; Price, 3; Schilz, 47; Bloomfield, 17.

A BILL FOR AN ACT relating to firearms; to prohibit federal restrictions on firearms, magazines, and firearm accessories as prescribed.

**LEGISLATIVE BILL 452.** Introduced by Conrad, 46; Howard, 9; McGill, 26.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Reissue Revised Statutes of Nebraska; to require a waiver relating to coverage for family planning services; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 453.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,219, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle headlights; and to repeal the original section.

**LEGISLATIVE BILL 454.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to recycling; to amend section 13-2039, Reissue Revised Statutes of Nebraska, and sections 81-1504.01 and 81-15,160, Revised Statutes Cumulative Supplement, 2012; to adopt the Electronics Extended Producer Responsibility and Job Creation Act; to prohibit landfill disposal of certain electronic equipment as prescribed; to provide for reports and for grants from the Waste Reduction and Recycling Incentive Fund; to provide duties for the Director of Environmental Quality; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 455.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1431 and 76-1441, Reissue Revised Statutes of

Nebraska; to provide procedures for termination based upon clear and present danger; and to repeal the original sections.

**LEGISLATIVE BILL 456.** Introduced by Lautenbaugh, 18; Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124, Reissue Revised Statutes of Nebraska, and section 53-123.04, Revised Statutes Cumulative Supplement, 2012; to provide for removal of containers of draft beer from licensed premises as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 457.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.07, Reissue Revised Statutes of Nebraska; to change provisions relating to deductions for net operating losses and capital losses; and to repeal the original section.

**LEGISLATIVE BILL 460.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to immunizations; to amend section 79-217, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to booster immunizations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 461.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to civil procedure; to limit liability for bucking bull activities as prescribed; to define terms; and to require warning signs.

**LEGISLATIVE BILL 462.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to political subdivisions; to amend section 29-215, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to contracts for joint law enforcement services; to require creation of a separate entity; and to repeal the original section.

**LEGISLATIVE BILL 463.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of separate juvenile court judges as prescribed; and to repeal the original section.

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

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247, 43-247.01, and 43-274, Reissue Revised Statutes of Nebraska, and sections 24-517, 29-1816, 43-276, 43-2,129, and 43-412, Revised Statutes Cumulative Supplement, 2012; to change the jurisdiction of courts over juveniles and the indictment procedure for juveniles; to transfer a section; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 465.** Introduced by Lautenbaugh, 18; B. Harr, 8; Karpisek, 32.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2012; to adopt the College Choice Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 468.** Introduced by Scheer, 19; Davis, 43; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2012; to allow a deduction for state income tax purposes for tuition payments as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 470.** Introduced by Scheer, 19; Davis, 43; Watermeier, 1; Nordquist, 7.

A BILL FOR AN ACT relating to schools; to amend section 13-504, Reissue Revised Statutes of Nebraska; to change provisions relating to proposed budget statements; to adopt the Superintendent Pay Transparency Act; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 471.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to juveniles; to amend section 43-413, Reissue Revised Statutes of Nebraska; to change provisions relating to commitment evaluations; and to repeal the original section.

**LEGISLATIVE BILL 472.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2012; to prohibit flying lanterns; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 473.** Introduced by Bloomfield, 17; Brasch, 16; Kintner, 2; Krist, 10; Larson, 40; Schumacher, 22; Wallman, 30.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend section 29-4017, Reissue Revised Statutes of Nebraska, and section 29-4016, Revised Statutes Cumulative Supplement, 2012; to authorize certain residency restrictions near parks as prescribed; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 474.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-3226.01, 2-3226.05, 2-3226.08, 14-109, 15-202, 18-1208, 18-2142.02,

18-2142.04, 19-4018, 19-4024, 19-4031, 19-4034, and 35-106, Reissue Revised Statutes of Nebraska, and section 86-704, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to imposition of occupation taxes and provide procedures; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 475.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to economic development; to amend sections 77-6302, 77-6304, 77-6305, 77-6306, 77-6307, 77-6309, 81-12,153, 81-12,154, 81-12,155, 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, 81-12,162, 81-12,163, 81-12,165, and 81-12,166, Revised Statutes Cumulative Supplement, 2012; to define and redefine terms; to change provisions relating to qualified funds, qualified investors, notification, holding periods, reporting, and confidentiality under the Angel Investment Tax Credit Act; to change provisions relating to qualified action plans, financial assistance programs, use of funds, contracting, and confidentiality under the Business Innovation Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 478.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend section 85-2102, Reissue Revised Statutes of Nebraska, and section 85-2105, Revised Statutes Cumulative Supplement, 2012; to define a term; to change provisions relating to awards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 480.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to education; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Career Technical Education Grant Program Act; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 481.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to education; to create the Career Education Task Force; to provide duties; to provide a termination date; and to declare an emergency.

**LEGISLATIVE BILL 482.** Introduced by Kintner, 2; Bloomfield, 17; Hansen, 42; Janssen, 15; Watermeier, 1.

A BILL FOR AN ACT relating to government; to prohibit the state and political subdivisions from adopting policy recommendations that infringe on private property rights without due process as prescribed.

**LEGISLATIVE BILL 485.** Introduced by Conrad, 46; Chambers, 11; Howard, 9.

A BILL FOR AN ACT relating to discrimination; to amend sections 23-2525, 23-2531, 23-2541, 48-215, 48-1101, 48-1103, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1119, 48-1122, 48-1124, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2012; to prohibit discrimination based upon sexual orientation or marital status as prescribed; to eliminate obsolete provisions; to repeal the original sections; and to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 486.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Legislative Council to pay dues under the Midwest Interstate Passenger Rail Compact.

**LEGISLATIVE BILL 488.** Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-109, 15-202, 15-203, 16-205, and 17-525, Reissue Revised Statutes of Nebraska; to change provisions relating to municipal occupation taxes; and to repeal the original sections.

**LEGISLATIVE BILL 489.** Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska; to change the sales tax rate; and to repeal the original section.

**LEGISLATIVE BILL 490.** Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change income tax rates; and to repeal the original section.

**LEGISLATIVE BILL 491.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nebraska Opportunity Grant Act; to amend sections 85-1903, 85-1909, and 85-1912, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to calculation of target level of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 492.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to relating to appropriations; to appropriate funds to carry out the Nebraska Youth Conservation Program; and to declare an emergency.

**LEGISLATIVE BILL 494.** Introduced by Davis, 43; Johnson, 23; Nelson, 6; Scheer, 19; Watermeier, 1.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101, 37-102, and 37-104, Reissue Revised Statutes of Nebraska; to provide for a ninth district and a tenth member; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 498.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to court actions; to provide for declaratory judgment and injunctive relief against foreign defamation judgments.

**LEGISLATIVE BILL 501.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5715, Revised Statutes Cumulative Supplement, 2012; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 502.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2012; to change a sales tax exemption for health clinics; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 503.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to child abuse or neglect; to amend sections 28-710, 28-713, 28-714, 28-715, 28-716, 28-717, 28-719, 28-723, 28-725, 28-727, 29-4304, and 43-2932, Reissue Revised Statutes of Nebraska, and sections 28-711, 28-713.01, 28-720, 28-726, 28-728, 43-4318, and 43-4331, Revised Statutes Cumulative Supplement, 2012; to rename the Child Protection Act; to provide for alternative response to a report of child abuse or neglect; to define terms; to state intent; to provide for demonstration projects and expansion; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 505.** Introduced by Coash, 27; Janssen, 15; McGill, 26; Ashford, 20; Conrad, 46; Bolz, 29; Smith, 14; Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to provide requirements for coverage of autism spectrum disorders; to define terms; and to provide duties for the Director of Insurance.

**LEGISLATIVE BILL 508.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 43-513, Reissue Revised Statutes of Nebraska, and section 43-512, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to aid to dependent

children; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 509.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 32-546.01, 32-555.01, and 79-2117, Revised Statutes Cumulative Supplement, 2012; to change the election and membership of learning community coordinating councils; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 512.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend sections 79-760.01 and 79-760.02, Reissue Revised Statutes of Nebraska, and section 79-760.03, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to academic content standards and a statewide assessment and reporting system; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 513.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-708, Reissue Revised Statutes of Nebraska, and section 46-707, Revised Statutes Cumulative Supplement, 2012; to change notice provisions for cease and desist orders; and to repeal the original sections.

**LEGISLATIVE BILL 514.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend sections 81-15,148, 81-15,149, 81-15,151, and 81-15,152, Reissue Revised Statutes of Nebraska, and sections 81-15,147 and 81-15,153, Revised Statutes Cumulative Supplement, 2012; to provide for certain debt obligation refinancing and a linked deposit program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 515.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to irrigation districts; to amend sections 46-101, 46-102, 46-110, 46-111, 46-115, 46-116, 46-117, 46-151, 46-179, 46-185, 46-1,145, and 46-1,160, Reissue Revised Statutes of Nebraska; to name the Irrigation District Act; to redefine elector; to provide procedures for determining eligibility to vote and for conducting elections by mail; to change provisions relating to elections; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 516.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to water resources; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Water Legacy Act; to change provisions relating to sales and use tax; and to repeal the original section.



**LEGISLATIVE BILL 519.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society for capital improvements; and to declare an emergency.

**LEGISLATIVE BILL 521.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to government; to amend section 18-131, Reissue Revised Statutes of Nebraska, and section 84-1411, Revised Statutes Cumulative Supplement, 2012; to require cities and villages to create and maintain web sites and publish ordinances on web sites as prescribed; to require public bodies to publish notices and agendas of meetings on web sites as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 522.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to water; to provide state financial assistance to irrigation districts to provide compensation to surface water appropriators.

**LEGISLATIVE BILL 522A.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 522, One Hundred Third Legislature, First Session, 2013.

**LEGISLATIVE BILL 523.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers relating to copayments, coinsurance, and deductibles; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 524.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to pharmacies; to adopt the Pharmacy Audit Integrity Act.

**LEGISLATIVE BILL 526.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2601, 38-2604, 38-2610, and 38-2615, Reissue Revised Statutes of Nebraska, and section 38-2605, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to licensure and certification to perform minor surgery and use certain pharmaceutical agents; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 527.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2601, 38-2604, 38-2610, 38-2614, and 38-2615, Reissue Revised

Statutes of Nebraska, and section 38-2605, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to licensure and certification to use certain pharmaceutical agents; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 529.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2116, Reissue Revised Statutes of Nebraska; to change requirements for approval of redevelopment plans; and to repeal the original section.

**LEGISLATIVE BILL 531.** Introduced by Conrad, 46; Chambers, 11.

A BILL FOR AN ACT relating to roads; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to repeal the Build Nebraska Act and eliminate a fund; to change distribution of sales and use tax revenue; to repeal the original section; to outright repeal sections 39-2701, 39-2702, 39-2703, 39-2704, and 39-2705, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

**LEGISLATIVE BILL 532.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change income tax rates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 533.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to eminent domain; to require oil or gas pipeline condemners to provide notice to property owners as prescribed.

**LEGISLATIVE BILL 534.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to audits; to amend sections 50-1213 and 84-305, Reissue Revised Statutes of Nebraska, and sections 77-2711, 77-27,119, and 84-304, Revised Statutes Cumulative Supplement, 2012; to provide requirements relating to access to information by the Legislative Performance Audit Section and the Auditor of Public Accounts; to require contracts for certain audits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 535.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to prescription drugs; to amend section 38-178, Revised Statutes Cumulative Supplement, 2012; to adopt the Prescription Monitoring Program Act; to provide grounds for disciplinary action; to eliminate provisions relating to prescription drug monitoring; to provide an operative date; to repeal the original section; and to outright repeal sections 71-2454 and 71-2455, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 537.** Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 540.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to schools; to amend section 79-725, Reissue Revised Statutes of Nebraska, and sections 79-318 and 79-724, Revised Statutes Cumulative Supplement, 2012; to prohibit rules and regulations requiring teachers to lead students in the pledge of allegiance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 541.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Uniform Arbitration Act; to amend section 25-2602.01, Revised Statutes Cumulative Supplement, 2012; to prohibit arbitration of claims involving disciplinary actions against peace officers; and to repeal the original section.

**LEGISLATIVE BILL 542.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2523, Reissue Revised Statutes of Nebraska; to eliminate an aggravating circumstance; and to repeal the original section.

**LEGISLATIVE BILL 543.** Introduced by Chambers, 11; Coash, 27; Ashford, 20; McGill, 26; Conrad, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2282, 29-2407, 29-2519, 29-2521, 29-2523, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, and 83-1,110.02, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-1603, 29-2204, 29-2522, 29-2524, 29-3922, and 83-4,143, Revised Statutes Cumulative Supplement, 2012; to state findings and intent; to change a penalty from death to life imprisonment without possibility of parole; to eliminate a homicide-case report, provisions on capital punishment, proportionality review provisions, and obsolete provisions; to provide for retroactive applicability of a penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 29-2521.02, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, 29-2546, 83-1,105.01, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement, 2012.

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

A BILL FOR AN ACT relating to universities and colleges; to amend sections 85-404 and 85-408, Reissue Revised Statutes of Nebraska, and sections

85-1413, 85-1416, and 85-1418, Revised Statutes Cumulative Supplement, 2012; to eliminate review of certain capital construction projects as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-1415, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 547.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2701, and 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit for payments to school districts for the support of extracurricular activities and character education programs; to authorize school districts to offer character education programs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 548.** Introduced by Schilz, 47; Davis, 43; Larson, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,290, Revised Statutes Cumulative Supplement, 2012; to change a length exception for semitrailers transporting baled livestock forage; and to repeal the original section.

**LEGISLATIVE BILL 550.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-2801 and 77-27,188, Reissue Revised Statutes of Nebraska, and section 77-27,187.02, Revised Statutes Cumulative Supplement, 2012; to adopt the Livestock Growth Act; to change dollar limits for applications and credits under the Nebraska Advantage Rural Development Act; to change application procedure; and to repeal the original sections.

**LEGISLATIVE BILL 551.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to recreation liability; to amend sections 37-729, 37-730, 37-733, 37-734, 37-735, and 37-736, Reissue Revised Statutes of Nebraska; to name the sections as the Recreation and Tourism Promotion Act; to change and eliminate provisions relating to liability of owners of premises used by participants for recreation and tourism activities; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 37-731 and 37-732, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 552.** Introduced by Nordquist, 7; Mello, 5; Conrad, 46.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108 and 16-1020, Reissue Revised Statutes of Nebraska, and sections 84-1501, 84-1503, and 84-1511, Revised Statutes Cumulative Supplement, 2012; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to create funds; to change provisions relating to the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 554.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the school employees retirement; to amend sections 79-9,100 and 79-9,103, Reissue Revised Statutes of Nebraska, and sections 79-966, 79-9,113, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2012; to change the amount of state deposits and employee deposits; to change retirement allowance calculations; to change provisions related to cost-of-living adjustments; to eliminate obsolete language; to redefine terms and change provisions relating to school aid calculations; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 555.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to education; to adopt the Preparing Students for Educational Success Act; and to declare an emergency.

**LEGISLATIVE BILL 557.** Introduced by McGill, 26; Dubas, 34; K. Haar, 21; Mello, 5.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to provide for community solar gardens; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 558.** Introduced by Kintner, 2; Bloomfield, 17; Howard, 9; Murante, 49; Scheer, 19; Watermeier, 1.

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.

**LEGISLATIVE BILL 559.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-601, Reissue Revised Statutes of Nebraska; to adopt the short-time compensation program; to harmonize provisions; and to repeal the original section.

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

A BILL FOR AN ACT relating to labor; to amend sections 48-1209, 48-1228, 48-1230, and 48-2901, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2012; to change provisions of the Nebraska Fair Employment Practice Act, the Wage and Hour Act, the Nebraska Wage Payment and Collection Act, and the Employee Classification Act; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 562.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the juvenile justice system; to amend sections 29-209, 43-252, 83-4,130, and 83-905, Reissue Revised Statutes of Nebraska, and sections 28-726, 43-248.02, 43-2,108.03, 43-2,108.04, 43-2,108.05, 43-2,129, 43-405, and 71-1904, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to probation officers, fingerprinting, juvenile court jurisdiction, a civil citation program, sealing of juvenile records, and seclusion of juveniles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 564.** Introduced by Nelson, 6; Bloomfield, 17; Brasch, 16; Carlson, 38; Johnson, 23; Kintner, 2; Scheer, 19.

A BILL FOR AN ACT relating to health care; to amend sections 38-126 and 38-179, Reissue Revised Statutes of Nebraska; to adopt the Health Care Freedom of Conscience Act; to subject rules and regulations to the act; to provide for grounds for disciplining health care credentials; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 565.** Introduced by Nelson, 6; Lautenbaugh, 18; Price, 3.

A BILL FOR AN ACT relating to elections; to amend section 32-938, Reissue Revised Statutes of Nebraska, and sections 32-941 and 32-947, Revised Statutes Cumulative Supplement, 2012; to prohibit a person from registering to vote and requesting a ballot for early voting on the same day; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 567.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to approval of facilities and lines as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 569.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for salary increases for county court employees; and to declare an emergency.

**LEGISLATIVE BILL 570.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employers Certainty in Records Act.

**LEGISLATIVE BILL 571.** Introduced by B. Harr, 8; Ashford, 20.

A BILL FOR AN ACT relating to community enhancement; to amend sections 13-3108 and 13-2706, Reissue Revised Statutes of Nebraska, and section 85-1402, Revised Statutes Cumulative Supplement, 2012; to adopt the Community Enhancement Financing Assistance Act; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 572.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.08, 77-2715.09, 77-5710, 77-5714, 77-5722.01, and 77-5728, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-5707, 77-5715, 77-5723, 77-5725, 77-5726, and 77-5735, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to extraordinary dividends and capital gains on certain capital stock; to redefine terms under the Nebraska Advantage Act; to change provisions relating to tax incentives, applications, and protests under the act; to provide for qualification audits and applicability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 574.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to special assessments; to amend sections 2-3254, 13-2020, 14-105, 14-363, 14-364, 14-365.03, 14-392, 14-398, 14-3,102, 14-3,103, 14-3,106, 14-3,107, 14-537, 14-1733, 15-211, 15-268, 15-709, 15-713, 15-718, 16-207, 16-230, 16-250, 16-615, 16-630, 16-631, 16-652, 16-664, 16-669, 16-672, 16-708, 17-149.01, 17-510, 17-511, 17-512, 17-539, 17-555, 17-557.01, 17-563, 17-913, 17-921, 17-971, 17-972, 18-406, 18-1719, 18-1751, 19-2404, 19-2407, 19-2418, 19-2427, 23-316, 23-317, 23-3618, 31-202.03, 31-230, 31-509, 31-740, 31-749, 39-1622, 39-1623, 39-1636.01, and 46-544, Reissue Revised Statutes of Nebraska; to clarify that certain assessments levied by a natural resources district, sanitary drainage district, sanitary and improvement district, special improvement district, county, city, or village are levied and collected as special assessments; and to repeal the original sections.

**LEGISLATIVE BILL 575.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to school governing bodies; to require professional development training for public school board and learning community coordinating council members as prescribed; to define terms; to provide powers and duties for the State Department of Education, associations of school boards, school boards, and learning community coordinating councils; and to provide for sanctions as prescribed.

**LEGISLATIVE BILL 577.** Introduced by Campbell, 25; Ashford, 20; Chambers, 11; Conrad, 46; Cook, 13; Crawford, 45; Howard, 9; Kolowski, 31; McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-906 and 68-915, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the medical assistance program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 577A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to amend sections 94, 95, 102, 111, and 161, Legislative Bill 195, One Hundred Third Legislature, First

Session, 2013; to appropriate funds to aid in carrying out the provisions of Legislative Bill 577, One Hundred Third Legislature, First Session, 2013; to change appropriations; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 578.** Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to medicaid funding; to amend sections 68-901 and 77-912, Revised Statutes Cumulative Supplement, 2012; to create the Health Care Access and Support Fund; to change distribution of certain premium tax revenue; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 580.** Introduced by Johnson, 23; Karpisek, 32; Scheer, 19; Schumacher, 22.

A BILL FOR AN ACT relating to eminent domain; to amend sections 57-601, 76-701, 76-705, 76-706, 76-707, 76-711, 76-715, 76-716, 76-717, 76-718, 76-719, 76-719.01, 76-720, 76-723, and 76-726, Reissue Revised Statutes of Nebraska; to change certain condemnation procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 581.** Introduced by Crawford, 45; Avery, 28; Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2012; to change the sales and use tax collection fees; and to repeal the original sections.

**LEGISLATIVE BILL 582.** Introduced by Carlson, 38; Ashford, 20; B. Harr, 8; Lathrop, 12; Mello, 5; Nordquist, 7; Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Tourism Commission; and to declare an emergency.

**LEGISLATIVE BILL 584.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-134.01, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2012; to provide for medical utilization and treatment guidelines; to change provisions relating to independent medical examiners; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 587.** Introduced by Schilz, 47; Hansen, 42.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-189, Reissue Revised Statutes of Nebraska; to change satisfactory evidence of ownership; and to repeal the original section.

**LEGISLATIVE BILL 588.** Introduced by Watermeier, 1; Bloomfield, 17; Price, 3.



A BILL FOR AN ACT relating to veterans; to amend sections 23-2529, 48-225, 48-226, 48-227, 48-229, 48-230, and 48-231, Reissue Revised Statutes of Nebraska; to name the Veterans Preference Act; to change veterans employment preference provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 590.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.01 and 2-1222, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic horseraces as prescribed; to provide for a tax on wagers; to create a fund; to change provisions relating to the source and use of the Racing Commission's Cash Fund; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 591.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to cities; to amend section 19-1827, Reissue Revised Statutes of Nebraska; to change membership provisions for the civil service commission as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 592.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to handguns; to amend section 69-2445, Reissue Revised Statutes of Nebraska, and section 28-1202, Revised Statutes Cumulative Supplement, 2012; to authorize the carrying of concealed handguns by qualified law enforcement officers and qualified retired law enforcement officers as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 594.** Introduced by Price, 3.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-401, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Veterans' Aid Fund; and to repeal the original section.

**LEGISLATIVE BILL 596.** Introduced by Price, 3.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,104.02 and 60-3,125, Reissue Revised Statutes of Nebraska, and section 60-3,104.01, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to specialty license plates and Purple Heart license plates; and to repeal the original sections.

**LEGISLATIVE BILL 597.** Introduced by Larson, 40; Davis, 43; Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-259 and 2-264, Reissue Revised Statutes of Nebraska; to change provisions relating to county agricultural societies; and to repeal the original sections.

**LEGISLATIVE BILL 598.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to electricity; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to net metering; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 600.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of Nebraska; to change inheritance tax rates; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 601.** Introduced by Bloomfield, 17; Brasch, 16; Kintner, 2.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3219, Reissue Revised Statutes of Nebraska; to require notice for subcommittee meetings; and to repeal the original section.

**LEGISLATIVE BILL 602.** Introduced by Bloomfield, 17; Hansen, 42; Kintner, 2; Larson, 40; Murante, 49; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to adopt the Nebraska Firearms Freedom Act.

**LEGISLATIVE BILL 603.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to oaths and affirmations; to amend sections 7-104, 11-101, 11-101.01, 11-101.02, 13-1403, 23-1804, 23-1807, 23-1809, 29-2009, 32-330, 32-918, 32-927, 32-931, 32-934, 32-946, 32-1013, and 77-3204, Reissue Revised Statutes of Nebraska, and sections 32-305, 32-546.01, and 32-607, Revised Statutes Cumulative Supplement, 2012; to include affirmation or affirm as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 605.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to behavioral health; to provide for creation of the Telehealth Behavioral Health Services Program; to define terms; to provide duties; to require reporting; and to state intent related to funding.

**LEGISLATIVE BILL 606.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Nebraska Technology Entrepreneur Act; to provide sales and use tax refunds to certain businesses as prescribed; and to provide an operative date.

**LEGISLATIVE BILL 608.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.03 and 28-311.04, Reissue Revised Statutes of Nebraska; to change provisions relating to stalking; and to repeal the original sections.

**LEGISLATIVE BILL 609.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to the Legislature; to create the Nebraska's Emerging Future Subcommittee of the Legislature's Planning Committee; and to provide powers and duties.

**LEGISLATIVE BILL 610.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.01, Reissue Revised Statutes of Nebraska; to change provisions relating to terroristic threats; and to repeal the original section.

**LEGISLATIVE BILL 611.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-323, Revised Statutes Cumulative Supplement, 2012; to redefine serious bodily injury for purposes of domestic assault; and to repeal the original section.

**LEGISLATIVE BILL 614.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to provide for the withholding of insurance proceeds for the demolition of real property as prescribed.

**LEGISLATIVE BILL 615.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2201 and 30-2601, Revised Statutes Cumulative Supplement, 2012; to provide for summary guardianships; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 618.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to create the Agricultural Land Valuation Task Force; to provide powers and duties; to provide for termination; to state intent; and to declare an emergency.

**LEGISLATIVE BILL 619.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to schools; to define terms; to require instruction in sexual health education; to provide curriculum requirements; and to provide for rules and regulations.

**LEGISLATIVE BILL 621.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4318, Reissue Revised Statutes of Nebraska; to exempt

certain information from disclosure as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 622.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1026, Reissue Revised Statutes of Nebraska; to change provisions relating to a research and conservation report; and to repeal the original section.

**LEGISLATIVE BILL 626.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate an income reduction for extraordinary dividends and certain capital gains; to provide an operative date; and to outright repeal sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 627.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,187, Reissue Revised Statutes of Nebraska, and section 77-5701, Revised Statutes Cumulative Supplement, 2012; to provide for termination of certain tax incentive laws on a five-year recurring basis; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 630.** Introduced by Kolowski, 31; Campbell, 25; Gloor, 35; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5724, Reissue Revised Statutes of Nebraska; to redefine place of employment; and to repeal the original section.

**LEGISLATIVE BILL 631.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1027, 25-1028, 25-1030.02, and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; and to repeal the original sections.

**LEGISLATIVE BILL 632.** Introduced by Bolz, 29; Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Revised Statutes Cumulative Supplement, 2012; to change funding for county offices; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 633.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Civil Service Act; to amend sections 19-1829 and 19-1833, Reissue Revised Statutes of Nebraska; to include contract violations under disciplinary provisions of the act; and to repeal the original sections.

**LEGISLATIVE BILL 635.** Introduced by Wallman, 30; Davis, 43; K. Haar, 21; Harms, 48; Kolowski, 31; Scheer, 19.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-903, 57-905, 57-914, 57-916.01, and 81-1531.01, Reissue Revised Statutes of Nebraska; to provide powers and duties relating to hydraulic fracturing; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 636.** Introduced by Wallman, 30; Davis, 43.

A BILL FOR AN ACT relating to agriculture; to provide restrictions for the application of certain herbicides.

**LEGISLATIVE BILL 637.** Introduced by Wallman, 30; Bloomfield, 17; Brasch, 16; Christensen, 44; Davis, 43; Hadley, 37; Johnson, 23; Karpisek, 32; Kolowski, 31; Mello, 5; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-906.02, Reissue Revised Statutes of Nebraska, and section 84-920, Revised Statutes Cumulative Supplement, 2012; to provide for economic analysis of proposed rules and regulations from the Department of Environmental Quality; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 642.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1215, Reissue Revised Statutes of Nebraska; to prohibit receiving certain types of wagers as prescribed; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 651.** Introduced by Davis, 43; Wallman, 30.

A BILL FOR AN ACT relating to community colleges; to amend sections 13-503, 13-518, 18-2115, 72-2302, 72-2303, 72-2304, 72-2306, 77-1601.02, 77-3443, and 85-1516, Reissue Revised Statutes of Nebraska, and sections 77-3442, 77-3445, 85-1402, 85-1412, 85-1418, 85-1501.01, 85-1503, 85-1511, 85-1517, and 85-1540, Revised Statutes Cumulative Supplement, 2012; to eliminate property tax levying authority as prescribed; to provide for state funding of community colleges; to eliminate the Community College Aid Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 85-2231, 85-2232, 85-2233, 85-2234, 85-2235, 85-2236, and 85-2237, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 652.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to counties; to amend section 23-2510, Reissue Revised Statutes of Nebraska; to provide procedures relating to grievances by corrections officers in certain counties; and to repeal the original section.

**LEGISLATIVE BILL 654.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-175 and 54-1183, Reissue Revised Statutes of Nebraska; to change the brand inspection area to include the entire state; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 54-1,109, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 655.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to insurance consultants; to amend section 44-2629, Reissue Revised Statutes of Nebraska; to permit collection of fees as prescribed; to repeal the original section; and to declare an emergency.

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 2CA. Introduced by Pirsch, 4.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 13:

III-13 The style of all bills shall be, Be it enacted by the people of the State of Nebraska, and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all members elected to the Legislature and the yeas and nays on the question of final passage of any bill shall be entered upon the journal, except that any bill that imposes a tax or increases the rate of a tax shall require the assent of a majority of all the members elected to the Legislature plus four.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require that any bill that imposes or increases a tax be approved by a majority of the members of the Legislature plus four.

For

Against.

### LEGISLATIVE RESOLUTION 12CA. Introduced by Harms, 48.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IX, section 4:

IX-4 The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties. ~~Each ; Provided, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a county manager form of county government in which county officers may be appointed, but such form shall be optional for each county and shall occur in a county only upon adoption by a majority vote.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county manager form of government.

For

Against.

### LEGISLATIVE RESOLUTION 23. Introduced by Avery, 28.

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings (real people); and

WHEREAS, corporations are not mentioned in the United States Constitution and "The People" have never granted constitutional rights to corporations, nor have "We" decreed that corporations have authority that exceeds the authority of "We the People"; and

WHEREAS, corporations can and do make important contributions to our society using powerful advantages that government has wisely granted them, but the Legislature does not consider them real people; and

WHEREAS, United States Supreme Court Justice Hugo Black in a 1938 dissenting opinion stated, "I do not believe the word 'person' in the Fourteenth Amendment includes corporations"; and

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas"; and

WHEREAS, the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) reversed the decision in *Austin v. Michigan Chamber of Commerce* and the portion of *McConnell v. Federal Election Commission* (2003) that upheld bans on corporate and labor treasury funds for electioneering and presents a serious threat to self-government by rolling back previous bans on corporate spending in the electoral process and allows unlimited corporate spending to influence elections, candidate selection, policy decisions, and public debate; and

WHEREAS, the opinion of the four dissenting justices in *Citizens United v. Federal Election Commission* noted that corporations have special privileges not enjoyed by real people, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend huge sums on campaign messages that have little or no correlation with the beliefs held by real people; and

WHEREAS, the law obligates corporations to put profits for shareholders ahead of concerns for the greatest good of society while individual shareholders as real people balance their narrow self interest and the broader public interest when making political decisions; and

WHEREAS, corporations have used the artificial rights bestowed upon them by the courts to overturn democratically enacted laws that municipal, state, and federal governments passed to curb corporate abuse, thereby impairing local governments' ability to protect their citizens against corporate harms to the environment, to consumers, to workers, to independent businesses, and to local and regional economies; and

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified some limits on contributions to candidates, but it wrongly rejected other fundamental interests that the citizens of Nebraska find compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard; and

WHEREAS, federal courts in *Buckley v. Valeo* and in *SpeechNow.org v. Federal Election Commission* (2010) overturned spending and contribution limits on independent campaigns that helped level the political playing field



because they concluded that the threat of corruption was only applicable to direct contributions to candidates; and

WHEREAS, the United States Supreme Court in *First National Bank of Boston v. Bellotti* (1978) and *Citizens Against Rent Control v. City of Berkeley* (1986) rejected limits on contributions to ballot measure campaigns because they concluded they posed no threat of candidate corruption; and

WHEREAS, United States Supreme Court Justice Stevens observed in *Nixon v. Shrink Missouri Government PAC* (2000) that "money is property, it is not speech"; and

WHEREAS, a February 2010 Washington Post-ABC News poll found that eighty percent of Americans oppose the United States Supreme Court ruling in *Citizens United v. Federal Election Commission*; and

WHEREAS, as state legislators, we have sworn to uphold the United States Constitution in our oath of office; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-government.

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

1. That the Legislature supports an amendment to the United States Constitution that would clarify several misinterpretations of the Constitution by divided actions of the United States Supreme Court that have culminated in the wrongly decided *Citizens United v. Federal Election Commission*. The amendment should make clear that corporations have only the privileges bestowed upon them by their charters and by state and federal law and the inalienable rights of the real people who are their shareholders or members. Further, the amendment shall clarify that: Money is property; it is not speech; and in order to ensure that all citizens, regardless of wealth, have an opportunity to express their views to their fellow citizens and to their government on a level playing field, the amount of speech that any one citizen may purchase should be limited to levels that do not overwhelm other citizens.

2. That a copy of this application be sent by the Clerk of the Legislature to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of Nebraska's delegation to the United States Congress, and to the presiding officers of each house of the several state legislatures.

**LEGISLATIVE RESOLUTION 29CA.** Introduced by Adams, 24; Johnson, 23.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping ~~substandard and blighted~~ property in need of rehabilitation or redevelopment in a redevelopment project as determined by law, any city or village of the state

may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise.

Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed ~~fifteen~~ twenty years, on the assessed valuation of the property in the project area portion of a designated ~~blighted and substandard~~ area in need of rehabilitation or redevelopment that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change standards for redevelopment projects and change the special tax treatment for property in need of rehabilitation or redevelopment from fifteen to twenty years.

For

Against.

**LEGISLATIVE RESOLUTION 34CA.** Introduced by Schumacher, 22; Conrad, 46; Davis, 43; K. Haar, 21; Karpisek, 32; McGill, 26; Schilz, 47; Wallman, 30.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5)(a) The Legislature may authorize and regulate any other game of chance, lottery, or gift enterprise.

(b) The proceeds of taxation of the gross gaming revenue from the games of chance authorized under this subsection shall be used as directed by the Legislature with the balance of the proceeds used for the following purposes:

(i) One percent shall be appropriated to the Compulsive Gamblers Assistance Fund;

(ii) Fifty percent shall be appropriated for the education of children through high school as directed by the Legislature; and

(iii) Forty-nine percent shall be appropriated for health care programs as directed by the Legislature.

(c) Nothing in this subsection limits the authority of the Legislature under subsections (1) through (4) of this section.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to authorize and regulate any game of chance, lottery, or gift enterprise and to direct the use of the tax proceeds of gross gaming revenue from the games of chance.

For

Against.

**LEGISLATIVE RESOLUTION 38.** Introduced by Avery, 28.

WHEREAS, civil aviation plays a pivotal role in promoting cultural exchange, business, trade, and tourism; and

WHEREAS, the development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, with an excellent geographic location, Taiwan is a key aviation hub for regions in northeastern and southeastern Asia; and

WHEREAS, the Taipei Flight Information Region (FIR), bordering the FIR of Fukuoka, Manila, Hong Kong, and Shanghai, includes fourteen international airways and four domestic airways, providing services for more than one million flights per year; and

WHEREAS, each year, forty million travelers enter, leave, or pass through the Taipei FIR, making Taiwan a key part of air navigation in East Asia; and

WHEREAS, currently, more than fifty domestic and foreign airlines operate flights from Taiwan to one hundred ten cities in the world and the annual number of passengers on international flights is approximately thirty million; and

WHEREAS, in 2010, the number of international passengers at Taiwan's largest airport - Taoyuan International Airport - ranked sixteenth worldwide while international cargo ranked ninth, making Taiwan one of the busiest airspaces in the world; and

WHEREAS, without Taiwan's participation, the international flight plans, regulations, and procedures that the ICAO formulates will be incomplete and unsafe; and

WHEREAS, as an island in the Pacific Ocean, Taiwan is imperiled by rising sea levels and the ravages of extreme weather; and

WHEREAS, it is apparent that to overcome the challenges posed by climate change, there must be concerted effort and cooperation among the world citizenry; and

WHEREAS, Taiwan's exclusion from meaningful participation in the United Nations Framework Convention on Climate Change (UNFCCC) has been to the detriment of both the Taiwan people and the global community, as Taiwan not only has the means but also the incentive to make a meaningful contribution; and

WHEREAS, Taiwan's request to participate in the ICAO and the UNFCCC is fully in line with the United State Government's policy of supporting Taiwan's meaningful participation in United Nations specialized agencies.

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

1. That the Legislature endorses Taiwan's participation in the International Civil Aviation Organization as an observer.

2. That the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change, and, as a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing natural disasters.

3. That a copy of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation, the Administrator of the United States Environmental Protection Agency, each member of the Nebraska congressional delegation, and the Director General of the Taipei Economic and Cultural Office in Kansas City.

**LEGISLATIVE RESOLUTION 41CA.** Introduced by Lautenbaugh, 18.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the

state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of live, replayed, and delayed horseraces, wherever run, either within or outside of the state, ~~by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure~~ when such wagering occurs at licensed racetracks where live racing occurs, by a parimutuel method or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for enactment of laws relating to wagering on live, replayed, and delayed horseraces at licensed racetracks.

For

Against.

**LEGISLATIVE RESOLUTION 42.** Introduced by Brasch, 16; Ashford, 20; Bloomfield, 17; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Davis, 43; Dubas, 34; Gloor, 35; Hadley, 37; Hansen, 42; Harms, 48; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Krist, 10; Larson, 40; Lautenbaugh, 18; Murante, 49; Nelson, 6; Pirsch, 4; Price, 3; Scheer, 19; Schilz, 47; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

WHEREAS, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitution of the United States; and

WHEREAS, our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, the interests of children are best served when parents are free to make child-rearing decisions about education, religion, and other areas of a child's life without state interference; and

WHEREAS, the United States Supreme Court, in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), held that "(t)his primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, in *Troxel v. Granville*, 530 U.S. 57 (2000), Supreme Court justices issued five concurring and dissenting opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

WHEREAS, the decision in *Troxel v. Granville* has created confusion and ambiguity about the fundamental nature of parental rights in the laws and societies of the several states; and

WHEREAS, the United Nations Convention on the Rights of the Child would drastically alter the fundamental right of parents to direct the upbringing of their children; and

WHEREAS, this convention has already been acceded to by 192 nations worldwide and has already been cited by United States courts as an example of "customary international law"; and

WHEREAS, international influence is being exerted on the United States Supreme Court, as demonstrated in *Roper v. Simmons*, 543 U.S. 551 (2005), in which it was expressed that "the Court has referred to the laws of other countries and to international authorities as instructive for its interpretation" of the Constitution of the United States; and

WHEREAS, H.J. Res. 110 was introduced in the United States House of Representatives during the second session of the 112th Congress to provide for an amendment to the Constitution of the United States to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, and the legislation states:

"SECTION 1. The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right.

"SECTION 2. Neither the United States nor any State shall infringe this right without demonstrating that its governmental interest, as applied to the person, is of the highest order and not otherwise served.

"SECTION 3. This article shall not be construed to apply to a parental action or decision that would end life.

"SECTION 4. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article."; and

WHEREAS, this amendment will add explicit text to the Constitution of the United States to forever protect the rights of parents as they are now enjoyed, without substantive change to current federal or state laws respecting these rights.

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

1. That the Nebraska Unicameral Legislature urges the Congress of the United States to pass the Parental Rights Amendment to the Constitution of the United States and submit it to the states for ratification.

2. That the Nebraska Unicameral Legislature affirms the Parental Rights Amendment to the Constitution of the United States.

3. That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to each member of Congress from Nebraska.





**FIRST DAY - JANUARY 8, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 8, 2014

**PRAYER**

The prayer was offered by Senator Harms.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Third Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 8, 2014, and was called to order by President Heidemann.

The roll was called and the following members were present:

Adams, Greg L.	Gloor, Mike	McGill, Amanda M
Ashford, Brad	Haar, Ken	Mello, Heath
Avery, Bill	Hadley, Galen	Murante, John
Bloomfield, Dave	Hansen, Thomas F.	Nelson, John E.
Bolz, Kate	Harms, John N.	Nordquist, Jeremy
Brasch, Lydia	Harr, Burke J.	Pirsch, Pete
Campbell, Kathy	Howard, Sara	Scheer, Jim
Carlson, Tom	Janssen, Charlie	Schumacher, Paul
Chambers, Ernie	Johnson, Jerry	Seiler, Les
Christensen, Mark	Karpisek, Russ	Smith, Jim
Coash, Colby	Kintner, Bill	Sullivan, Kate
Conrad, Danielle	Kolowski, Rick	Wallman, Norman
Cook, Tanya	Krist, Bob	Watermeier, Dan
Crawford, Sue	Larson, Tyson	Wightman, John
Davis, Al	Lathrop, Steve	
Dubas, Annette M.	Lautenbaugh, Scott	
Garrett, Tommy L.	McCoy, Beau	

The following member was excused:

Schilz, Ken

**MOTION - Adopt Temporary Rules**

Senator Adams moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

**RESIGNATION**

October 18, 2013

The Honorable Dave Heineman  
Governor of Nebraska  
P.O. Box 94848  
Lincoln, NE 68509-4848

Dear Governor Heineman,

Please accept this letter as notice of my intent to resign the District 3 legislative seat in the Nebraska Unicameral. Pursuant to the requirements of Nebraska Revised Statutes Section 32-562, subsection (3), the effective date of said resignation is November 1, 2013. It has truly been an honor and privilege to serve the people of the 3rd Legislative District and the State of Nebraska.

Sincerely,  
(Signed) Senator Scott Price  
District 3

CC: Patrick O'Donnell, Clerk of the Legislature  
Senator Greg Adams, Speaker of the Legislature

**MESSAGE FROM THE GOVERNOR**

December 10, 2013

President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

I hereby appoint Tommy Lee Garrett to fill the vacancy in the 3rd Legislative District created by the resignation of Senator Scott Price. This appointment takes effect on December 10, 2013.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GUBERNATORIAL APPOINTMENT**

Greetings To All Who Shall See These Presents Know Ye, that I, Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint Tommy Lee Garrett as a member of the Nebraska Legislature - District 3.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on December 10, 2013, and continue until January 6, 2015, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman  
Governor

(Signed) John A. Gale  
Secretary of State

**CERTIFICATE**

State of Nebraska

United States of America, )  
  ) ss. Secretary of State  
State of Nebraska            )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that Tommy Garrett has been appointed as a Member of the Nebraska Unicameral Legislature from the Third District for the unexpired term of Scott Price. The term beginning December 11, 2013, shall continue until January 6, 2015, or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Dave Heineman under the authority granted by the Constitution and by Section 32-566 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, two

thousand and fourteen.

(SEAL) (Signed) John A. Gale  
Secretary of State

**OFFICIAL OATH**

STATE OF NEBRASKA )  
) ss.  
County of Lancaster )

"I, Tommy Lee Garrett, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 3 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any bill, resolution, or appropriation)."

(Signed) Tommy Lee Garrett

Subscribed in my presence and sworn to before me this 11th day of December, 2013.

(SEAL) (Signed) John A. Gale  
Secretary of State

\*Constitution of the State of Nebraska, Article XV, Section One.  
For Executive, Judicial Officers and Members of the Legislature

**CERTIFICATE**

State of Nebraska

United States of America, )  
) ss. Department of State  
State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Third Legislature, Second Session, 2014.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Third

Legislature, Second Session, 2014.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, two thousand and fourteen.

(SEAL)

(Signed) John A. Gale  
Secretary of State

DISTRICT/NAME	ELECTED
1 Dan Watermeier	November 6, 2012
2 Bill Kintner	November 6, 2012
3 Tommy Garrett	Appointed December 10, 2013
4 Pete Pirsch	November 2, 2010
5 Heath Mello	November 6, 2012
6 John E. Nelson	November 2, 2010
7 Jeremiah Nordquist	November 6, 2012
8 Burke J. Harr	November 2, 2010
9 Sara Howard	November 6, 2012
10 Bob Krist	November 2, 2010
11 Ernie Chambers	November 6, 2012
12 Steve Lathrop	November 2, 2010
13 Tanya Cook	November 6, 2012
14 Jim Smith	November 2, 2010
15 Charlie Janssen	November 6, 2012
16 Lydia Brasch	November 2, 2010
17 Dave Bloomfield	November 6, 2012
18 Scott Lautenbaugh	November 2, 2010
19 Jim Scheer	November 6, 2012
20 Brad Ashford	November 2, 2010
21 Ken Haar	November 6, 2012
22 Paul Schumacher	November 2, 2010
23 Jerry Johnson	November 6, 2012
24 Greg L. Adams	November 2, 2010
25 Kathy Campbell	November 6, 2012
26 Amanda M. McGill	November 2, 2010
27 Colby Coash	November 6, 2012
28 Bill Avery	November 2, 2010
29 Kate Bolz	November 6, 2012
30 Norman Wallman	November 2, 2010
31 Rick Kolowski	November 6, 2012
32 Russ Karpisek	November 2, 2010
33 Les Seiler	November 6, 2012

34	Annette M. Dubas	November 2, 2010
35	Mike Gloor	November 6, 2012
36	John Wightman	November 2, 2010
37	Galen Hadley	November 6, 2012
38	Tom Carlson	November 2, 2010
39	Beau McCoy	November 6, 2012
40	Tyson Larson	November 2, 2010
41	Kate Sullivan	November 6, 2012
42	Thomas F. Hansen	November 2, 2010
43	Al Davis	November 6, 2012
44	Mark Christensen	November 2, 2010
45	Sue Crawford	November 6, 2012
46	Danielle Conrad	November 2, 2010
47	Ken Schilz	November 6, 2012
48	John N. Harms	November 2, 2010
49	John Murante	November 6, 2012

### MESSAGES FROM THE GOVERNOR

June 11, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Power Review Board:

Chuck D. Haase, 3024 Colonial Lane, Grand Island, NE 68803

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 11, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the State Emergency Response Commission:

Sherry Blaha, 2015 Country Club Road, Gering, NE 69341  
John L. Grimes, 1216 W. Nebraska Avenue, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

June 27, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Commission on Problem Gambling:

Janelle Holt, 14234 Woolworth Circle, Omaha, NE 68144  
Marla Bruder, 129 County Road 2500, Denton, NE 68339  
Mark Canada, 111 E. Kent St., Hastings, NE 68901  
Susan Lutz, 2301 W. Eisenhower Ave., Norfolk, NE 68701  
Edward F. Hoffman, 3845 Randolph St., Lincoln, NE 68510  
Terry Scoville, 409 South Ash St., North Platte, NE 69101  
Paul Leckband, 1606 Skyline Dr., Norfolk NE 68701  
Teresa "Teri" A. Teutsch, 9420 Woodney Cr., Omaha, NE 68122  
Matthew Anselmo, 321 Fort Crook Rd., #103, Bellevue, NE 68005

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 1, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Exchange Stakeholder Commission:

Sherry Wupper, 11000 N. Lakeshore Drive, Blair, NE 68008  
James "JJ" Green, 3130 Brentwood Blvd., Grand Island, NE 68801  
Craig D. Buescher, 15803 Middle Island Dr., South Bend, NE 68058  
Britt A. Thedinger, M.D., 9968 Spring St., Omaha, NE 68124  
Michael Groene, 9523 Canal Road, North Platte, NE 69101  
Patrick Booth, 1120 Timberwood Drive, Ames, NE 68621  
Laura S. Gyhra, 7390 W. Middle Road, Raymond, NE 68428  
Kyle Kollmorgen, 8235 Eastwood Dr., Lincoln, NE 68506

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 8, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Adjutant General for the State of Nebraska:

Brigadier General Daryl L. Bohac, 2433 NW 24 Street, Lincoln, NE 68524

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,



(Signed) Dave Heineman  
Governor

Enclosures

July 11, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Crime Victim's Reparations Committee:

G. Randall "Rand" Hansen, 909 North 96 St., #101, Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 12, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Parole:

Esther Casmer, 11525 S. 39 St., #5, Bellevue, NE 68123

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

July 22, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Joel Carlson, 507 Logan Street, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 8, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Technical Advisory Committee for Statewide Assessment:

Frank Harwood, 404 Dowding Court, Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 8, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Ethanol Board:

Paul Kenney, 10950 Elm Road, Kearney, NE 68845  
Galen Frenzen, 50802 N. Edgewood Road, Fullerton, NE 68638

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 13, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Highway Commission:

Jerome Fagerland, HC 69, Box 92, Atkinson, NE 68713  
Ronald Books, 219 N. Maloney Dr., North Platte, NE 69101  
E.J. Militti Jr., 4720 N. 135 Avenue, Omaha, NE 68164  
Doug Leafgreen, 1625 Aspen, Gering, NE 69341

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 29, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the State Electrical Board:

Stanley Elsasser, 4913 Glasgow Avenue, Bellevue, NE 68157  
George Morrissey, 333 North 140 Street, Omaha, NE 68164

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are  
included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

August 29, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Nebraska Child Abuse Prevention Fund Board:

Denise Pecha, 5803 Rees Street, Omaha, NE 68106  
Brandon Verzal, 631 Sycamore Dr., Lincoln, NE 68510

Contingent upon your approval, the following individuals are being  
appointed to the Nebraska Child Abuse Prevention Fund Board:

Trisha Crandall, 377 Valley Vista, Burwell, NE 68823  
Mary Beth Hanus, 12619 Orchard Ave., Omaha, NE 68137  
Lisa L. Knoche, 3440 S. 39 St., Unit B, Lincoln, NE 68506

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are

included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 4, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Environmental Quality Council:

Mohamed F. Dahab, 3211 Weaver Lane, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 9, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Exchange Stakeholder Commission:

Shari Flowers, 15822 Emiline Street, Omaha, NE 68136

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,

(Signed) Dave Heineman  
Governor

Enclosures

September 11, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the State Board of Health:

Jeromy Alan Warner, PSY.D., LP, 3111 Lake Park Lane, Hastings, NE  
68901  
Dr. John Tennity, 5114 Deer Ridge Drive, Eagle, NE 68347  
Dr. Paul L. Salansky Jr., 2521 Whitaker Rd., Nebraska City, NE 68410  
Richard Lee Robinson, P.E., 9912 Blue Water Circle, Lincoln, NE 68527

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are  
included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 18, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being  
reappointed to the Nebraska Rural Health Advisory Commission:

Martin Fattig, 73091 643A Avenue, Auburn, NE 68305  
Dr. Brian Buhlke, 2510 18 Avenue, Central City, NE 68826

The aforementioned appointees are respectfully submitted for your  
consideration. Copies of the certificates and background information are  
included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 18, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Environmental Quality Council:

John Edward Dilsaver, 7556 Polk Street, Ralston, NE 68127

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 25, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual was appointed as the Director of the Department of Corrections:

Michael L. Kenney, 5941 Garfield, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman

Governor

Enclosures

September 27, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Arts Council:

Mark Laughlin, 5106 California Street, Omaha, NE 68132

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Kim West Dinsdale, 1919 W. Lamar Avenue, Grand Island, NE 68803  
Melissa Marvin, 15928 Lake Street, Omaha, NE 68116  
Paula L. Pflueger, 1811 Koenigstein Avenue, Norfolk, NE 68701  
Candy Henning, 6015 The Knolls, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 30, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Rural Health Advisory Commission:

Jessye Goertz, 79483 Highway 2, Berwyn, NE 68814  
Lisa L. Mlnarik, NP, 51415 851 Road, Clearwater, NE 68726



The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

September 30, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee for Statewide Assessment:

Chad W. Buckendahl, 2467 Cordoba Bluff Ct., Las Vegas, NV 89135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 16, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Oil and Gas Conservation Commission:

Tim Wistrom, 2981 W. Hwy 30, Kimball, NE 69145

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 17, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Tax Commissioner:

Kim Conroy, 2011 Franklin Drive, Papillion, NE 68133

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 23, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Game and Parks Commission:

Rex Fisher, 10925 Fairway Drive, Omaha, NE 68136-4057  
Mark Spurgin, 55 Makochmni, Ogallala, NE 69153

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,

(Signed) Dave Heineman  
Governor

Enclosures

October 25, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Educational Lands and Funds:

Jim Hain, 1417 N. 11 St., David City, NE 68632

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 25, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Oil and Gas Conservation Commission:

Robert P. Goodwin, 2115 15th Avenue, Sidney, NE 69162

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 25, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Anthony Moravec, DVM, 3824 Browning Drive, Wahoo, NE 68066

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

October 29, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Board of Emergency Medical Services:

Charles LaFollette, 6116 S. 94 Street, Lincoln, NE 68526  
Jerry Duane Holdsworth, 6815 South 51 Street, Lincoln, NE 68516

Contingent upon your approval, the following individuals are being reappointed to the Board of Emergency Medical Services:

Donald L. Harmon, 2309 Grant Street, Beatrice, NE 68310  
Timothy Hoffman, 1708 W. 14th Street Place, Kearney, NE 68845  
Troy Hiemer, 310 5th Street, Columbus, NE 68601

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are

included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 7, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Benjamin Salo, 21017 Lincoln Blvd., Gretna, NE 68028

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Larry Johnson, 1729 N. 160 St., Omaha, NE 68118  
John L. Grimes, 1216 W. Nebraska Ave., Norfolk, NE 68701  
Sherry Blaha, 2015 Country Club Road, Gering, NE 69361

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 12, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

Dr. Noah L. Piskorski, 2006 K Street, Ord, NE 68862

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 15, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Commission for the Blind and Visually Impaired:

Becky Rieken, 5805 Avenue O Place, Kearney, NE 68847  
Robert L. Newman, 504 S. 57 Street, Omaha, NE 68106

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 15, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Investment Council:

Gail Werner-Robertson, 1215 North 136 Street, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

November 15, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Mark Fahleson, 1045 Fall Creek Road, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 5, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

James Litchfield, 201 Highland Street, Wakefield, NE 68784  
Barbara J. Keegan, 302 Cheyenne Avenue, Hemingford, NE 69348  
Mick Syslo, 6721 LaSalle Street, Lincoln, NE 68516  
Edward Wootton, 804 W. Mission Avenue, Bellevue, NE 68005

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 17, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Game and Parks Commission:

Richard R. Bell, 9960 Bloomfield Drive, Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 23, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

Nancy Salmon, 1206 Giltner Spur, Phillips, NE 68865

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.



Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 23, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Public Employees Retirement Board:

Janis N. Elliott, 807 LeMay Drive, Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

December 23, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Power Review Board:

Rick Morehouse, 3135 Primrose Drive, Scottsbluff, NE 69361

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman

Governor

Enclosures

December 27, 2013

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice:

Darrell E. Fisher, 510 W. Chanceler Drive, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**MESSAGE FROM THE SECRETARY OF STATE**

July 30, 2013

Mr. President, Mr. Speaker and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Senators,

The purpose of this letter is to inform the honorable members of the Legislature that I have made the following appointment requiring Legislative confirmation:

Mr. Andrew Loudon, as a Republican and a resident of the 1st Congressional District, being an appointment to fill a vacancy with a resident of either the 1st or 3rd Congressional Districts, to the Nebraska Accountability and Disclosure Commission, for a six-year term beginning July 1, 2013, and ending on June 30, 2019. The appointee may be a Republican, Democrat, Independent or other political affiliation. He replaces Richard Nelson, a Republican and resident of the 1st Congressional District.

The appointment is made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112, and 49-14,114 and is respectfully submitted for your consideration.

Attached is additional background information on the qualifications of the appointment.

Sincerely,  
(Signed) John A. Gale  
Secretary of State

cc: Frank Daley  
cc: Andrew Loudon

ap

### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### **COMMUNICATIONS**

Received a copy of H.C.R. 10 from the state of Utah relating to Patient Protection and Affordable Care Act and State Health Care Reform.

Received a copy of SR 63 from the state of Montana urging Congress to submit to states a balanced budget amendment.

Received a copy of HR 1003 from the state of Arkansas encouraging the preservation of rights guaranteed by the Second Amendment to the United States Constitution to keep and bear arms.

Received a copy of HR 1049 from the state of Arkansas affirming traditional marriage as defined in Amendment 83 to the Constitution of the State of Arkansas and Federal Defense of Marriage Act and supporting the Federal Defense of Marriage Act.

### **COMMUNICATION**

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2014, as George W. Norris Day.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 656.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to parimutuel wagering; to amend sections 2-1203, 2-1203.01, 2-1207, 2-1208, 2-1216, 2-1221, and 2-1222, Reissue Revised Statutes of Nebraska; to repeal provisions held unconstitutional by *Stenberg v. Douglas Racing Corp.* 246 Neb. 901 (1994); to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-1230, 2-1231, 2-1232, 2-1233, 2-1234, 2-1235, 2-1236, 2-1237, 2-1238, 2-1239, 2-1240, 2-1241, and 2-1242, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 657.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 18-1736 and 18-1741.02, Reissue Revised Statutes of Nebraska, sections 60-331.01, 60-3,113, 60-3,113.01, 60-3,113.03, 60-3,113.06, 60-3,113.07, and 60-3,113.08, Revised Statutes Cumulative Supplement, 2012, and sections 60-3,113.02, 60-3,113.04, and 60-3,113.05, Revised Statutes Supplement, 2013; to eliminate obsolete provisions related to handicapped or disabled parking permits; to redefine a term; to harmonize provisions; to repeal the original sections; and to outright repeal sections 18-1738, 18-1738.01, 18-1738.02, 18-1739, 18-1740, 18-1741, and 18-1742, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 658.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to public power suppliers; to amend sections 86-597 and 86-598, Revised Statutes Cumulative Supplement, 2012; to repeal a provision that terminated December 31, 2007; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-596, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 659.** Introduced by Executive Board: Wightman, 36, Chairperson.

A BILL FOR AN ACT relating to the Radiation Control Act; to repeal a section that terminated on December 1, 2008; and to outright repeal section 71-3513.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 660.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to children and families; to amend section 68-1212, Revised Statutes Cumulative Supplement, 2012; to change

provisions relating to a pilot project; to provide for extension of a contract as prescribed; to provide for an evaluation; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 661.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to elections; to amend sections 32-204, 32-309, 32-312.05, 32-321, 32-323, 32-325, 32-902, and 60-484.02, Reissue Revised Statutes of Nebraska, sections 32-312 and 32-915, Revised Statutes Cumulative Supplement, 2012, and sections 32-101 and 60-484, Revised Statutes Supplement, 2013; to provide for voter registration on the Secretary of State's web site; to provide for electronic transmission of certain voter registration applications; to provide for use of records of the Department of Motor Vehicles for purposes of voter registration; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 662.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to elections; to amend sections 32-318.01, 32-321, 32-914, 32-949, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-329, 32-915, and 32-947, Revised Statutes Cumulative Supplement, 2012; to provide and change requirements for presentation of identification for purposes of voting; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 663.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to elections; to amend sections 32-952 and 32-953, Reissue Revised Statutes of Nebraska, and section 32-960, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to elections conducted by mail; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 664.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend section 81-3401, Revised Statutes Cumulative Supplement, 2012; to provide immunity for the provision of voluntary design professional services during an emergency; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 665.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-3402, 81-3404, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3423, 81-3425, 81-3427, 81-3428, 81-3430, 81-3433, 81-3434, 81-3435, and 81-3438, Reissue Revised Statutes of Nebraska, sections 81-3401, 81-3403, 81-3405.01, 81-3422.01, 81-3429, 81-3432, 81-3432.01, 81-3441, 81-3442,

81-3443, 81-3444, 81-3446, 81-3448, 81-3449, 81-3451, and 81-3453, Revised Statutes Cumulative Supplement, 2012, and sections 81-3436, 81-3437, 81-3450, and 81-3454, Revised Statutes Supplement, 2013; to change the Engineers and Architects Regulation Act; to eliminate certain defined terms and provisions on examinations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, and 81-3424, Reissue Revised Statutes of Nebraska, and section 81-3452, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 666.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to amend section 55-181, Reissue Revised Statutes of Nebraska; to change funding provisions related to the Nebraska Wing of the Civil Air Patrol; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 667.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,229, Reissue Revised Statutes of Nebraska; to provide an exception for motorcycles to certain vehicle light requirements; and to repeal the original section.

**LEGISLATIVE BILL 668.** Introduced by Hadley, 37; Gloor, 35.

A BILL FOR AN ACT relating to liens on personal property; to amend sections 52-603 and 54-604, Reissue Revised Statutes of Nebraska; to provide for the extinguishment of a lien or security interest as prescribed; to change provisions relating to lien proceeds and distribution; and to repeal the original sections.

**LEGISLATIVE BILL 669.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2013; to transfer funds to the Property Tax Credit Cash Fund; and to repeal the original section.

**LEGISLATIVE BILL 670.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2012; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 671.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-452

and 37-559, Revised Statutes Cumulative Supplement, 2012; to eliminate provisions relating to the hunting of mountain lions; to harmonize provisions; to repeal the original sections; to outright repeal sections 37-472 and 37-473, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

**LEGISLATIVE BILL 672.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to attorneys; to amend section 7-105, Reissue Revised Statutes of Nebraska; to provide a duty for attorneys and counselors; and to repeal the original section.

**LEGISLATIVE BILL 673.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Revised Statutes Cumulative Supplement, 2012; to repeal the Black-Tailed Prairie Dog Management Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 674.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to animal abuse; to amend section 28-1019, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to conviction orders for abandonment or cruel neglect of an animal; and to repeal the original section.

**LEGISLATIVE BILL 675.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2012, and section 77-382, Revised Statutes Supplement, 2013; to eliminate the property tax exemption for property owned by religious organizations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 676.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446.01 and 49-1462, Reissue Revised Statutes of Nebraska, and sections 49-1446, 49-1459, and 49-14,126, Revised Statutes Supplement, 2013; to require certain committees to file statements from financial institutions as prescribed; to prohibit candidate committees from making loans of money; to change provisions relating to campaign statements; to change the amount authorized for civil penalties; to authorize an order of restitution; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 677.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to consumer protection; to amend section 87-302, Revised Statutes Cumulative Supplement, 2012; to adopt the Nebraska Patent Abuse Prevention Act; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 678.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Affordable Housing Trust Fund; to amend section 58-708, Revised Statutes Cumulative Supplement, 2012; to change the funding allocation percentage; to eliminate an obsolete provision; and to repeal the original section.

**LEGISLATIVE BILL 679.** Introduced by Mello, 5.

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.

**LEGISLATIVE BILL 680.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Revised Statutes Cumulative Supplement, 2012; to update the reference to the National Electrical Code; and to repeal the original section.

**LEGISLATIVE BILL 681.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 19-5217 and 77-1807, Revised Statutes Supplement, 2013; to change provisions relating to land banks and tax sales for delinquent property taxes; and to repeal the original sections.

**LEGISLATIVE BILL 682.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to schools; to require formation of allied systems as prescribed.

**LEGISLATIVE BILL 683.** Introduced by Scheer, 19.

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.

**LEGISLATIVE BILL 684.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to appraisal services; to amend sections 76-3201, 76-3202, 76-3203, 76-3204, 76-3206, 76-3208, 76-3213, 76-3215,



76-3216, 76-3217, and 76-3219, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 685.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to real property appraisal; to amend sections 76-2201, 76-2203, 76-2204, 76-2205.01, 76-2215, 76-2217.02, 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2244, 76-2245, 76-2246, and 76-2247.01, Reissue Revised Statutes of Nebraska, and sections 76-2202, 76-2206, 76-2213.01, 76-2216, 76-2221, 76-2223, 76-2226, 76-2228.01, 76-2230, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, and 76-3202, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to the Real Property Appraiser Act; to define terms and eliminate certain terms; to provide and change provisions relating to penalties; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2211.01, Reissue Revised Statutes of Nebraska, and section 76-2229, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 686.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Reissue Revised Statutes of Nebraska; to change a certification date relating to nonirrigated acres as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 687.** Introduced by Christensen, 44.

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.

**LEGISLATIVE BILL 688.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Director of Insurance; to amend section 44-3524, Reissue Revised Statutes of Nebraska; to change a provision relating to cease and desist orders; and to repeal the original section.

**LEGISLATIVE BILL 689.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate additional funds for the Nebraska Community Aging Services Act.

**LEGISLATIVE BILL 690.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to health and human services; to provide duties for the Department of Health and Human Services; to require application for a federal grant as prescribed; to create and provide duties for a task force; and to declare an emergency.

**LEGISLATIVE BILL 691.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to increase a child and dependent care tax credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 692.** Introduced by Sullivan, 41; Seiler, 33.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Act; to amend sections 79-1312, 79-1313, 79-1314, 79-1317, and 79-1319, Reissue Revised Statutes of Nebraska, and section 79-1316, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to broadcast and delivery, powers and duties of a commission, and fees; to eliminate a fund, powers and duties of the State Department of Education, and a director; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1321, 79-1323, 79-1324, and 79-1325, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 693.** Introduced by Seiler, 33.

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.

**LEGISLATIVE BILL 694.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

**LEGISLATIVE BILL 695.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1911, Reissue Revised Statutes of Nebraska; to require an affidavit relating to radon levels at the child care location as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 696.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to public health; to prohibit the use of Bisphenol A or similar substances in food or beverage containers or packaging and to require labeling of food or beverage containers or packaging containing Bisphenol A as prescribed; to define terms; and to provide a civil penalty.

**LEGISLATIVE BILL 697.** Introduced by Larson, 40.

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.

**LEGISLATIVE BILL 698.** Introduced by Larson, 40.

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.

**LEGISLATIVE BILL 699.** Introduced by Larson, 40; Davis, 43.

A BILL FOR AN ACT relating to hunting; to amend section 37-404, Reissue Revised Statutes of Nebraska, and section 37-413, Revised Statutes Cumulative Supplement, 2012; to authorize developmentally disabled persons to obtain hunting permits as prescribed; to change training course requirements; to combine firearm and bow hunter education programs; to define and redefine terms; to eliminate specific education program provisions; to repeal the original sections; and to outright repeal section 37-414, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 700.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to adopt the Risk Management and Own Risk and Solvency Assessment Act; and to provide an operative date.

**LEGISLATIVE BILL 701.** Introduced by Dubas, 34.

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.

**LEGISLATIVE BILL 702.** Introduced by Johnson, 23.

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.

**LEGISLATIVE BILL 703.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Optometry Education Assistance Contract Program; to amend section 38-2622, Revised Statutes Cumulative Supplement, 2012; to provide for financial payments for seven students per academic year as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 704.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to create the Nebraska Sesquicentennial Fund; and to appropriate funds.

**LEGISLATIVE BILL 705.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to social services; to amend section 68-1006.01, Revised Statutes Supplement, 2013; to change the personal needs allowance under medicaid; and to repeal the original section.

**LEGISLATIVE BILL 706.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-320.02, 28-813.01, 28-1463.04, and 28-1463.05, Revised Statutes Cumulative Supplement, 2012, and sections 28-101 and 28-707, Revised Statutes Supplement, 2013; to change provisions and penalties relating to sexual assault, child abuse, sexually explicit conduct, and the Child Pornography Prevention Act; to provide for forfeiture of property as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 707.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.02, 28-311.03, and 28-311.04, Reissue Revised Statutes of Nebraska, sections 27-413, 28-311.09, 28-323, 28-1206, and 29-4103, Revised Statutes Cumulative Supplement, 2012, and section 28-101, Revised Statutes Supplement, 2013; to redefine the offense of sexual assault under the Nebraska Evidence Rules; to change provisions and penalties relating to stalking and domestic assault; to create the offense of harassment; to change and provide penalties; to establish where certain offenses occur when use of an electronic communication device is involved; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 708.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2013; to exempt social security benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 709.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2013; to exclude military retirement benefits from state income taxation; and to repeal the original section.

**LEGISLATIVE BILL 710.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-701, Reissue Revised Statutes of Nebraska; to provide requirements for entering into certain augmentation projects as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 711.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2433 and 71-2434, Reissue Revised Statutes of Nebraska; to change provisions relating to clandestine drug labs; to provide for a hearing before the Department of Health and Human Services for the property owner; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 712.** Introduced by Gloor, 35.

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.

**LEGISLATIVE BILL 713.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Reissue Revised Statutes of Nebraska; to change provisions relating to time deposit open accounts; to change a limit on total deposits received; and to repeal the original section.

**LEGISLATIVE BILL 714.** Introduced by Gloor, 35.

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.

**LEGISLATIVE BILL 715.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to amend section 44-5702, Reissue Revised Statutes of Nebraska, and sections 44-6008 and 44-6016, Revised Statutes Supplement, 2013; to redefine terms; and to repeal the original sections.

**LEGISLATIVE BILL 716.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to provide procedures for electronic delivery of notices and documents and Internet posting of property and casualty insurance policies.

**LEGISLATIVE BILL 717.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to real property appraisal; to amend sections 76-2201, 76-2203, 76-2217.02, and 76-2227, Reissue Revised Statutes of Nebraska, and sections 76-2202, 76-2213.01, 76-2223, 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.02, 76-2236, 76-2238, 76-2241, and 76-2249, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Real Property Appraiser Act; to define terms; to change provisions relating to professional qualifications; and to repeal the original sections.

**LEGISLATIVE BILL 718.** Introduced by Crawford, 45; Avery, 28; Lathrop, 12; Nordquist, 7.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-902 and 84-907.01, Reissue Revised Statutes of Nebraska, and sections 84-907, 84-907.09, and 84-920, Revised Statutes Cumulative Supplement, 2012; to require preparation and publication of rulemaking and regulationmaking agendas; to require web site publication fiscal impact statements; to provide duties for agencies and the Secretary of State; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 719.** Introduced by Crawford, 45; Avery, 28; Lathrop, 12; Nordquist, 7.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-907.04, Reissue Revised Statutes of Nebraska; to require a report for each proposed rule or regulation; and to repeal the original section.

**LEGISLATIVE BILL 720.** Introduced by Crawford, 45; Avery, 28; Krist, 10; Lathrop, 12; Nordquist, 7.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-907.10, Reissue Revised Statutes of Nebraska; to provide and change a complaint procedure relating to rules and regulations for

members of the Legislature, political subdivisions, and members of the public; and to repeal the original section.

**LEGISLATIVE BILL 721.** Introduced by Janssen, 15; Kintner, 2; Larson, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-4212, and 77-5023, Reissue Revised Statutes of Nebraska, sections 77-367, 77-2715.03, and 79-1016, Revised Statutes Cumulative Supplement, 2012, and section 77-2716, Revised Statutes Supplement, 2013; to change valuation of agricultural land and horticultural land; to change provisions relating to Department of Revenue contracts for finding nonpayers of taxes; to change income tax rates; to adjust income tax brackets for inflation; to exempt social security and military retirement benefits from income taxation; to provide funding for the Property Tax Credit Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 722.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1504, Reissue Revised Statutes of Nebraska; to adopt the Recognition and Enforcement of Tribal Court Civil Judgments Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 723.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1363 and 77-1371, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to valuation of irrigated cropland and comparable sales; and to repeal the original sections.

**LEGISLATIVE BILL 724.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 390.** Introduced by Mello, 5.

WHEREAS, Steve Cavlovic was born and raised in South Omaha and was a renowned athlete, playing baseball and football for Omaha South High School until graduating in 1950; and

WHEREAS, Steve played baseball in the Brooklyn Dodgers organization prior to serving in the United States Army, and was a project manager for

the Nebraska Department of Roads for more than 20 years until his retirement; and

WHEREAS, Steve was a founding member of the Omaha South High Alumni Association and initiated the Omaha South High Packer Sports Greats Hall of Fame; and

WHEREAS, Steve spent eight years on the board of the Omaha Softball Association and began the first intramural girls softball programs in Omaha for girls ages five through eight; and

WHEREAS, Steve was an inductee in the Omaha South High Packer Sports Greats Hall of Fame, the Omaha South High School Hall of Fame, and the Omaha Oldtimers Baseball Hall of Fame; and

WHEREAS, Steve was chairman of the 1989 Omaha South High School Centennial Scholarship Program and helped found the Ritonya Buscher Poehling Scholarship Fund which raises money for, and gives college and vocational school scholarships to, graduates of Omaha South, Bryan, and Gross high schools; and

WHEREAS, Steve was vice-president and co-developer of the nonprofit Corrigan Multipurpose Senior Center and its housing units which have served South Omaha's senior citizens since 1984; and

WHEREAS, Steve received the Knights of Ak-Sar-Ben Foundation Ike Friedman Leadership Award for outstanding community service, the United Way of the Midlands Volunteer of the Year Award, and the American Red Cross Heroes of the Heartland Lifetime Hero Award; and

WHEREAS, Steve Cavlovic passed away at the Nebraska Medical Center in Omaha, Nebraska, on December 17, 2013; and

WHEREAS, Steve is survived by Mary Lou Cavlovic, his wife of 58 years, three daughters, three grandchildren, and two great-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 Steve Cavlovic, and recognizes Steve for his years of service to the State of Nebraska and to our country, as well as his lifetime of service to South Omaha and its citizens.

2. That a copy of this resolution be sent to Mary Lou Cavlovic and her family.

Laid over.

**LEGISLATIVE RESOLUTION 391.** Introduced by Avery, 28.

WHEREAS, childhood cancer is the leading cause of disease-related death among children in the United States; and

WHEREAS, there are approximately 13,000 new cases of childhood cancer diagnosed annually in the United States, and nearly 2,000 deaths of children and adolescents annually in the United States due to pediatric cancer; and

WHEREAS, the childhood cancer survival rate has improved from 58% thirty years ago to 83% in 2013; and



WHEREAS, about 1 in 500 young adults is a childhood cancer survivor, and nearly 2/3 of childhood cancer survivors later experience significant and chronic medical problems or develop secondary cancers as adults which result from the treatment of their original cancer; and

WHEREAS, childhood cancer does not discriminate and spares no ethnic group, socio-economic class, or geographic region; and

WHEREAS, from 1991 to 2009, 1,695 Nebraska children and adolescents have been diagnosed with cancer, and 310 Nebraska children and adolescents have died from cancer.

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

1. That the Legislature recognizes September 2014 as Pediatric Cancer Awareness Month in Nebraska.
2. That a copy of this resolution be sent to Mitchell Ahlschwede.

Laid over.

#### AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB371:

AM1591

(Amendments to Standing Committee amendments, AM307)

- 1 1. On page 2, line 15, strike "2014," and insert "2015";
- 2 in line 16 strike "FY2013-14" and insert "FY2014-15"; and in line
- 3 24 strike "2013," and insert "2014".
- 4 2. On page 3, line 3, strike "2013" and insert "2014".

Senator Sullivan filed the following amendment to LB438:

AM1580

(Amendments to Standing Committee amendments, AM1240)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 79-757, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 79-757 Sections 79-757 to 79-762 and section 3 of this
- 6 act shall be known and may be cited as the Quality Education
- 7 Accountability Act.
- 8 Sec. 2. Section 79-760.06, Revised Statutes Cumulative
- 9 Supplement, 2012, is amended to read:
- 10 79-760.06 (1) On or before August 1, 2012, the State
- 11 Board of Education shall establish an accountability system to be
- 12 used to measure the performance of individual public schools and
- 13 school districts. The accountability system shall combine multiple
- 14 ~~measures, indicators,~~ including, but not limited to, graduation
- 15 rates, student growth and student improvement on the assessment
- 16 instruments provided in section 79-760.03, and other indicators
- 17 of the performance of public schools and school districts as
- 18 established by the state board.

19 (2) Beginning with the reporting of data from school  
20 year 2014-15, the indicators ~~The measures~~ selected by the state  
21 board for the accountability system ~~may shall~~ be combined into  
22 a school performance score and district performance score. The  
1 state board ~~may shall~~ establish levels of performance for the  
2 indicators used in the accountability system based upon school  
3 performance scores and district performance scores in order to  
4 classify the performance of public schools and school districts  
5 beginning with the reporting of data from school year ~~2013-14.~~  
6 2014-15. The state board shall designate priority schools based on  
7 such classification. Schools designated as priority schools shall  
8 be at the lowest performance level at the time of the initial  
9 priority school designation. Schools designated as priority schools  
10 shall remain priority schools until such designation is removed by  
11 the state board. No more than three schools may have a priority  
12 school designation at one time. Schools designated as priority  
13 schools shall be subject to the requirements of section 3 of this  
14 act. Progress plans for the initial schools designated as priority  
15 schools shall be approved by the state board no later than August  
16 1, 2016. The State Department of Education shall annually report  
17 ~~any the~~ performance levels established by the board regarding the  
18 performance level of individual public schools and school districts  
19 as part of the statewide assessment and reporting system.

20 Sec. 3. (1) For each school designated as a priority  
21 school, the Commissioner of Education shall appoint an intervention  
22 team. The intervention team shall assist the school district with  
23 diagnosing issues that negatively affect student achievement in the  
24 priority school, designing and implementing strategies to address  
25 such issues through the progress plan, and developing measurable  
26 indicators of progress.

27 (2) The intervention team shall be composed of up to  
1 five people with the education and experience to carry out the  
2 responsibilities of the team. Members of the intervention team may  
3 receive pay for work performed in conjunction with his or her  
4 duties as a member of such team. Such pay shall be determined and  
5 provided (a) by the State Department of Education for any member of  
6 the intervention team who is not an employee of the school district  
7 containing the priority school for which such intervention team is  
8 appointed or (b) by the school district containing the priority  
9 school for which the intervention team is appointed for any  
10 member of the intervention team who is an employee of such school  
11 district. Any member of the intervention team who is eligible to  
12 receive pay from the department pursuant to subdivision (a) of this  
13 subsection shall also be eligible for reimbursement of actual and  
14 necessary expenses incurred in carrying out his or her duties as  
15 a member of such team as provided in sections 81-1174 to 81-1177.  
16 Reimbursement of actual and necessary expenses for any member of  
17 the intervention team who is an employee of the school district  
18 containing the priority school for which the intervention team is

19 appointed shall be provided in accordance with the policies and  
20 procedures of such school district.

21 (3) The intervention team, in collaboration with the  
22 priority school staff and the administration and school board  
23 of the school district with control of the priority school,  
24 shall develop a progress plan for approval by the State Board  
25 of Education. Any progress plan shall include specific actions  
26 required by the school and the district in order to remove its  
27 classification as a priority school, including any required level  
1 of progress as indicated by the measurable indicators.

2 (4) Compliance with progress plans shall be a requirement  
3 to maintain accreditation for any school district that contains a  
4 priority school. The state board shall annually review any progress  
5 plans and determine whether any modifications are needed. If a  
6 school has been designated as a priority school for the fifth  
7 consecutive school year, the state board shall reevaluate the  
8 progress plan to determine if significant revisions or an entirely  
9 new progress plan are warranted.

10 (5) The school board of a school district containing a  
11 priority school as designated pursuant to section 79-760.06 shall  
12 provide the intervention team with full access to the priority  
13 school, priority school staff, the school district, school district  
14 staff, academic information, financial information, and any other  
15 requested information.

16 (6) The Commissioner of Education shall annually report  
17 to the Governor and electronically to the Clerk of the Legislature  
18 and the chairperson of the Education Committee of the Legislature  
19 on all schools designated as priority schools. The report shall  
20 include the name of the school, the grades included in the priority  
21 school designation, the name of the school district, the years for  
22 which the school was designated a priority school, a summary of  
23 the progress plan, and the level of progress as indicated by the  
24 measurable indicators.

25 Sec. 4. Original sections 79-757 and 79-760.06, Revised  
26 Statutes Cumulative Supplement, 2012, are repealed.

Senator Dubas filed the following amendment to LB249:  
AM1602 is available in the Bill Room.

#### ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee elected Senator Murante as Vice Chairperson.

#### UNANIMOUS CONSENT - Add Cointroducer

Senator Kintner asked unanimous consent to add his name as cointroducer to LB381. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Ron Klutman from Columbus.

**ADJOURNMENT**

At 11:05 a.m., on a motion by Senator Hansen, the Legislature adjourned until 10:00 a.m., Thursday, January 9, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**SECOND DAY - JANUARY 9, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 9, 2014

**PRAYER**

The prayer was offered by Pastor Jim McGaffin, Liberty Christian Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senator Coash who was excused; and Senator Lautenbaugh who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the first day was approved.

**2013 INTERIM REPORT  
ON THE DISPOSITION OF  
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
271	Examine expansion of brand area statewide		X	
288	Examine role of animal health professionals in assisting law enforcement of Livestock Animal Welfare Act			X
289	Examine feasibility of fenceviewers to arbitrators in division fence disputes			X
290	Examine concept of Brand Inspection Service Areas		X	

291	Examine means to coordinate state animal health authorities with activities of local livestock cruelty and neglect authorities			X
293	Examine prevalence of game processing services by non-licensed facilities			X
309	Examine issues relating to improving the protection of sensitive crops from losses due to phenoxy herbicides			X
339	Examine means to increase export of Nebraska agricultural commodities			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
244	Interim study to examine issues surrounding the Nebraska Public Safety Communication System		X	
273	Interim study to identify budgeting strategies to support the array of services needed for Nebraska's aging population in a fiscally responsible manner		X	
298	Interim study to examine issues surrounding the efficiency of state programs			X
234	Interim study to examine ways to assist in the development of budget, revenue, and fiscal note projections through comprehensive and targeted economic or demographic evaluations that are conducted in order to enhance policy decision making to ensure a balanced state budget			X
199	Interim study to acquire additional information, including financial requirements, regarding the state's efforts to establish a statewide virtual/digital educational system			X
221	Interim study to examine the different aspects of the state's wellness program		X	

274	Interim study to maximize opportunities to leverage the new opportunity to build a medicaid management information system that meets the needs of Nebraska		X	
-----	--	--	---	--

## Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
188	Patient Protection and Affordable Care Act		X	
187	Update business entity statutes		X	
316	Unfair insurance trade practices			X
216	NE Capital Expansion Act			X
315	Development of benefit corporations		X	
215	Enforcement and servicing of real estate loans			X
294	Private health insurance			X
233	Placing holds on credit cards			X
265	Insurance coverage of amino acid-based elemental formula			X

## Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
250	Interim study to examine the State of Nebraska's self-insured workers' compensation plan administered by the Dept. of Administrative Services			X
295	Interim study to examine the disparity in income between men and women in the State of Nebraska			X
317	Interim study to examine how forced overtime on a regular basis as a regular work practice affects Nebraskans working in meatpacking, poultry, food processing, and other factory work			X
337	Interim study to investigate methods to attract investment capital into Nebraska to create more jobs and businesses			X

306	Interim study to examine a practice known as "banning the box," which requires prospective employees to disclose their criminal backgrounds on initial job applications before prospective employees have an interview			X
240	Interim study to examine the need for amending the Nebraska Wage Payment and Collection Act relating to payment of paid time off benefits when leaving employment			X

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
166	Interim study to examine issues surrounding the creation of revolving funds to finance energy conservation measures in Nebraska K-12 school districts			X
181	Interim study to examine issues under the jurisdiction of the Education Committee			X
182	Interim study to examine alternatives for the financing and delivery of public early childhood, elementary, and secondary education in Nebraska	X		
206	Interim study to examine the school breakfast program			X
208	Interim study to examine security in the public schools		X	
211	Interim study to examine and define the need for increased access to, and the costs of, quality expanded learning opportunities for K-12 children, focusing on at-risk children		X	



212	Interim study to examine an allowance or aid component within the state aid formula for recognizing the costs of schools districts that encourage teachers to improve their skills and knowledge in order to increase student achievement			X
219	Interim study to examine issues relating to student financial aid programs			X
242	Interim study to examine the methods of encouraging transition from adult education to postsecondary education for adults			X
264	Interim study to examine the education data system			X
272	Interim study to examine issues related to the use of paraeducators to improve and promote student achievement in public elementary schools			X
282	Interim study to examine issues regarding the parity in Nebraska School Activities Association activities between private and public high schools			X
285	Interim study to examine career education program in Nebraska's public schools			X
296	Interim study to examine the effectiveness of career academies in Nebraska high schools and the feasibility of expanding career academies to more schools in the state			X
304	Interim study to identify the differences between statutes governing Class V school districts and other school districts			X
314	Interim study to examine the use of parent education available within the public schools			X
322	Interim study to examine options for stabilization and growth in state funding for schools			X

325	Interim study to examine the effectiveness of the school budget limitation and certification of school budget authority included in the state aid formula			X
330	Interim study to examine ways Nebraska can ensure a future workforce well-skilled in science, technology, engineering, and math education			X

## General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
175	Interim study to examine the craft brewery industry in Nebraska to develop potential tax policy and statutory law to encourage growth of the industry		X	
258	Interim study to examine whether alcohol licensee employees should be certified in how to apply pertinent portions of the Nebraska Liquor Control Act		X	
280	Interim study to examine retail license provisions within the Nebraska Liquor Control Act regarding whether licensees should be permitted to bottle draft beer to be sold for consumption off the premises		X	
281	Interim study to examine the nature of and relationship between catering liquor licenses and special designated liquor licenses within the Nebr. Liquor Control Act		X	
283	Interim study to examine issues under the jurisdiction of the General Affairs Committee - Whether minors should be allowed to purchase and use electronic cigarettes		X	

## Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
201	Interim study to examine policy options available to the State of Nebraska to support military installations, military families, and veterans and their families		X	
193	Interim study to examine the role of political parties in the election process		X	
192	Interim study to examine conducting elections by mail		X	
305	Interim study to examine the governance and efficiency of the State Board of Education		X	
341	Interim study to examine the powers and duties of the Nebraska Emergency Management Agency		X	
167	Interim study to examine issues surrounding personal identifying information collected by state and local governments and private businesses		X	
194	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
223	Interim study to examine issues surrounding open data policies		X	
202	Interim study to examine the issue of election day registration		X	

## Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
143	Examine children's day health services		X	
170	Examine the liability insurance mandate in the Child Care Licensing Act			X
209	Examine the contracts between the Dept. of HHS and provider agencies for foster care services			X
218	Examine fetal alcohol spectrum disorders			X

222	Gather information and make recommendation necessary for the Legislature to craft a comprehensive early learning strategy for the State of Nebraska			X
227	Examine issues surrounding midwifery credentialing and safety measures			X
228	Examine the process by which military spouses and veterans obtain occupational licenses			X
232	Examine the process of applying for an attaining health care professional licensing when the applicant has a license, education, or credentialing from state and schools outside of Nebraska			X
237	Assess the extent to which Nebraska has implemented key provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008			X
238	Examine the Access Nebraska system, as well as the separation of the economic assistance programs from the Medicaid program		X	
239	Examine the Supplemental Nutrition Assistance Program (SNAP)			X
241	Examine the financial impact of, and financing option for, medicaid expansion under the Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals		X	
243	Examine the future of emergency medical services in Nebraska			X
256	Reexamine the consolidation of the Dept. of Health and Human Services that occurred in 1996 with the enactment of LB1044			X
257	Examine the early childhood learning and development system across the state to determine how to make the current system more effective			X

259	Examine providing for the utilization of Temporary Assistance for Needy Families (TANF) reserve funds to provide for after school programming for children in families that qualify for assistance			X
260	Examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska			X
261	Examine barriers to permanent placements for Nebraska children who have been placed out of the home and are wards of the state		X	
262	Examine the high rate of placement of Nebraska's Native American children involved in the foster care system		X	
270	Examine identification or creation of methods of keeping elderly Nebraskans safe in their homes where they can receive high quality care and support			X
275	Examine issues relating to the behavioral and mental health needs of children in education settings			X
297	Examine the effectiveness of telehealth technology used for behavioral health services in Nebraska			X
300	Examine the treatment and services for people dually diagnosed with intellectual or developmental disabilities, mental illness, or behavioral health programs		X	
303	Examine issues relating to brain injuries			X
312	Examine issues relating to the child protective services system within the Dept. of Health and Human Services		X	
327	Examine issues relating to providing storm shelters or safe rooms for residents of mobile home parks			X

387	Examine how Nebraska is utilizing Temporary Assistance for Needy Families (TANF) funds		X	
-----	--	--	---	--

## Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
111	Interim study to explore the possibility of replicating the Delancey Street Foundation in Nebraska, which is considered one of the nation's leading self-help residential education centers for ex-convicts and former substance abusers			X
184	Interim study to examine the costs and benefits associated with lowering the age of majority to eighteen years of age			X
207	Interim study to examine the impact of the possession, sale, trade, and distribution of shark fins in the State of Nebraska			X
235	Interim study to examine the adoption process under the current safe haven law			X
251	Interim study to examine court fees earmarked to generate revenue for the Nebraska Judges Retirement System			X
277	Interim study to review the current costs associated with correctional and detention facilities in Nebraska		X	
278	Interim study to review matters under the jurisdiction of the Judiciary Committee			X
279	Interim study to examine the use of social impact bonds to develop programming for juveniles and adults reentering the community after involvement with the juvenile justice system or the criminal justice system		X	

284	Interim study to review issues relating to child custody proceedings and parenting time determinations as they pertain to families of divorce			X
286	Interim study to review state law regarding child abuse and neglect in instances when a pregnant woman engages in an activity that causes harm to the fetus			X
287	Interim study to examine the requirement that counties pay court filing fees and costs when filing criminal charges and civil proceedings in the county, district, and juvenile courts			X
313	Interim study to examine comprehensive models of response and treatment for victims of human trafficking			X
320	Interim study to examine statutes and procedures relating to the eminent domain laws for oil pipelines and the authority of local governments to regulate oil pipelines			X
328	Interim study to examine methods to better protect elderly and other vulnerable Nebraskans from financial exploitation			X
331	Interim study to examine stronger penalties for offenders convicted of the crime of sexual assault of a child as well as related deterrents and victim remedies			X
334	Interim study to identify and eliminate waste and fraud in government spending			X
336	Interim study to investigate methods to reduce gang violence			X
338	Interim study to examine issues relating to the regulation of abortion clinics			X

## Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
205	Interim study to examine the mission and financing options as authorized by current law of the Game and Parks Commission		X	
214	Interim study to examine Nebraska's statutes, rules, and regulations relating to the permitting process for small surface water storage reservoirs	X		
345	Interim study to examine whether the Nebraska Ground Water Management and Protection Act should be amended relating to designating or determining the appropriation status of river basins			X
319	Interim study to examine issues relating to Omaha's federally mandated combined sewer overflow project			X
302	Interim study to examine the generation of energy in Nebraska through the use of renewable energy sources and to provide a comparison with other states			X
255	Interim study to examine the concept of moving surface water-only irrigated acres to ground water acres to help compliance with compacts, agreements, and decrees			X
254	Interim study to examine the concept of regulating commingled acres relating to surface water and ground water			X
183	Interim study to examine Nebraska's drainage statutes as they apply to drainage by neighboring landowners under section 31-201 and other related statutes			X
324	Interim study to examine and evaluate the statutory requirements on Nebraska's public power districts			X
321	Interim study to examine statutes and procedures relating to the State of Nebraska's financial responsibility for oil pipelines			X



224	Interim study to examine the programs, incentives, and processes, used in other states to stimulate renewable energy projects of less than twenty megawatts that can be added without major additional transmission improvements			x
226	Interim study to examine concerns surrounding the operation of the Papio-Missouri River Natural Resources District			X
323	Interim study to examine statutes and policies relating to increasing renewable energy development in Nebraska			X
245	Interim study to examine issues relating to recycling			X
326	Interim study to examine and evaluate net metering in Nebraska			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
191	Examine public employee retirement systems administered by the Public Employees Retirement Board		X	
198	Examine public employee retirement systems administered by the Public Employees Retirement Board		X	
213	Examine college savings plans and ways to increase participation	X		
246	Conduct a comparison of the school employees and class V school employees retirement plans		X	
247	Examine purchase of service credits		X	
248	Examine service requirements in the school employees retirement plan		X	
344	Examine the availability and adequacy of retirement savings of Nebraska private sector workers		X	

369	Examine guidance principles for pension divestment policy decisions		X	
-----	---	--	---	--

## Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
342	Evaluate whether any types of agricultural land are being overvalued relative to their income potential	X		
340	Identify the value of property taxes eliminated by all tax-increment financing and other Nebraska business tax incentive programs	X		
269	Examine the property tax base structure and compare this structure to those of other states	X		
389	Examine the local use of taxing powers, including occupation tax and other forms of taxation, and to examine the fiscal relationship between state and local governments		X	
292	Examine the levy authority of rural and suburban fire protection districts		X	
329	Examine ways the state could use tax policy to encourage more small business start-ups especially for businesses utilizing technology and innovation		X	
263	Examine the economic impact of the film, television, and commercial industry in Nebraska		X	
266	Identify ways in which Nebraska may support and increase venture capital investment in the state		X	
186	Examine issues relating to enactment of a tax-credit scholarship program as contemplated by LB14, 2013		X	
332	Examine ways the state may reduce property tax rates		X	
333	Examine ways the state may reduce income tax rates		X	

335	Examine whether more fair and appropriate method of agricultural land valuation can be implemented		X	
165	Examine issues surrounding tax settlements		X	

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
236	Aging drivers			X
267	One Call Notification System Act		X	
276	Inmate phone calls		X	
299	County motor vehicle licensing			X
343	Nebraska Telecommunications Universal Service Fund	X		

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
252	Study to examine how amendments to the Local Option Municipal Economic Development Act affect existing economic development plans adopted under the act		X	
268	Study to examine issues surrounding new residential and commercial development and school district boundaries in our state's urban areas		X	
253	Study to assess the impact of Nebraska changing to a home rule state in matters of local concern		X	
189	Study to examine certain statutes to harmonize language, policies, and practices regarding the different classifications of cities and villages		X	
190	Study to examine the 2012 versions of the International Residential Code, the International Building Code, and the International Energy Code to determine whether Nebraska should update the current State Building Code		X	

318	Study to examine issues relating to mass transit authorities		X	
-----	--	--	---	--

### ANNOUNCEMENT

Senator McCoy announced the Committee on Committees will meet Friday, January 10, 2014, at 9:00 a.m. in Room 1524.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 725.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1015.01, Revised Statutes Supplement, 2013; to change provisions relating to local effort rate yield; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 726.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to school elections; to amend sections 32-542, 32-543, 79-406, 79-443, 79-451, 79-4,123, 79-547, 79-549, 79-550, and 79-10,111, Reissue Revised Statutes of Nebraska, and section 79-4,129, Revised Statutes Supplement, 2013; to provide for changing the number of members on the school board of certain Class II or III school districts; to change election procedures; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 727.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-494, Reissue Revised Statutes of Nebraska, and section 60-484, Revised Statutes Supplement, 2013; to change provisions relating to applications and anatomical gifts; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 728.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217.01, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal history record information checks for certain employees of the Division of Developmental Disabilities of the Department of Health and Human Services; to repeal the original section; and to outright repeal section 83-1217.02, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 729.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to education; to state findings; to create and provide duties for the Task Force on Expanded Learning Opportunities for School-Age Youth; to provide a termination date; and to declare an emergency.

**LEGISLATIVE BILL 730.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Child Protection Act; to amend section 28-711, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to reporting; and to repeal the original section.

**LEGISLATIVE BILL 731.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska; to change provisions relating to first injury reports; and to repeal the original section.

**LEGISLATIVE BILL 732.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to public assistance; to amend sections 68-1713 and 68-1726, Reissue Revised Statutes of Nebraska, and sections 43-512 and 68-915, Revised Statutes Cumulative Supplement, 2012; to exclude certain income and assets as prescribed from determination of income, resources, or need; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 733.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 76-2221, Revised Statutes Cumulative Supplement, 2012; to adopt the Mass Assessment Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 734.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the deposit and investment of public funds; to amend sections 77-2302 and 77-2365.01, Reissue Revised Statutes of Nebraska; to provide for the deposit of public funds with credit unions; and to repeal the original sections.

**LEGISLATIVE BILL 735.** Introduced by Bolz, 29.

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.

**LEGISLATIVE BILL 736.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2322, Reissue Revised Statutes of Nebraska; to change the provision for service of notice; and to repeal the original section.

**LEGISLATIVE BILL 737.** Introduced by Dubas, 34.

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.

**LEGISLATIVE BILL 738.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to create a fund; to provide for a transfer; to appropriate funds to the Department of Motor Vehicles; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 739.** Introduced by Hadley, 37.

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.

**LEGISLATIVE BILL 740.** Introduced by Crawford, 45; Davis, 43; Kolowski, 31; Scheer, 19.

A BILL FOR AN ACT relating to postsecondary education; to provide for residency for veterans and family members of veterans.

**LEGISLATIVE BILL 741.** Introduced by Murante, 49; Kolowski, 31.

A BILL FOR AN ACT relating to schools; to require a policy relating to tornado drills as prescribed.

**LEGISLATIVE BILL 742.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-701, 32-801, 32-817, 32-901, 32-1003, 32-1119, 32-1120, 32-1122, and 49-220, Reissue Revised Statutes of Nebraska, sections 32-546.01 and 32-816, Revised Statutes Cumulative Supplement, 2012, and sections 32-101, 32-1005, and 32-1007, Revised Statutes Supplement, 2013; to change the method of voting at primary elections; to change and eliminate provisions related to recounts and tie votes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 743.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend section 32-101, Revised Statutes Supplement, 2013; to define terms for certain offices; and to repeal the original section.

**LEGISLATIVE BILL 744.** Introduced by Avery, 28; Adams, 24; Brasch, 16; Carlson, 38; Davis, 43; Gloor, 35; Hadley, 37; Harms, 48; Johnson, 23; Karpisek, 32; Lathrop, 12; McGill, 26; Mello, 5; Nelson, 6; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wightman, 36.

A BILL FOR AN ACT relating to state government; to establish the Nebraska Sesquicentennial Commission; to provide for the membership of the commission; to provide powers and duties; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 745.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to governmental functions; to amend sections 77-2215, 81-153, and 81-181, Reissue Revised Statutes of Nebraska, and sections 73-507 and 81-1018, Revised Statutes Cumulative Supplement, 2012; to provide an exception to certain requirements for contracts for services; to change and eliminate provisions for duplicate warrants; to change a duty for the material division of the Department of Administrative Services; to change report requirements under the Deferred Building Renewal Act; to change provisions relating to state-owned vehicles; and to repeal the original sections.

**LEGISLATIVE BILL 746.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to elections; to amend sections 32-314, 32-929, 32-935, 32-936, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska, sections 32-329, 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2012, and section 32-933, Revised Statutes Supplement, 2013; to authorize provisional ballots and require identification for registered voters changing residence within Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 747.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1403, and 49-1476.01, Reissue Revised Statutes of Nebraska, and sections 49-1413, 49-1467, 49-1469, and 49-1479.02, Revised Statutes Supplement, 2013; to define and redefine terms; to require reporting regarding electioneering communication; to prohibit electioneering communications by a lottery contractor; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 748.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to sexual assault; to amend sections 43-292.02 and 43-2933, Reissue Revised Statutes of Nebraska, section 43-283.01, Revised Statutes Cumulative Supplement, 2012, and sections 43-254 and 43-1411.01, Revised Statutes Supplement, 2013; to change provisions relating to paternity of a child conceived as a result of sexual assault; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 749.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to corporations; to amend sections 8-1401, 8-2104, 8-2306, 8-2311, 21-301, 21-302, 21-303, 21-304, 21-305, 21-306, 21-311, 21-312, 21-313, 21-314, 21-315, 21-317, 21-318, 21-319, 21-321, 21-322, 21-323, 21-323.01, 21-323.02, 21-325, 21-325.01, 21-325.02, 21-328, 21-329, 21-330, 21-1301, 21-1931, 21-1933, 21-19,151, 21-2103, 21-2105, 21-2110, 21-2115, 21-2203, 21-2204, 21-2209, 21-2212, 21-2439, 21-2971, 21-2976, 30-3214, 33-101, 44-205.01, 44-206, 44-208.02, 44-211, 44-224.01, 44-224.04, 44-301, 44-2128, 44-2916, 44-3112, 44-32,115, 44-3312, and 44-3812, Reissue Revised Statutes of Nebraska, and sections 9-614, 28-1354, 67-248.02, and 84-511, Revised Statutes Supplement, 2013; to adopt the Nebraska Model Business Corporation Act; to eliminate the Business Corporation Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 21-317, 21-2001, 21-2002, 21-2003, 21-2004, 21-2005, 21-2006, 21-2007, 21-2008, 21-2009, 21-2010, 21-2011, 21-2012, 21-2013, 21-2014, 21-2015, 21-2016, 21-2017, 21-2018, 21-2019, 21-2020, 21-2021, 21-2022, 21-2023, 21-2024, 21-2025, 21-2026, 21-2027, 21-2028, 21-2029, 21-2030, 21-2031, 21-2032, 21-2033, 21-2034, 21-2035, 21-2036, 21-2037, 21-2038, 21-2039, 21-2040, 21-2041, 21-2042, 21-2043, 21-2044, 21-2045, 21-2046, 21-2047, 21-2048, 21-2049, 21-2050, 21-2051, 21-2052, 21-2053, 21-2054, 21-2055, 21-2056, 21-2057, 21-2058, 21-2059, 21-2060, 21-2061, 21-2062, 21-2063, 21-2064, 21-2065, 21-2066, 21-2067, 21-2068, 21-2069, 21-2070, 21-2071, 21-2072, 21-2073, 21-2074, 21-2075, 21-2076, 21-2077, 21-2078, 21-2079, 21-2080, 21-2081, 21-2082, 21-2083, 21-2084, 21-2085, 21-2086, 21-2087, 21-2088, 21-2089, 21-2090, 21-2091, 21-2092, 21-2093, 21-2094, 21-2095, 21-2096, 21-2097, 21-2098, 21-2099, 21-20,100, 21-20,101, 21-20,102, 21-20,103, 21-20,104, 21-20,105, 21-20,106, 21-20,107, 21-20,108, 21-20,109, 21-20,110, 21-20,111, 21-20,112, 21-20,113, 21-20,114, 21-20,115, 21-20,116, 21-20,117, 21-20,118, 21-20,119, 21-20,120, 21-20,121, 21-20,122, 21-20,123, 21-20,124, 21-20,125, 21-20,126, 21-20,127, 21-20,128, 21-20,129, 21-20,130, 21-20,131, 21-20,132, 21-20,133, 21-20,134, 21-20,135, 21-20,135.01, 21-20,136, 21-20,137, 21-20,138, 21-20,139, 21-20,140, 21-20,141, 21-20,142, 21-20,143, 21-20,144, 21-20,145, 21-20,146, 21-20,147, 21-20,148, 21-20,149, 21-20,150, 21-20,151, 21-20,152, 21-20,153, 21-20,154, 21-20,155, 21-20,156, 21-20,157, 21-20,158, 21-20,159, 21-20,160, 21-20,161, 21-20,162, 21-20,163, 21-20,164, 21-20,165, 21-20,166, 21-20,167, 21-20,168, 21-20,169, 21-20,170, 21-20,171,



21-20,172, 21-20,173, 21-20,174, 21-20,175, 21-20,176, 21-20,177, 21-20,178, 21-20,179, 21-20,180, 21-20,180.01, 21-20,181, 21-20,181.01, 21-20,181.02, 21-20,181.03, 21-20,182, 21-20,183, 21-20,184, 21-20,185, 21-20,186, 21-20,187, 21-20,188, 21-20,189, 21-20,190, 21-20,191, 21-20,192, 21-20,193, 21-20,194, 21-20,195, 21-20,196, and 21-20,197, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 750.** Introduced by B. Harr, 8.

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.

**LEGISLATIVE BILL 751.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to corporations; to amend section 84-511, Revised Statutes Supplement, 2013; to adopt the Nebraska Benefit Corporation Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 752.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 28-934, and 28-1351, Revised Statutes Cumulative Supplement, 2012, and section 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 a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 753.** Introduced by Gloor, 35.

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.

**LEGISLATIVE BILL 754.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 2013; to provide funds for career education programs; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 755.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to amend sections 44-403,

44-404, 44-407.23, 44-407.24, 44-407.26, and 44-408, Reissue Revised Statutes of Nebraska; to adopt the Standard Valuation Act; to change and eliminate provisions relating to valuation of reserves; to provide for applicability of provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 44-402, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 756.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to bicycles; to amend sections 60-611 and 60-638, Reissue Revised Statutes of Nebraska, and sections 60-123, 60-339, and 60-471, Revised Statutes Cumulative Supplement, 2012; to redefine terms; and to repeal the original sections.

**LEGISLATIVE BILL 757.** Introduced by Smith, 14.

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.

**LEGISLATIVE BILL 758.** Introduced by Smith, 14.

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.

**LEGISLATIVE BILL 759.** Introduced by Mello, 5; Ashford, 20; Krist, 10; Lathrop, 12; Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, and 23-3526, Reissue Revised Statutes of Nebraska, and section 71-1631.02, Revised Statutes Cumulative Supplement, 2012; to require annual reports relating to defined benefit retirement plans; and to repeal the original sections.

**LEGISLATIVE BILL 760.** Introduced by Mello, 5; Ashford, 20; Cook, 13; B. Harr, 8; Howard, 9; Kolowski, 31; Krist, 10; Lathrop, 12; Nelson, 6; Nordquist, 7.

A BILL FOR AN ACT relating to municipalities; to adopt the Combined Sewer Overflow Infrastructure Assistance Act and the Unfunded Federal Mandate Infrastructure Assistance Act.

**LEGISLATIVE BILL 761.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-367 and 77-5601, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to Department of Revenue contracts for finding nonpayers of taxes; to provide for a tax amnesty program; to eliminate obsolete provisions; and to repeal the original sections.

**LEGISLATIVE BILL 762.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-715, Reissue Revised Statutes of Nebraska; to change provisions relating to the development of integrated management plans; to provide a duty for the Department of Natural Resources; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 763.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to state government; to amend section 81-132, Revised Statutes Cumulative Supplement, 2012; to require a report from state agencies on inefficient programs as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 764.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Supplement, 2013; to appropriate and transfer funds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 765.** Introduced by Conrad, 46.

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.

**LEGISLATIVE BILL 766.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 85-505 and 85-505.01, Reissue Revised Statutes of Nebraska; to change tuition assistance program provisions; and to repeal the original sections.

**LEGISLATIVE BILL 767.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the environment; to amend section 81-15,123, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Cumulative Supplement, 2012; to change permitted uses of a fund; to change a provision relating to rules and regulations for training

requirements; and to repeal the original sections.

**LEGISLATIVE BILL 768.** Introduced by Schilz, 47; Davis, 43.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-1,120 and 54-1,122.01, Reissue Revised Statutes of Nebraska, and section 54-1,108, Revised Statutes Cumulative Supplement, 2012; to change fee provisions of the Livestock Brand Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 769.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Parenting Act; to amend sections 43-2929 and 43-2929.01, Revised Statutes Cumulative Supplement, 2012; to provide for delegation of a military parent's parenting time or visitation and provide provisions relating to military parents as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 770.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1213, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to explosives and destructive devices; and to repeal the original section.

**LEGISLATIVE BILL 771.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Reduced Cigarette Ignition Propensity Act; to amend section 69-504, Reissue Revised Statutes of Nebraska; to change the length of the certification period; and to repeal the original section.

**LEGISLATIVE BILL 772.** Introduced by Davis, 43; Christensen, 44; Cook, 13; Crawford, 45; Dubas, 34; Johnson, 23; Kolowski, 31; Krist, 10; Scheer, 19; Schilz, 47; Seiler, 33; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.42, Revised Statutes Cumulative Supplement, 2012; to increase the authorized expenditure amount for the Adjutant General with respect to aerial fire suppression or hazardous material response; and to repeal the original section.

**LEGISLATIVE BILL 773.** Introduced by Davis, 43; Cook, 13; Crawford, 45; Dubas, 34; Kolowski, 31; Schumacher, 22; Seiler, 33; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Cumulative Supplement, 2012; to provide for partisan ballots at primary

elections for unaffiliated voters; to harmonize provisions; and to repeal the original sections.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 392.** Introduced by Wightman, 36.

WHEREAS, the Cozad High School Haymakers football team won the 2013 Class C-1 State Football Championship; and

WHEREAS, Cozad defeated Ashland-Greenwood High School 47-21 in the championship game at Memorial Stadium in Lincoln; 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 Cozad High School Haymakers football team on winning the 2013 Class C-1 State Football Championship.

2. That a copy of this resolution be sent to the Cozad High School football team and the team's head coach, Brian Cargill.

Laid over.

**LEGISLATIVE RESOLUTION 393CA.** Introduced by Murante, 49; Nelson, 6.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven~~three percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ~~ten~~five percent of such registered voters. ~~In all cases~~For a petition for the enactment of a law, the registered voters signing such petition shall be so distributed as to include three percent of the registered voters of each of two-fifths of the counties of the state. For a petition for the amendment of the Constitution, the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state. When, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition ~~shall have been~~is filed. The same measure, either in form or in

essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the number of signatures required for an initiative petition.

For

Against.

#### **AMENDMENT - Print in Journal**

Senator Watermeier filed the following amendment to LB588:  
AM1576

(Amendments to Standing Committee amendments, AM646)

1. On page 3, line 27, strike "2014" and insert "2015".

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LB751. No objections. So ordered.

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB660. No objections. So ordered.

#### **ADJOURNMENT**

At 11:02 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Friday, January 10, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

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

Legislative Chamber, Lincoln, Nebraska  
Friday, January 10, 2014

**PRAYER**

The prayer was offered by Senator Nelson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senator Smith who was excused; and Senators K. Haar and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB656	General File
LB657	General File
LB658	General File
LB659	General File
LB660	Health and Human Services
LB661	Government, Military and Veterans Affairs
LB662	Government, Military and Veterans Affairs
LB663	Government, Military and Veterans Affairs
LB664	Judiciary
LB665	Health and Human Services
LB666	Appropriations
LB667	Transportation and Telecommunications
LB668	Banking, Commerce and Insurance
LB669	Appropriations
LB670	Revenue
LB671	Natural Resources
LB672	Judiciary
LB673	Agriculture
LB674	Judiciary

LB675 Revenue  
LB676 Government, Military and Veterans Affairs  
LB677 Judiciary  
LB678 Appropriations  
LB679 Urban Affairs  
LB680 General Affairs  
LB681 Revenue  
LB682 Education  
LB683 Natural Resources  
LB684 Banking, Commerce and Insurance  
LB685 Banking, Commerce and Insurance  
LB686 Natural Resources  
LB687 Banking, Commerce and Insurance  
LB688 Banking, Commerce and Insurance  
LB689 Appropriations  
LB690 Health and Human Services  
LB691 Revenue  
LB692 Education  
LB693 Judiciary  
LB694 Judiciary  
LB695 Health and Human Services  
LB696 Health and Human Services  
LB697 Revenue  
LB698 Transportation and Telecommunications  
LB699 Natural Resources  
LB700 Banking, Commerce and Insurance  
LB701 Transportation and Telecommunications  
LB702 Urban Affairs  
LB703 Education  
LB704 Appropriations  
LB705 Health and Human Services  
LB706 Judiciary  
LB707 Judiciary  
LB708 Revenue  
LB709 Revenue  
LB710 Natural Resources  
LB711 Health and Human Services  
LB712 Banking, Commerce and Insurance  
LB713 Nebraska Retirement Systems  
LB714 Banking, Commerce and Insurance  
LB715 Banking, Commerce and Insurance  
LB716 Banking, Commerce and Insurance  
LB717 Banking, Commerce and Insurance  
LB718 Government, Military and Veterans Affairs  
LB719 Government, Military and Veterans Affairs  
LB720 Executive Board  
LB721 Revenue  
LB722 Judiciary  
LB723 Revenue



## LB724      Judiciary

Anselmo, Matthew - Nebraska Commission on Problem Gambling - General Affairs

Bell, Richard R. - Game and Parks Commission - Natural Resources

Blaha, Sherry - State Emergency Response Commission - Government, Military and Veterans Affairs

Bohac, Daryl L. - Adjutant General, Military Department - Government, Military and Veterans Affairs

Books, Ronald - State Highway Commission - Transportation and Telecommunications

Booth, Patrick - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

Bruder, Marla - Nebraska Commission on Problem Gambling - General Affairs

Buckendahl, Chad W. - Technical Advisory Committee for Statewide Assessment - Education

Buescher, Craig D. - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

Buhlke, Brian - Nebraska Rural Health Advisory Commission - Health and Human Services

Canada, Mark - Nebraska Commission on Problem Gambling - General Affairs

Carlson, Joel - Commission of Industrial Relations - Business and Labor

Casmer, Esther - Board of Parole - Judiciary

Conroy, Kim - Tax Commissioner, Department of Revenue - Revenue

Crandall, Trisha - Nebraska Child Abuse Prevention Fund Board - Health and Human Services

Dahab, Mohamed F. - Environmental Quality Council - Natural Resources

Dilsaver, John Edward - Environmental Quality Council - Natural Resources

Dinsdale, Kim West - Nebraska Arts Council - General Affairs

Elliott, Janis N. - Public Employees Retirement Board - Nebraska Retirement Systems

Elsasser, Stanley - State Electrical Board - General Affairs

Fagerland, Jerome - State Highway Commission - Transportation and Telecommunications

Fahleson, Mark - Nebraska State Fair Board - Agriculture

Fattig, Martin - Nebraska Rural Health Advisory Commission - Health and Human Services

Fisher, Darrell E. - Executive Director, Nebraska Commission on Law Enforcement and Criminal Justice - Government, Military and Veterans Affairs

Fisher, Rex - Game and Parks Commission - Natural Resources

Flowers, Shari - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

Frenzen, Galen - Nebraska Ethanol Board - Natural Resources

Goertz, Jessye - Nebraska Rural Health Advisory Commission - Health and Human Services

Goodwin, Robert P. - Nebraska Oil and Gas Conservation Commission - Natural Resources

Green, James "JJ" - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

Grimes, John L. - State Emergency Response Commission - Government, Military and Veterans Affairs

Groene, Michael - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

Gyhra, Laura S. - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

Haase, Chuck D. - Nebraska Power Review Board - Natural Resources

Hain, Jim - Board of Educational Lands and Funds - Education

Hansen, G. Randall "Rand" - Crime Victim's Reparations Committee - Judiciary

Hanus, Mary Beth - Nebraska Child Abuse Prevention Fund Board - Health and Human Services

Harmon, Donald L. - Board of Emergency Medical Services - Health and Human Services

Harwood, Frank - Technical Advisory Committee for Statewide Assessment - Education

Henning, Candy - Nebraska Arts Council - General Affairs

Hiemer, Troy - Board of Emergency Medical Services - Health and Human Services

Hoffman, Edward F. - Nebraska Commission on Problem Gambling - General Affairs

Hoffman, Timothy - Board of Emergency Medical Services - Health and Human Services

Holdsworth, Jerry Duane - Board of Emergency Medical Services - Health and Human Services

Holt, Janelle - Nebraska Commission on Problem Gambling - General Affairs

Johnson, Larry - State Emergency Response Commission - Government, Military and Veterans Affairs

Keegan, Barbara J. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Kenney, Michael L. - Director, Department of Corrections - Government, Military and Veterans Affairs

Kenney, Paul - Nebraska Ethanol Board - Natural Resources

Knoche, Lisa L. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services

Kollmorgen, Kyle - Nebraska Exchange Stakeholder Commission - Banking, Commerce and Insurance

LaFollette, Charles - Board of Emergency Medical Services - Health and Human Services

Laughlin, Mark - Nebraska Arts Council - General Affairs

Leafgreen, Doug - State Highway Commission - Transportation and Telecommunications

Leckband, Paul - Nebraska Commission on Problem Gambling - General Affairs

Litchfield, James - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications

Loudon, Andrew - Nebraska Accountability and Disclosure Commission -  
Government, Military and Veterans Affairs

Lutz, Susan - Nebraska Commission on Problem Gambling - General  
Affairs

Marvin, Melissa - Nebraska Arts Council - General Affairs

Militti, E.J., Jr. - State Highway Commission - Transportation and  
Telecommunications

Mlnarik, Lisa L. - Nebraska Rural Health Advisory Commission - Health  
and Human Services

Moravec, Anthony - State Board of Health - Health and Human Services

Morehouse, Rick - Nebraska Power Review Board - Natural Resources

Morrissey, George - State Electrical Board - General Affairs

Newman, Robert L. - Commission for the Blind and Visually Impaired -  
Health and Human Services

Pecha, Denise - Nebraska Child Abuse Prevention Fund Board - Health and  
Human Services

Pflueger, Paula L. - Nebraska Arts Council - General Affairs

Piskorski, Noah L. - Nebraska Rural Health Advisory Commission - Health  
and Human Services

Rieken, Becky - Commission for the Blind and Visually Impaired - Health  
and Human Services

Robinson, Richard Lee - State Board of Health - Health and Human  
Services

Salansky, Paul L., Jr. - State Board of Health - Health and Human Services

Salmon, Nancy - Tax Equalization and Review Commission - Revenue

Salo, Benjamin - State Emergency Response Commission - Government,  
Military and Veterans Affairs

Scoville, Terry - Nebraska Commission on Problem Gambling - General  
Affairs

Spurgin, Mark - Game and Parks Commission - Natural Resources

Syslo, Mick - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications

Tennity, John - State Board of Health - Health and Human Services

Teutsch, Teresa "Teri" A. - Nebraska Commission on Problem Gambling -  
General Affairs

Thedinger, Britt A. - Nebraska Exchange Stakeholder Commission -  
Banking, Commerce and Insurance

Verzal, Brandon - Nebraska Child Abuse Prevention Fund Board - Health  
and Human Services

Warner, Jeromy Alan - State Board of Health - Health and Human Services

Werner - Robertson, Gail - Nebraska Investment Council - Nebraska  
Retirement Systems

Wistrom, Tim - Nebraska Oil and Gas Conservation Commission - Natural  
Resources

Wootton, Edward - Board of Public Roads Classifications and Standards -  
Transportation and Telecommunications

Wupper, Sherry - Nebraska Exchange Stakeholder Commission - Banking,  
Commerce and Insurance

(Signed) John Wightman, Chairperson  
Executive Board

### **COMMITTEE ON COMMITTEES REPORT**

Senator McCoy offered the following Committee on Committees report:

Senator Crawford has been reassigned to the General Affairs Committee and Urban Affairs Committee.

Senator Murante has been reassigned to the Transportation and Telecommunications Committee.

Senator Garrett has been appointed to the Banking, Commerce and Insurance Committee and Government, Military and Veterans Affairs Committee.

### **MESSAGES FROM THE GOVERNOR**

January 10, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Frederik Ohles, 5000 St. Paul Avenue, Lincoln, NE 68504  
Kenneth Bird, 7303 Western Avenue, Omaha, NE 68114  
J. Richard Shoemaker, 611 Patterson, Cambridge, NE 69022

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 10, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Shane M. Fleming, 3363 Prairie Lane, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 774.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to annual and biennial reports filed with the Secretary of State; to amend sections 13-2525, 21-125, 21-19,172, 21-2923, and 67-456, Reissue Revised Statutes of Nebraska; to provide for the filing of a corrected or amended report; and to repeal the original sections.

**LEGISLATIVE BILL 775.** Introduced by Seiler, 33; Nelson, 6.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1401, 8-1402, and 8-1403, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosure of confidential information; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 776.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 75-392, Reissue Revised Statutes of Nebraska, section 60-336.01, Revised Statutes Cumulative Supplement, 2012, and sections 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, and 75-393, Revised Statutes Supplement, 2013; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking

permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, and the unified carrier registration plan and agreement; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 777.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 32-308, 60-474, 60-484.02, 60-4,119, 60-4,180, and 60-2904, Reissue Revised Statutes of Nebraska, and sections 60-4,115, 60-4,116, 60-4,120, 60-4,122, 60-4,126, and 60-4,150, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change operator's license renewal procedures for persons out of the state; to change and eliminate provisions relating to issuance of duplicate and replacement operators' licenses and state identification cards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 778.** Introduced by Chambers, 11; Ashford, 20.

A BILL FOR AN ACT relating to political subdivisions; to amend section 49-14,103.01, Reissue Revised Statutes of Nebraska, and section 84-1409, Revised Statutes Cumulative Supplement, 2012; to require certain entities to make documents available for public examination as prescribed and comply with statutory provisions regarding conflicts of interest and the Open Meetings Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 779.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1413, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to transfer-of-credit policies; and to repeal the original section.

**LEGISLATIVE BILL 780.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to real property; to amend section 76-214, Revised Statutes Cumulative Supplement, 2012, and section 76-2,126, Revised Statutes Supplement, 2013; to change provisions relating to transfer on death deeds; and to repeal the original sections.

**LEGISLATIVE BILL 781.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1511, Revised Statutes Cumulative Supplement, 2012; to change a date relating to a comprehensive audit; and to repeal the original section.

**LEGISLATIVE BILL 782.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to public health and welfare; to amend

section 71-9104, Revised Statutes Cumulative Supplement, 2012; to require schools to establish a return to learn protocol for students who have sustained a concussion; and to repeal the original section.

**LEGISLATIVE BILL 783.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend sections 13-3107 and 13-3108, Reissue Revised Statutes of Nebraska, and section 13-2709, Revised Statutes Supplement, 2013; to provide for quarterly estimated distributions and for annual reconciliation; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 784.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1601, Reissue Revised Statutes of Nebraska; to change a provision relating to juror disqualification; and to repeal the original section.

**LEGISLATIVE BILL 785.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to provide when acknowledgment is not required; and to repeal the original section.

**LEGISLATIVE BILL 786.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend section 60-2907, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Supplement, 2013; to adopt the Emergency Contact Registry Act; to provide penalties; to change provisions relating to public records; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 787.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2013; to provide an income tax deduction for loan principal payments for graduate degrees as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 788.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Governmental Unit Security Interest Act; to amend sections 10-1101, 10-1102, 10-1103, 10-1104, 10-1105, 10-1106, and 70-1813, Reissue Revised Statutes of Nebraska; to rename the act; to define and redefine terms; to provide for governmental unit bond priority; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 789.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Revised Statutes Supplement, 2013; to state findings; to provide duties for the State Department of Education; to provide for a survey; and to state intent relating to appropriations.

**LEGISLATIVE BILL 790.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to health and human services; to require training for case managers.

**LEGISLATIVE BILL 791.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to cities and villages; to authorize cities of the first and second class and villages to borrow from state-chartered or federally chartered financial institutions as prescribed; and provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 792.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to school funds; to amend section 79-1034, Reissue Revised Statutes of Nebraska; to eliminate a report requirement by the county treasurers to the State Treasurer; and to repeal the original section.

**LEGISLATIVE BILL 793.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-126, Reissue Revised Statutes of Nebraska; to change the definition of wages for certain death benefits; and to repeal the original section.

**LEGISLATIVE BILL 794.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1784, 77-2703, and 77-2708, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the collection of sales and use taxes on credit card and debit card transactions; to change sales and use tax collection fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 795.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,209, Reissue Revised Statutes of Nebraska; to change provisions relating to operator's license reinstatement; and to repeal the original section.



**ANNOUNCEMENT**

The Chair announced today is Senator Crawford's birthday.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 796.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to landlord and tenants; to amend sections 69-2303, 76-1414, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 797.** Introduced by Nelson, 6; Ashford, 20; Avery, 28; Brasch, 16; Campbell, 25; Carlson, 38; Cook, 13; Davis, 43; Dubas, 34; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; Harms, 48; B. Harr, 8; Howard, 9; Johnson, 23; Karpisek, 32; Kolowski, 31; Krist, 10; Lathrop, 12; McGill, 26; Murante, 49; Scheer, 19; Schilz, 47; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1; Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to provide funding for four fountains to be installed at the State Capitol; and to declare an emergency.

**LEGISLATIVE BILL 798.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to public power; to amend section 70-623, Reissue Revised Statutes of Nebraska; to authorize power districts to use fiscal years as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 799.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to insurance; to amend section 44-322, Reissue Revised Statutes of Nebraska; to change a filing requirement; and to repeal the original section.

**LEGISLATIVE BILL 800.** Introduced by Mello, 5; Ashford, 20; Cook, 13; Harms, 48; Nordquist, 7.

A BILL FOR AN ACT relating to the Enterprise Zone Act; to amend sections 13-2103, 13-2105, 13-2109, 13-2112, and 77-5905, Reissue Revised Statutes of Nebraska, sections 58-708 and 81-12,156, Revised Statutes Cumulative Supplement, 2012, and sections 81-1201.21 and 81-12,149, Revised Statutes Supplement, 2013; to provide for designation of enterprise zones; to provide preferences for certain business incentive and grant programs for projects located in enterprise zones; to harmonize

provisions; and to repeal the original sections.

**LEGISLATIVE BILL 801.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-207 and 17-555, Reissue Revised Statutes of Nebraska; to change provisions relating to nuisances; and to repeal the original sections.

**LEGISLATIVE BILL 802.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to building regulations; to amend sections 19-922 and 23-172, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to adopting future amendments; and to repeal the original sections.

**LEGISLATIVE BILL 803.** Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Ashford, 20; Coash, 27; Karpisek, 32; Krist, 10.

A BILL FOR AN ACT relating to cities of the first and second class; to amend sections 16-313 and 17-111, Reissue Revised Statutes of Nebraska; to change provisions relating to mayoral veto power; to provide a time limit for issuance of a veto; to provide duties; to provide certain line-item veto authority; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 804.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to gubernatorial appointments; to amend sections 77-364 and 81-1424, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to filling vacancies and removal of certain appointees; and to repeal the original sections.

**LEGISLATIVE BILL 805.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to Nebraska veterans homes; to amend section 80-316, Revised Statutes Cumulative Supplement, 2012; to change an application requirement; and to repeal the original section.

**LEGISLATIVE BILL 806.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-120, 55-125, and 55-126, Reissue Revised Statutes of Nebraska; to eliminate the position of the chief of staff of the Military Department; to change delegation of duties by the Adjutant General; to provide a salary and leave exception for the deputy adjutant general; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 807.** Introduced by Harms, 48; Ashford, 20; Avery, 28; Conrad, 46; Dubas, 34; Garrett, 3; K. Haar, 21; Kolowski, 31; Krist, 10; McGill, 26; Mello, 5; Nelson, 6; Nordquist, 7; Scheer, 19; Seiler, 33; Sullivan, 41; Wightman, 36.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,120.01, 60-4,123, 60-6,265, 60-6,270, and 79-609, Reissue Revised Statutes of Nebraska, and sections 60-4,124, 60-6,179.01, 60-6,267, and 60-6,268, Revised Statutes Cumulative Supplement, 2012; to change provisional operator's permit restrictions from secondary offenses to primary offenses; to change certain uses of interactive wireless communication devices from secondary offenses to primary offenses as prescribed; to update references to certain federal provisions; to eliminate as a secondary action certain occupant protection system enforcement requirements; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 808.** Introduced by Conrad, 46; Davis, 43; Harms, 48; Seiler, 33; Wightman, 36.

A BILL FOR AN ACT relating to attorneys at law; to amend sections 7-201, 7-202, 7-203, 7-204, 7-206, 7-207, 7-208, and 7-209, Reissue Revised Statutes of Nebraska, section 29-3927, Revised Statutes Cumulative Supplement, 2012, and section 59-1608.04, Revised Statutes Supplement, 2013; to change provisions relating to the Legal Education for Public Service Loan Repayment Act; to define and redefine terms; to provide duties; to transfer funds from the State Settlement Cash Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 809.** Introduced by Coash, 27; B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2012; to exempt purchases made by a historic automobile museum from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 810.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to real estate loans; to change provisions relating to the enforcement and servicing of real estate loans; and to declare an emergency.

**LEGISLATIVE BILL 811.** Introduced by Schilz, 47; Avery, 28; Brasch, 16; Carlson, 38; Coash, 27; Davis, 43; Dubas, 34; K. Haar, 21; Janssen, 15; Kintner, 2; Kolowski, 31; Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-445, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405,

and 28-416, Revised Statutes Supplement, 2013; to change provisions and penalties relating to the Uniform Controlled Substances Act; and to repeal the original sections.

**LEGISLATIVE BILL 812.** Introduced by Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2001 and 77-2002, Reissue Revised Statutes of Nebraska; to terminate the inheritance tax; and to repeal the original sections.

**LEGISLATIVE BILL 813.** Introduced by Hansen, 42; Bloomfield, 17; Brasch, 16; Carlson, 38; Christensen, 44; Davis, 43; Dubas, 34; Johnson, 23; Larson, 40; Nelson, 6; Schilz, 47; Seiler, 33; Watermeier, 1; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-5023, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Cumulative Supplement, 2012; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 814.** Introduced by Avery, 28; Brasch, 16; Carlson, 38; K. Haar, 21; Johnson, 23; Kolowski, 31; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-201 and 77-27,132, Revised Statutes Cumulative Supplement, 2012; to create a fund; to change the distribution of sales and use tax revenue; to provide funding for the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 815.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Banking Act; to amend section 8-162.02, Reissue Revised Statutes of Nebraska; to change provisions relating to fiduciary accounts controlled by a trust department; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 816.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to evidence of insurance; to amend section 60-323, Reissue Revised Statutes of Nebraska, and section 60-301, Revised Statutes Cumulative Supplement, 2012; to provide for evidence of insurance in electronic format; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 817.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to public power districts; to amend section 70-619, Revised Statutes Supplement, 2013; to change provisions relating to

memberships on boards; and to repeal the original section.

**LEGISLATIVE BILL 818.** Introduced by K. Haar, 21; Brasch, 16; Dubas, 34; Kolowski, 31.

A BILL FOR AN ACT relating to electricity; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to net metering; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 819.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to real property; to amend section 76-238.01, Reissue Revised Statutes of Nebraska, and section 76-1002, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to future advances on mortgages or trust deeds as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 820.** Introduced by Davis, 43; Dubas, 34; Hansen, 42; Kolowski, 31; Schilz, 47; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to firefighting; to authorize the Governor on behalf of the state to join an interstate compact for the prevention and control of forest fires; and to provide employment status for certain volunteer firefighters.

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB725	Education
LB726	Government, Military and Veterans Affairs
LB727	Transportation and Telecommunications
LB728	Health and Human Services
LB729	Education
LB730	Judiciary
LB731	Business and Labor
LB732	Health and Human Services
LB733	Revenue
LB734	Banking, Commerce and Insurance
LB735	Banking, Commerce and Insurance
LB736	Transportation and Telecommunications
LB737	Government, Military and Veterans Affairs
LB738	Appropriations
LB739	Revenue
LB740	Education
LB741	Education
LB742	Government, Military and Veterans Affairs

LB743 Government, Military and Veterans Affairs  
 LB744 Government, Military and Veterans Affairs  
 LB745 Government, Military and Veterans Affairs  
 LB746 Government, Military and Veterans Affairs  
 LB747 Government, Military and Veterans Affairs  
 LB748 Judiciary  
 LB749 Banking, Commerce and Insurance  
 LB750 Banking, Commerce and Insurance  
 LB751 Banking, Commerce and Insurance  
 LB752 Judiciary  
 LB753 Banking, Commerce and Insurance  
 LB754 Education  
 LB755 Banking, Commerce and Insurance  
 LB756 Transportation and Telecommunications  
 LB757 Transportation and Telecommunications  
 LB758 Transportation and Telecommunications  
 LB759 Nebraska Retirement Systems  
 LB760 Revenue  
 LB761 Revenue  
 LB762 Natural Resources  
 LB763 Executive Board  
 LB764 Appropriations  
 LB765 Business and Labor  
 LB766 Government, Military and Veterans Affairs  
 LB767 Natural Resources  
 LB768 Agriculture  
 LB769 Judiciary  
 LB770 Judiciary  
 LB771 General Affairs  
 LB772 Government, Military and Veterans Affairs  
 LB773 Government, Military and Veterans Affairs  
 LR393CA Government, Military and Veterans Affairs

Fisher, Darrell E. - Executive Director - Nebraska Commission on Law  
 Enforcement and Criminal Justice - Judiciary (rereferred)  
 Kenney, Michael L. - Director - Department of Corrections - Judiciary  
 (rereferred)

(Signed) John Wightman, Chairperson  
 Executive Board

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 394.** Introduced by Schumacher, 22.

WHEREAS, Genevieve "Jennie" Robak first qualified for election to the  
 Nebraska Legislature in 1988 as a write-in candidate, winning the general  
 election and ultimately serving the 22nd District proudly as a state senator  
 for 14 years; and

WHEREAS, while in the Legislature, Jennie actively served her district and the state and took every constituent concern seriously, working tirelessly until she found a solution for every constituent issue whether large or small; and

WHEREAS, Jennie was a zealous advocate for the poor, the mentally ill, and those less fortunate and championed legislation to protect stalking victims and to promote mental health parity; and

WHEREAS, Jennie was proud of her votes to support research that could provide life-saving cures for the many people suffering and in pain; and

WHEREAS, although Jennie was a strong Democrat, she worked across party lines with many of her Republican colleagues and even supported the election of some Republican candidates; and

WHEREAS, Jennie was a ball of energy, unpredictable, impulsive, and refreshingly candid in her opinions; and

WHEREAS, Jennie Robak passed away on January 3, 2014.

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 former State Senator Jennie Robak, and recognizes Jennie's dedicated years of service to the state and her community.

2. That a copy of this resolution be sent to the family of Jennie Robak.

Laid over.

**LEGISLATIVE RESOLUTION 395.** Introduced by Brasch, 16; Avery, 28; Bloomfield, 17; Carlson, 38; Coash, 27; Crawford, 45; Garrett, 3; Hadley, 37; Hansen, 42; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Nelson, 6; Pirsch, 4; Schilz, 47; Seiler, 33; Wallman, 30.

WHEREAS, on February 10, 1954, Senator Homer Ferguson of Michigan introduced a bill in the United States Congress to amend the United States Pledge of Allegiance by adding the words "under God" to the text of the pledge; and

WHEREAS, Senator Ferguson chose this date to recognize the fifth anniversary of the imprisonment of Cardinal Joseph Mindszenty of Hungary who was imprisoned and tortured by communists for his sermons exposing the goal of communism to eradicate all religion; and

WHEREAS, members of both political parties delivered speeches in Congress to honor Cardinal Mindszenty and to emphasize the threat posed to America; and

WHEREAS, upon introduction of the bill, Senator Ferguson believed the amendment was important and commented, "Our nation is founded on a fundamental belief in God, and the first and most important reason for the existence of our government is to protect the God-given rights of our citizens. Spiritual values are every bit as important to the defense and safety of our nation as are military and economic values"; and

WHEREAS, the vote to add "under God" to the Pledge of Allegiance was a unanimous vote; and

WHEREAS, on February 7, 1954, President Dwight D. Eisenhower became convinced that adding the words "under God" to the Pledge of Allegiance would be the right thing to do after hearing Reverend George Docherty preach that the phrase "nation under God" was first used in the Gettysburg Address and was appropriate to be added to the Pledge of Allegiance because freedom is defined by a fundamental belief in God; and

WHEREAS, the amended Pledge of Allegiance was recited for the first time on Flag Day, June 14, 1954; and

WHEREAS, the Legislature recognizes and honors important dates which strengthen the ties of history that bind us to our Christian heritage.

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

1. That the Legislature recognizes February 10, 2014, as the 60th anniversary of the addition of the words "under God" to the United States Pledge of Allegiance.

2. That the Legislature further recognizes the significant role of the Pledge of Allegiance in American history.

Laid over.

#### **AMENDMENT - Print in Journal**

Senator Krist filed the following amendment to LB13:  
AM1604 is available in the Bill Room.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Wallman asked unanimous consent to add his name as cointroducer to LB703. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB660, LB661, LB718, LB719, and LB720. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB740. No objections. So ordered.

#### **VISITOR**

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

#### **ADJOURNMENT**

At 11:05 a.m., on a motion by Senator Kintner, the Legislature adjourned until 10:00 a.m., Monday, January 13, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTH DAY - JANUARY 13, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 13, 2014

**PRAYER**

The prayer was offered by Senator Wightman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

Let it be noted and read into the record that the following rules were adopted by the Rules Committee with a unanimous vote on January 10, 2014:

**Rule 3, Sec. 5. Special Committees.**

(c) The following special provisions shall be in force with regard to the following special committees:

~~(i) Intergovernmental Cooperation Committee.~~

~~In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.~~

~~(ii)~~ (i) The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 14.

(iii) (ii) The Legislative Performance Audit Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 14. In order to protect confidential information pertaining to a potential or actual performance audit, the committee may, by a majority vote of all its members, determine that a meeting in which confidential information will be discussed should not be open to the public, including members of the news media. Such meeting shall be reconvened in open session before any formal action may be taken.

**Rule 3, Sec. 11. Conduct During Committee Hearings.**

(a) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee, unless allowed by the committee chairperson.

**Rule 3, Sec. 20. Request From Committee, Bills Held.**

(c) Any amendment, other than a committee amendment, offered which is substantially the same as a pending bill shall require a three-fifths vote of the elected members if offered within ten calendar days of the committee hearing prior to the public hearing or ten days after the public hearing.

Let it be noted and read into the record that the following rules were adopted by the Rules Committee with a vote of 4 Yea, 0 Nay, and 1 abstention on January 10, 2014:

**Rule 3, Sec. 4. Select Committees.**

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, ~~the Vice Chairperson of the Judiciary Committee~~ the Chairperson shall select from the membership of the Legislature one or more Vice Chairpersons to shall assume the duties of the Chairperson of the Enrollment and Review Committee.

All other proposed changes were disregarded by the committee.

**COMMITTEE REPORT**

Revenue

**LEGISLATIVE BILL 488.** Placed on General File.

(Signed) Galen Hadley, Chairperson

**NOTICE OF COMMITTEE HEARING**

Nebraska Retirement Systems

Room 1525

Wednesday, January 22, 2014 12:00 p.m.

LB713

LB759

(Signed) Jeremy Nordquist, Chairperson

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR395 was referred to the Reference Committee.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 12, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Adair, Peggy  
League of Women Voters of Nebraska  
Adams, Don  
Nebraskans First, Inc.  
Adams, John H.  
International Gamco, Inc.  
Aerts, Anthony M.  
Nebraska Farm Bureau Federation  
Alston, Garth R.  
Altria Client Services Inc. and its Affiliates  
Amack, Angela K.  
Center for People in Need  
Grand Island Public Schools  
International Brotherhood of Electrical Workers (IBEW)  
Nebraska Professional Fire Fighters Association (NPPFA)  
American Communications Group, Inc.  
American Cancer Society Cancer Action Network  
American Heart Association  
Autism Speaks  
Big Red Keno aka EHPV Lottery Services, LLC  
Center for Rural Affairs  
CoOpportunity Health  
Empyrean Brewing Company

Friends of Public Health in Nebraska  
Goodwill Association of Iowa/Nebraska  
Health Center Association of Nebraska  
Midwest Housing Equity Group  
Nebraska Academy of Physician Assistants  
Nebraska Association of Behavioral Health Organizations  
Nebraska Association of Public Employees NAPE/AFSCME Local 61  
Nebraska Board of Engineers and Architects  
Nebraska Chapter of the American Physical Therapy Association  
Nebraska Child Healthcare Alliance  
Nebraska Emergency Medical Services Association  
Nebraska Psychological Association  
Nebraska Society for Respiratory Care  
Nebraska Speech-Language-Hearing Association (NSLHA)  
Regions I, II and V  
Research Nebraska!  
Teamsters Local Union 554  
Wind Coalition, The  
YMCA's of Nebraska  
Andersen, Robert C.  
Nebraska Cooperative Council  
Anderson, Kristen  
Nebraska Realtors Association  
Anderson, Robert L.  
Anderson Management Services, Inc.  
Nebraska Agri-Business Association  
Anderson, Stacy  
Nebraskans Against the Death Penalty  
Anderson, Tim W.  
Central Nebraska Public Power and Irrigation  
Baack, Dennis G.  
Nebraska Community College Association  
Badeer, Debra A.  
Nebraska Christian Home Educators Association  
Baier, Richard J.  
Nebraska Chamber of Commerce & Industry  
Bailey, Jon  
Center for Rural Affairs  
Barefoot, Linda  
Purdue Pharma LP  
Barrett, John R.  
Great Plains Communications, Inc.  
Barrett, Nicole  
First Five Nebraska  
Bartee, Robert D.  
University of Nebraska  
Beal, Christopher  
Otsuka America Pharmaceutical Inc.

Beattie, George  
Nebraska Bankers Association

Becker, Jill  
Black Hills Energy

Becker, Timothy A.  
Heartland Strategy Group, LLC

Beermann, Allen J.  
Nebraska Press Association

Belka, Matt  
Nebraska Association of School Boards

Bell, David  
Loup River Public Power District

Benjamin, Melody  
Nebraska Cattlemen, Inc.

Benjamin, Shauna  
Planned Parenthood of the Heartland

Blomstedt, Matthew L.  
Educational Service Unit Coordinating Council

Boddy, Heath  
Nebraska Health Care Association, Inc.

Boesch, Elizabeth L.  
Nebraska Public Power District

Boever, Matthew  
Home Instead, Inc.

Bohrer, Bruce J.  
Lincoln Chamber of Commerce

Bonaiuto, John A.  
Nebraska Association of School Boards  
Nebraska Council of School Administrators

Borgeson, Robert A.  
United Transportation Union

Bowen, Steven S.  
Nebraska Occupational Therapy Association

Bowling, Karen  
Nebraska Family Alliance

Boyer, Wendy  
Greater Omaha Chamber

Brady, Justin J.  
Radcliffe, Walter H. of Radcliffe and Associates

Brandt, Horan, Hallstrom and Stilmock  
National Federation of Independent Business  
Nebraska Bankers Association  
Nebraska Bankers Insurance and Services Company (NBISCO)  
Nebraska Fire Chiefs' Association  
Nebraska Pharmacists Association  
Nebraska State Volunteer Firefighters' Association  
Nebraskans for Workers' Compensation Equity and Fairness  
NetWorks, Inc.

Brenner, Becki  
ACLU Nebraska

Bromm, Curt/Bromm & Associates  
Aflac  
Nebraska Cable Communications Association  
Springfield Platteview Community Schools  
Verizon Communications, Inc.

Bromm, Jason  
Bromm, Curt/Bromm & Associates

Brown, Jill  
University of Nebraska

Brown, Michael V.  
ABATE of Nebraska, Inc.

Bruning, Deonne  
U.S. Cellular  
Windstream Communications

Buell, Hannah  
Nebraska Family Alliance

Buettner, Jeffrey J.  
Central Nebraska Public Power and Irrigation

Bydalek, Dave  
Nebraska Family Alliance

Byers, Thomas L.  
Magellan Midstream Partners

Cale, Grant  
Bristol-Myers Squibb Co.

Cannon, Patricia  
Novartis Vaccines and Diagnostics

Carritt, Nicole  
Project Extra Mile

Carstenson, Eric B.  
Nebraska Telecommunications Association

Carter, Jennifer  
Nebraska Appleseed

Cavanaugh Law Firm, P.C., L.L.O.  
Explore Information Services  
Independent Insurance Agents of Nebraska

Cavanaugh, James P.  
Cavanaugh Law Firm, P.C., L.L.O.

Chaffee, Meghan  
Nebraska Hospital Association

Cheloha, John A. "Jack"  
City of Omaha

Chittenden, Michael  
Arc of Nebraska, The

Cover, Joni  
Nebraska Pharmacists Association

Cress, Milo  
ABATE of Nebraska, Inc.

Cunningham, Douglas  
Affiliated Foods Midwest

Cunningham, James R.  
Nebraska Catholic Conference

Cutshall & Nowka  
Anheuser-Busch Companies  
Bryan Health  
Digital Gaming Solutions, Inc.  
Elkhorn Public Schools  
Metropolitan Utilities District  
National Multiple Sclerosis Society  
Nebraska Academy of Family Physicians  
Nebraska Academy of Nutrition and Dietetics  
Nebraska Association of Area Agencies on Aging  
Nebraska Association of County Officials  
Nebraska Association of Home and Community Health Agencies  
(NAHCHA)  
Nebraska Association of Resources Districts  
Nebraska County Attorneys Association  
Nebraska Funeral Directors Association  
Nebraska Pork Producers Association  
Nebraska Poultry Industries, Inc.  
Nebraska Public Power District  
Nebraska Rural Community Schools Association  
Nebraska Sheriffs' Association  
Nebraska Society of Radiologic Technologists  
Nebraska State College System  
Nebraska Water Coalition  
NET Foundation for Television  
Pfizer, Inc.  
Southern Public Power District  
Union Pacific Railroad  
US Assets

Daley, Frank (test account)  
Accountability and Disclosure (Withdrawn 01/06/2014)

Davis, Jeffrey N.  
Burlington Northern Sante Fe (BNSF) Railway Company

Dibbern, Chris  
Nebraska Municipal Power Pool

Dittmer, Judy  
AARP Nebraska

Dix, Larry J.  
Nebraska Association of County Officials

Dobler, James B.  
Nebraska Insurance Information Service  
Professional Insurance Agents of Nebraska

Dudley, William H.  
Aflac

Dukesherer, James  
Nebraska Rural Electric Association

Dulaney, Michael S.  
Nebraska Council of School Administrators

Dunning, Eric  
Blue Cross and Blue Shield of Nebraska

Edson, Dean E.  
Nebraska Association of Resources Districts

Edwards, Jon  
Cutshall & Nowka

Egr, James M.  
Nebraska State Volunteer Firefighters' Association

Eppler, Robert  
AARP Nebraska

Erb, Matthew  
Lincoln Education Association

Erickson, Julie S.  
American Communications, Inc.

Ernst, Dan E.  
Nebraska Council of School Administrators

Faustman, Nick  
Licensed Practical Nurse Association of Nebraska (LPNAN)  
Nebraska Health Care Association, Inc.

Ferrell, Beth Bazyn  
Nebraska Association of County Officials

Field, Laura  
Nebraska Cattlemen, Inc.

Forbes, Jarrod  
United Healthcare Services, Inc. & Affiliates

Forrest, Sarah  
Voices for Children in Nebraska

Fraizer, Theodore D. (Tad)  
American Insurance Association  
Mutual of Omaha  
Udowntowners, Inc. (d.b.a. GOLincolnGO)

Freeman, Clayton  
Alzheimer's Association Midlands Chapter

Freeman, Jessica  
Nebraska Friends of Midwives

Frohman, Ann M.  
Nebraska Medical Association

Fry, Renee  
OpenSky Policy Institute

Gage, Suzanne  
Americans United for Life Action

Gavin, Lawrence Geis  
Common Cause National

Gay, Tim  
Husch Blackwell LLP



Gerrard, Eric  
American Communications, Inc.

Gilbertson, Korby M.  
Nebraska Wildlife Protectors Association, Inc./Wildlife Crimestoppers  
Radcliffe, Walter H. of Radcliffe and Associates

Goettemoeller, Jennifer M.  
First Five Nebraska

Gokie, Mark T.  
Farmers Mutual of Nebraska

Goldberg, Jordan  
National Institute For Reproductive Health

Gottschalk, Kristen  
Nebraska Rural Electric Association

Gould, John 'Jack'  
Common Cause National  
Common Cause Nebraska

Grasz, Steve  
Husch Blackwell LLP

Habben, Jon  
Nebraska Rural Community Schools Association

Hack, Mace A.  
Nature Conservancy, The

Haggerty, Patrick  
CenturyLink

Hallstrom, Robert J.  
Brandt, Horan, Hallstrom and Stilmock

Hansen, John K.  
Nebraska Farmers Union

Harris, Nance  
Nebraska Trucking Association

Hartmann, William  
Nebraska One-Call Notification Center

Harvey, William F.  
Big Red Keno aka EHPV Lottery Services, LLC  
Vigilnet America LLC

Hasebrook, Kristen  
Nebraska Cattlemen, Inc.

Haubensak, Richard  
Exelon Generation Company, LLC

Hayes, Jason W.  
Nebraska State Education Association

Heartland Strategy Group, LLC  
Bennington Public Schools  
Community Alliance, Inc.  
Consumer Electronics Association  
Lamar Outdoor Advertising Company  
Nebraska Collectors Association  
Nebraska Credit Union League  
Nebraska School Activities Association

Herzog, Frank  
AARP Nebraska

Higgins, Shirley  
Nebraska Public Power District

Hinds, Carolyn C.  
AARP Nebraska

Holmquist, David  
American Cancer Society Cancer Action Network

Husch Blackwell, LLP  
Ash Grove Cement Company  
Blue Cross and Blue Shield of Nebraska  
Home Instead, Inc.  
Invenergy LLC  
KVC Health Systems, Inc.  
Mills Consulting, Inc.  
Nebraska Chiropractic Physicians Association  
Nebraska Indoor Tanning Association  
NextEra Energy Resources, LLC  
Papillion - La Vista School District  
Papio-Missouri River Natural Resources District  
Pharmaceutical Technologies, Inc.  
Sarpy County Board of Commissioners  
Waste Management, Inc.

Intermill, Mark  
AARP Nebraska

Irsik, Ryan  
Wal-Mart Stores, Inc.

Jarecke, David A.  
Nebraska Rural Electric Association

Jeffers, Thomas E.  
Nebraska Cooperative Council

Jensen Rogert Associates, Inc.  
ABATE of Nebraska, Inc.  
Altria Client Services Inc. and its Affiliates  
Children's Respite Care Center  
Eli Lilly and Company  
Exeter Group, Inc.  
Fremont Public Schools  
Industrial Energy Users of Nebraska  
LeadingAge Nebraska  
Learning Community of Douglas and Sarpy Counties  
Magellan Health Services  
Mosaic  
National Rifle Association  
Nebraska Association of Nurse Anesthetists  
Nebraska Dental Hygienists' Association  
Nebraska Intellectual Disabilities Services Providers  
Nebraska Optometric Association  
Nebraska Podiatric Medical Association

Statewide Property Owners' Association  
Jensen, Ronald L.  
Jensen Rogert Associates, Inc.  
Johnson, Larry  
Nebraska Trucking Association  
Johnson, Mary A.  
Mueller Robak, LLC  
Jorgens, Gary J., Jr.  
ABATE of Nebraska, Inc.  
Karl, Jamie  
Nebraska Chamber of Commerce & Industry  
Karnes, David K.  
Big Red Keno aka EHPV Lottery Services, LLC  
Vigilnet America LLC  
Kay, Sara A.  
American Institute of Architects - AIA Nebraska  
Keigher & Associates, LLC  
Credit Management Services  
Iowa-Nebraska Equipment Dealers Association  
Luxottica Retail North America (formerly LensCrafters )  
MillerCoors, LLC  
National Guard Association of Nebraska  
Nebraska AirBoat Association  
Nebraska Aviation Trade Association  
Nebraska Community College Association  
Nebraska Land Improvement Contractors Association  
Professional Towers Association of Nebraska  
Keigher, Timothy P.  
Keigher & Associates, LLC  
Nebraska Petroleum Marketers & Convenience Store Association  
Kelley & Jerram, PC, LLO  
Daily Record, The  
Douglas County, Nebraska  
Eastern Nebraska Human Services Agency  
Elevator Industry Work Preservation Fund  
Johnson Brothers of Nebraska  
Nebraska Coalition for Capital  
Nebraska State Lodge of the Fraternal Order of Police  
Omaha Exposition and Racing, Inc.  
Westside Community Schools  
Kelley Governmental Relations  
Creighton University  
Metro Area Transit - OMETRO  
Omaha Airport Authority  
Kelley, Michael A.  
Kelley & Jerram, PC, LLO  
Kelley Governmental Relations  
Kelley, Sean  
& Jerram, PC, LLO

Kelley Governmental Relations  
Kennedy, Barry L.  
Nebraska Chamber of Commerce & Industry  
Kenny, Timothy R.  
Nebraska Investment Finance Authority  
Kevil, G. Bruce  
Associated Builders and Contractors, Inc.  
Kilgarin, Karen  
Nebraska State Education Association  
Kirkpatrick, Jeffery R.  
City of Lincoln  
Kissel, Gordon  
Kissel/E&S Associates, LLC  
Kissel/E&S Associates, LLC  
Aksamit Resource Management  
Alliance of Health Care Sharing Ministries  
American Petroleum Institute  
AmeriHealth Caritas  
Associated Beverage Distributors of Nebraska  
Boys & Girls Clubs of Nebraska  
Burlington Northern Sante Fe (BNSF) Railway Company  
Erickson & Sederstrom, PC  
Heartland Strategy Group, LLC  
Kaplan Higher Education in Nebraska  
Lancaster County Board of Commissioners  
March of Dimes  
Metropolitan Area Planning Agency  
Nebraska Association of Regional Administrators  
Nebraska CASA Association  
Nebraska Cooperative Council  
Nebraska County Court Association  
Nebraska Golf Alliance  
Nebraska Municipal Power Pool  
Nebraska Society of Professional Engineers  
Professional Engineers Coalition  
Ralston Public School District  
Telecare Corporation  
TransCanada Corporation  
United Cities of Sarpy County  
West Corporation  
Klingler, Timoree F.  
Nebraska Hospital Association  
Kohout, Joseph D.  
Kissel/E&S Associates, LLC  
Kolterman, Jessica A.  
Nebraska Farm Bureau Federation  
Kopperud, Anna  
National Rifle Association

Krannawitter, Brian  
American Heart Association

Krumland, Gary G.  
League of Nebraska Municipalities

Kulesher Jarecke, Kate  
Novartis Pharmaceuticals Corporation

Kuzelka, Robert D.  
ProRail Nebraska, Inc.

Lamon, Steve  
AARP Nebraska

Landwehr, Susan M.  
Eli Lilly and Company

Lange, Robert G.  
Ameritas Life Insurance Corporation

Larsen, Mary  
March of Dimes

Levy, David C.  
Bluestem, LLC  
Commerce Bank  
Edison Mission Energy  
Immanuel Retirement Communities

Licht, Alice L.  
Anderson Management Services, Inc.  
Automotive Recycling Industry of Nebraska  
Nebraska Agri-Business Association  
Nebraska Auctioneers Association  
Nebraska Hotel & Motel Association, Inc.  
Nebraska State Pest Control Association

Licht, Andrew W.  
Anderson Management Services, Inc.

Likes, Steven C.  
Nebraska Investment Finance Authority

Lindsay, John C.  
O'Hara Lindsay & Associates, Inc.

Litt, Matthew J.  
Americans for Prosperity

Loeffler, Michael T.  
Northern Natural Gas

Logsdon, Robert R.  
Cox Communications

Lombardi, Richard A.  
American Communications, Inc.

Loontjer, Pat  
Gambling with the Good Life

Lostroh, David L.  
Nebraska Christian Home Educators Association

Luebbe, Lori  
Nebraska Soybean Association

Luetkenhaus, Brandon  
Nebraska Credit Union League

Lyons, Liz  
Children's Hospital & Medical Center

Mach, Coby  
Lincoln Independent Business Association (LIBA)

Mack, Michelle D.  
Express Scripts Holding Co.

Mahlman, Dale  
Nebraska Medical Association

Mallett, Rochelle A.  
O'Hara Lindsay & Associates, Inc.

Mancuso, Aubrey  
Voices for Children in Nebraska

Martinez, Larry M.  
GlaxoSmithKline

Marvin, Michael  
Nebraska Association of Public Employees NAPE/AFSCME Local 61

McBride, David S.  
National Association of Insurance and Financial Advisors (NAIFA)  
Nebraska Optometric Association

McClure, Jeanne L.  
Alegent Creighton Health

McClure, John C.  
Nebraska Public Power District

McClymont, Pete  
Nebraska Cattlemen, Inc.

McCullough, Jacqueline K.  
American Council of Engineering Companies/Nebraska  
Nebraska County Attorneys Association

McDonald, Vickie  
NE Association of Former State Legislators

McGuire, Mark D.  
Cameco Resources

McKenzie, Janis M.  
Nebraska Insurance Federation

McLarty, Brianna  
Nebraskans for Civic Reform

Menzel, Elaine  
Nebraska Association of County Officials

Meurrens, Bradley  
Disability Rights Nebraska (formerly Neb. Advocacy Services, Inc.)

Meyer, Les  
American Life and Security

Meyer, Patricia  
American Life and Security

Mikkelsen, Brian  
Nebraska State Education Association

Miller, Amy A.  
ACLU Nebraska

Mills, Jack D.  
Nebraska Intergovernmental Risk Management Association

Mines, Mick  
3M  
Cameco Resources  
Cargill  
Diageo North America, Inc.  
Johnson & Johnson  
Mark Anthony Brands  
National Association of Insurance and Financial Advisors (NAIFA)  
Nebraska Corn Growers Association  
Nebraska Humane Society  
Papio Valley Preservation Association, Inc.  
Syngenta

Mischo, Craig  
Bayer Corporation

Moeller, Rodney  
Nebraska Firearms Owners Association (NFOA)

Morfeld, Adam  
Nebraskans for Civic Reform

Moylan, James H.  
Nebraska Licensed Beverage Association  
RAI Services Co. (Reynolds American Inc.)

Mueller Robak  
American Express Travel Related Services, Inc.  
Associated General Contractors of America, Nebraska Chapter  
Association of Independent Colleges and Universities of Nebraska  
(AICUN)  
AT&T, Inc.  
Better Nebraska Association  
Bio Nebraska Life Sciences Association  
Chief Industries, Inc.  
Children and Family Coalition of Nebraska  
Copic Companies  
Ducks Unlimited, Inc.  
Duncan Aviation, Inc.  
Eastern Nebraska Development Council  
eBay, Inc.  
First Data Corporation  
Goff Public for Polaris Industries  
Heartland Community Bankers Association  
Human Rights Campaign  
Lincoln Airport Authority  
M+R Strategic Services  
Madonna Rehabilitation Hospital  
Millard Public Schools  
National Shooting Sports Foundation, Inc.

Nebraska Academy of Eye Physicians and Surgeons  
Nebraska Association of Airport Officials  
Nebraska Association of Commercial Property Owners  
Nebraska Court Reporters Association  
Nebraska Dental Association  
Nebraska Dermatology Society  
Nebraska District Court Judges Association  
Nebraska Interactive  
Nebraska Land Title Association  
Nebraska Methodist Health Systems  
Nebraska Press Association  
Nebraska Society of Independent Accountants  
Nebraska State Bar Association  
Nebraska Veterinary Medical Association  
Pharmaceutical Research and Manufacturers of America  
State Troopers Association of Nebraska, Inc.  
United Services Automobile Association  
Viaero Wireless  
Mueller, William J.  
    Mueller Robak, LLC  
Murphy, Jeremy P.  
    Nebraska Catholic Conference  
Nathan, Robbie  
    AARP Nebraska  
Neal, John  
    Lincoln Public Schools  
Neeman, Gary  
    ABATE of Nebraska, Inc.  
Nelson, Stephen D.  
    Nebraska Farm Bureau Federation  
Neville, Brennan S.  
    National Indemnity Company  
Nickerson, Jocelyn S.  
    Humane Society of the United States, The  
Nielsen, Coleen J.  
    Express Scripts Holding Co.  
    Merck Sharp and Dohme Corp.  
    Nebraska Criminal Defense Attorneys Association  
    Nebraska Insurance Information Service  
    Nebraska State Athletic Trainers Association  
    State Farm Insurance Companies  
Nolan, Michael J.  
    League of Nebraska Municipalities  
Nowka, Trent  
    Cutshall & Nowka  
O'Brien, Kelli Erin  
    Union Pacific Railroad  
O'Hara Lindsay & Associates, Inc.  
    Alliance of Automobile Manufacturers



Alter Trading Corporation  
Black Hills Energy  
Blue Cross and Blue Shield of Nebraska  
City of Hastings  
City of Lexington  
City of Lincoln  
First National of Nebraska, Inc.  
Motorola Solutions, Inc.  
National Association of Housing and Redevelopment Officials, Nebraska  
Chapter  
Nebraska Association of Independent Ambulatory Centers  
Nebraska Association of Trial Attorneys  
Nebraska Beverage Association  
Nebraska County Judges Association  
Nebraska Nurses Association  
Nebraska Rural Broadband Coalition  
Nebraskans Against the Death Penalty  
Northern Natural Gas  
Nucor Corporation  
Omaha Public Power District  
Omaha Public Schools  
SourceGas Distribution, LLC  
Teradata  
Valmont Industries, Inc.  
Vandelay Investments, LLC  
Winnebago Tribe of Nebraska  
O'Neill, Thomas, Jr.  
Association of Independent Colleges and Universities of Nebraska  
(AICUN)  
Orton, Leroy W.  
Nebraska Onsite Waste Water Association  
Nebraska State Irrigation Association  
Nebraska Well Drillers Association  
Othmer, Mark F.  
Iowa-Nebraska Equipment Dealers Association  
Otto, James A.  
Nebraska Restaurant Association  
Nebraska Retail Federation  
Owen, Erin  
University of Nebraska  
Pack, Mary M.  
Radcliffe, Walter H. of Radcliffe and Associates  
Paden, Nicholas K.  
Cambridge Telephone Company  
Consolidated Telephone Company  
Great Plains Communications, Inc.  
Hamilton Telecommunications  
Hartelco  
Hershey Coop Telephone Co.

HunTel, Inc. dba American Broadband Neb., Inc.  
K & M Telephone Company  
LifeSafer, Inc.  
Nebraska Broadband Coalition  
Nebraska Central Telephone Company  
Northeast Nebraska Telephone Co.  
Stanton Telecom, Inc.  
Three River Telco  
Parker, David R.  
Great West Casualty Company  
Parr, Ann L.  
Farmers Mutual of Nebraska  
Partington, Jim  
Nebraska Restaurant Association  
Passarelli, Angelo D.  
Millard Public Schools  
Pearce, Denise K.  
City of Lincoln  
Peetz & Company  
Advocates for Behavioral Health  
Alegent Creighton Health  
Children's Hospital & Medical Center  
Coventry Health Care, an Aetna Company  
Cox Communications  
First Five Nebraska  
Kiewit Corporation  
Metropolitan Entertainment & Convention Authority  
Microsoft Corporation  
Nebraska Nurse Practitioners  
North Platte Valley Water Association  
Tenaska  
TradeWind Energy  
Yahoo, Inc.  
Peetz, Natalie  
Peetz & Company  
Peters, William E.  
Burlington Northern Sante Fe (BNSF) Railway Company  
Cigar Association of America, Inc.  
Peterson, Alan E.  
ACLU Nebraska  
Peterson, Patricia Schuett  
Nebraska Investment Finance Authority  
Petsch, Jean  
Associated General Contractors - Nebraska Building Chapter  
Pfeifer, Pat  
Nebraska State Legislative Board - Brotherhood of Locomotive Eng  
Pierson, Darwin R.  
Nebraska Independent Oil & Gas Association

Plucker, Julia  
Heartland Strategy Group, LLC

Pollock, Andy  
DirecTV  
DISH Network LLC  
Nebraska Defense Counsel Association  
Nebraska Energy Export Association  
Nebraska Rural Telecommunications Coalition  
Nebraska Transportation Association  
Nebraska Travel Association (NETA)  
NorthWestern Energy  
Pillen Family Farms (formerly Progressive Swine Technologies)  
United Healthcare Services, Inc. & Affiliates  
Waste Connections of Nebraska, Inc.

Popken, Kent  
CenturyLink

Post, Ann  
Lincoln Independent Business Association (LIBA)

Prenda, Amy  
Nebraska Cable Communications Association  
Nebraska Sheriffs' Association  
Nebraska Water Resources Association

Propes, Margaret  
Sunovion Pharmaceuticals Inc.

Ptacek, Patrick J.  
Schmit Industries, Inc.

Quick, Kim A.  
Nebraska Change to Win Coalition % Teamsters Local 554

Radcliffe, Walter H. of Radcliffe and Associates  
Advance America c/o MultiState Associates, Inc. (formerly Community  
Financial Services of America - CFSA)  
Altria Client Services Inc. and its Affiliates  
Bellevue Public Schools  
Enterprise Rent-A-Car  
Father Flanagan's Boys' Home aka Boys Town  
Father Flanagan's Boys' Home dba Boys Town National Research  
Hospital  
Friends of Nebraska Parks  
Friends of the Nebraska 150 Sesquicentennial dba: Nebraska 150  
Committee  
HBAL/MOBA Coalition  
Ho-Chuck, Inc.  
Hy-Vee  
League of Nebraska Municipalities  
Lincoln Public Schools  
Media of Nebraska, Inc.  
Metropolitan Community College  
Motion Picture Association of America  
National Council on Compensation Insurance (NCCI)  
Nebraska Association of Health Underwriters (NAHU)

Nebraska Broadcasters Association  
Nebraska Cable Communications Association  
Nebraska Cultural Endowment (formerly NE Arts Action Fund)  
Nebraska Expressways for Economic Development (NEED)  
Nebraska Health Care Association, Inc.  
Nebraska Liquor Wholesalers  
Nebraska Optometric Association  
Nebraska Pyrotechnics Association  
Nebraska Realtors Association  
Nebraska Society of Certified Public Accountants  
Nebraska State Cemetery Association  
Nebraska State Fair Board  
Nebraska Telecommunications Association  
Peterson, Alan E.  
Pinnacle Bank  
Property Casualty Insurers Association of America  
Sanofi Pasteur c/o MultiState Associates Inc.  
Speedway Motors, Inc.  
Tyson Foods, Inc.  
University of Nebraska  
Ramaekers, Larry  
Adams Central Public Schools  
Grand Island Northwest Public Schools  
Lakeview Community Schools  
Reandean, Noah  
Mylan Inc.  
Redoutey, Laura J.  
Nebraska Hospital Association  
Reiman, Charlene  
SourceGas Distribution, LLC  
Reiser, Richard S.  
Werner Enterprises, Inc. and Subsidiaries  
Rempe, Jay E.  
Nebraska Farm Bureau Federation  
Renner, Shawn D.  
Media of Nebraska, Inc.  
Rex, L. Lynn  
League of Nebraska Municipalities  
Richards, Thomas  
Omaha Public Power District  
Rieker, Bruce R.  
Nebraska Hospital Association  
Riley, Christopher T.  
Archer Daniels Midland Company  
Riskowski, Al  
Nebraska Family Alliance  
Robak, Kim M.  
Mueller Robak, LLC

Rogert, Kent  
Jensen Rogert Associates, Inc.

Root, David  
Prime Therapeutics, LLC

Roque, Matthew  
ProRail Nebraska, Inc.

Rubin, Barry R.  
Heartland Strategy Group, LLC

Sahling-Zart, Shelley R.  
Lincoln Electric System

Sanford, Robert A.  
Nebraska Domestic Violence Sexual Assault Coalition

Sankey, Harvey  
Printing Industry Midwest (PIM)

Sanne, Richard D.  
Nebraska Grain and Feed Association

Schaefer, Matthew T.  
Mueller Robak, LLC

Scherer, Larry  
Nebraska State Education Association

Schimek, DiAnna R.  
NE Association of Former State Legislators

Schleppenbach, Greg  
Nebraska Catholic Conference

Schmit, Loran of Schmit Industries, Inc.  
Association of Nebraska Ethanol Producers

Schmit-Albin, Julie  
Nebraska Right to Life

Schrader, Cora  
Peetz & Company

Schuller, Lynne  
Nebraska Horsemen's Benevolent and Protective Association  
Nebraska Propane Gas Association

Sears, Jay  
Nebraska State Education Association

Sedlacek, Ronald J.  
Husch Blackwell LLP  
Nebraska Chamber of Commerce & Industry

Siefken, Kathy  
Nebraska Grocery Industry Association  
SHAZAM

Sobotta, Russell  
Sanofi US

Spatz, John  
Nebraska Association of School Boards

Stilmock, Gerald M.  
Brandt, Horan, Hallstrom and Stilmock

Sullivan, J. Scott  
Nebraska Credit Union League

Teget, Ann  
Time Warner Cable

Tiedeman, Cynthia  
League of Women Voters of Nebraska

Todd, A. Loy, Jr.  
Nebraska New Car & Truck Dealers Association

Uhe, Fred J.  
Sarpy County Board of Commissioners

Ullstrom, Galen F.  
Mutual of Omaha

Valentin, Michaela  
Home Instead, Inc.

Van Deun, Bryan J.  
Nebraska Firearms Owners Association (NFOA)

Vlcek, Rodney  
Nebraska State AFL-CIO

Vodvarka, Dan  
Nebraska Society of Certified Public Accountants

Waite, Michelle  
University of Nebraska

Ward, Tammy J.  
Tabitha

Weber, Rocky  
Nebraska Cooperative Council

Werner, Terry  
Nebraska Chapter of the National Association of Social Workers

Wesely, Don  
O'Hara Lindsay & Associates, Inc.

Whitaker, George  
CNH Case New Holland, Inc.

White, Rosemary  
AAA Nebraska and The Auto Club Group

Wickersham, William R.  
NE Association of Former State Legislators

Wickman-Byrd, Barbara J.  
Nebraska State Home Builders Association

Wightman, Anna Castner  
First National of Nebraska, Inc.

Williams, David M.  
Ameritas Life Insurance Corporation

Wimmer, J. Kent  
Western Sugar Cooperative (CO)

Winger, Dwight R.  
Pinpoint Holdings, Inc.

Winston, Kenneth C.  
Nebraska Chapter of the Sierra Club  
Nebraska Library Association

Withem, Ronald E.  
University of Nebraska

Wright, Sheryl L.  
League of Women Voters of Nebraska  
Wurster, Donald F.  
National Indemnity Company  
Yost, Kurt T.  
Central Nebraska Public Power and Irrigation  
MM Finance, LLC  
Nebraska Financial Services Association  
Nebraska Independent Community Bankers  
Young, Joseph  
Greater Omaha Chamber  
Zalenski, Susan D.  
Johnson & Johnson  
Zulkoski, Katie W.  
Mueller Robak, LLC

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 394.** Read. Considered.

LR394 was adopted with 47 ayes, 0 nays, and 2 present and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 821.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public benefits; to amend section 4-110, Reissue Revised Statutes of Nebraska; to provide an exemption for burial or cremation of an unclaimed body; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 822.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-320.01, Reissue Revised Statutes of Nebraska; to change provisions relating to sexual assault of a child in the second or third degree; and to repeal the original section.

**LEGISLATIVE BILL 823.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2102 and 14-2157, Reissue Revised Statutes of Nebraska; to terminate metropolitan utilities districts on January 1, 2015; to provide duties for the board of directors; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 824.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change temporary disability provisions; and to repeal the original section.

**LEGISLATIVE BILL 825.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workforce Investment Act; to amend sections 48-1620 and 48-1621, Reissue Revised Statutes of Nebraska, and sections 48-1623 and 84-1409, Revised Statutes Cumulative Supplement, 2012; to require compliance with the Open Meetings Act as prescribed; to change provisions relating to youth councils; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 826.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to education; to state findings; to provide for a study relating to education incentives for high-need occupations as prescribed; and to provide for a report and recommendations.

**LEGISLATIVE BILL 827.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 828.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-4201 and 29-4206, Reissue Revised Statutes of Nebraska; to authorize county court and district court acceptance of certain written waivers and pleas; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 829.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.35, Reissue Revised Statutes of Nebraska; to exempt separately stated postage charges from sales and use tax; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 830.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1407.03, Reissue Revised Statutes of Nebraska; to authorize issuance of special permits to certain dealers in adjacent states as prescribed; and to repeal the original section.



**LEGISLATIVE BILL 831.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to insurance; to amend section 44-1540, Revised Statutes Cumulative Supplement, 2012; to provide a requirement relating to coverage for medical equipment; to prohibit unreasonable delays relating to preapproval of coverage for medical equipment; and to repeal the original section.

**LEGISLATIVE BILL 832.** Introduced by Lautenbaugh, 18; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 29-3803, 29-3804, 29-4014, 47-123, 81-1850, 83-170, 83-1,109, 83-1,110, 83-1,118, 83-1,122, 83-1,123, 83-1,125, 83-4,111, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, sections 83-1,107 and 83-1,108, Revised Statutes Cumulative Supplement, 2012, and section 29-2204, Revised Statutes Supplement, 2013; to define and redefine terms; to change provisions relating to reductions in sentence; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 833.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to county surveyors; to amend sections 23-1901.01 and 32-525, Reissue Revised Statutes of Nebraska; to change provisions relating to election and appointment of county surveyors; to harmonize provisions; to provide an operative date, and to repeal the original sections.

**LEGISLATIVE BILL 834.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to schools; to amend section 79-10,138, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement for school breakfast programs; to create a fund; and to repeal the original section.

**LEGISLATIVE BILL 835.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to schools; to amend section 79-759, Revised Statutes Cumulative Supplement, 2012, and section 9-812, Revised Statutes Supplement, 2013; to extend a pilot project relating to college entrance exams; to provide for funding; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 836.** Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Adams, 24; Dubas, 34; Krist, 10; Mello, 5; Watermeier, 1; Wightman, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-27,187, 77-5702, and 77-5801, Reissue Revised Statutes of Nebraska, and section 77-6301, Revised Statutes Cumulative Supplement, 2012; to provide and change provisions relating to legislative findings for the state's tax incentive programs; to harmonize provisions; and to repeal the original sections.

#### **COMMITTEE ON COMMITTEES REPORT**

Senator McCoy moved to approve the Committee on Committees report found on page 148.

The Committee on Committees report was approved with 38 ayes, 1 nay, and 10 present and not voting.

#### **MOTION - Adopt Permanent Rules**

Senator Lautenbaugh moved to adopt the permanent rules for the One Hundred Third Legislature, Second Session, and any special sessions held during the 2014 calendar year.

The Rules Committee offered the proposed rules change, found in this day's Journal, to Rule 3, Sec. 5.

The Rules Committee's proposed rules change to Rule 3, Sec. 5 was adopted with 39 ayes, 0 nays, and 10 present and not voting.

The Rules Committee offered the proposed rules change, found in this day's Journal, to Rule 3, Sec. 11.

Senator Chambers offered the following amendment to the proposed rules change:

Amend Rule 3, Sec. 11

Strike "or used by licensed medical persons on duty,"

The Chambers amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

The Rules Committee's proposed rules change to Rule 3, Sec. 11, as amended, was adopted with 42 ayes, 0 nays, and 7 present and not voting.

The Rules Committee offered the proposed rules change, found in this day's Journal, to Rule 3, Sec. 20.

Senator Crawford offered the following amendment to the proposed rules change:

Amend Rule 3, Sec. 20

To insert "within" between "or" and "ten" in the pending amendment.

The Crawford amendment was adopted with 38 ayes, 0 nays, 8 present and

not voting, and 3 excused and not voting.

The Rules Committee's proposed rules change to Rule 3, Sec. 20, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The Rules Committee offered the proposed rules change, found in this day's Journal, to Rule 3, Sec. 4.

The Rules Committee's proposed rules change to Rule 3, Sec. 4 was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Mello offered the following proposed rules change:

Amend Rule 3, Sec. 20

To amend Rule 3, Sec. 20 by striking "ten" and inserting "twenty" prior to the word "days".

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 837.** Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Adams, 24; Dubas, 34; Krist, 10; Mello, 5; Watermeier, 1; Wightman, 36.

A BILL FOR AN ACT relating to state government; to amend section 81-1111.01, Reissue Revised Statutes of Nebraska; to change a provision relating to performance of preaudits by state agencies; and to repeal the original section.

**LEGISLATIVE BILL 838.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2013; to change dates relating to distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 839.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1056, Reissue Revised Statutes of Nebraska; to change a provision relating to garnishment in aid of execution; to extend the effective period for a continuing lien; and to repeal the original section.

**LEGISLATIVE BILL 840.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to ground water management; to amend section 46-735, Reissue Revised Statutes of Nebraska; to require rules and regulations for mandatory water well permits in management areas; and to repeal the original section.

**LEGISLATIVE BILL 841.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.35, Reissue Revised Statutes of Nebraska, and sections 37-201, 77-2703, 77-2708, and 77-27,132, Revised Statutes Cumulative Supplement, 2012; to create a fund; to change sales and use tax provisions relating to all-terrain vehicles and utility-type vehicles; to change the distribution of sales and use tax revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 842.** Introduced by Davis, 43; Avery, 28; Conrad, 46; Cook, 13; K. Haar, 21; Kolowski, 31; Scheer, 19; Seiler, 33; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 2013; to change provisions relating to allocations to the Excellence in Teaching Cash Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 843.** Introduced by Johnson, 23; Davis, 43; Hansen, 42; Larson, 40; Schilz, 47; Schumacher, 22; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to veterinarians; to amend section 38-3319, Reissue Revised Statutes of Nebraska; to change provisions relating to membership on the Board of Veterinary Medicine and Surgery; and to repeal the original section.

**LEGISLATIVE BILL 844.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Revised Statutes Cumulative Supplement, 2012; to change a termination date; and to repeal the original section.

**LEGISLATIVE BILL 845.** Introduced by Schilz, 47; Krist, 10.

A BILL FOR AN ACT relating to the Department of Aeronautics; to amend sections 3-402, 3-404, 3-405, 3-406, 3-408, and 3-409, Reissue Revised Statutes of Nebraska; to define a term; to provide for regulation of meteorological evaluation towers; to provide duties; to harmonize provisions; to repeal the original sections; and to outright repeal section

66-1901, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 846.** Introduced by Davis, 43; Bloomfield, 17; Johnson, 23; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-172, 54-1,110, 54-1,111, and 54-415, Reissue Revised Statutes of Nebraska, section 54-1,108, Revised Statutes Cumulative Supplement, 2012, and sections 54-170 and 54-171, Revised Statutes Supplement, 2013; to create the brand inspection service area for purposes of brand inspection fees and stray disposition; to change provisions relating to livestock bills of sale; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 847.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-699, Reissue Revised Statutes of Nebraska; to provide for fees for copies of accident reports; and to repeal the original section.

**LEGISLATIVE BILL 848.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to the Nebraska Affordable Housing Act; to amend sections 58-701, 58-705, and 58-707, Reissue Revised Statutes of Nebraska, section 58-708, Revised Statutes Cumulative Supplement, 2012, and sections 58-703, 58-706, and 58-711, Revised Statutes Supplement, 2013; to provide financial assistance for the development and acquisition of certain low-income housing as prescribed; to create a subaccount in the Affordable Housing Trust Fund and provide for its use; to require a report; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 849.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-310, Revised Statutes Supplement, 2013; to redefine automobile liability policy; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 396.** Introduced by Johnson, 23.

WHEREAS, the Wahoo Warriors won the 2013 Class C State Softball Championship; and

WHEREAS, the Warriors defeated the Wayne Blue Devils 10-6 in the championship game; and

WHEREAS, the Warriors finished their outstanding season with a record of twenty-nine wins and six losses and a third title in four years; 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 Wahoo Warriors on winning the 2013 Class C State Softball Championship.
2. That a copy of this resolution be sent to the Wahoo Warriors and their coach, Trina Christen.

Laid over.

**LEGISLATIVE RESOLUTION 397CA.** Introduced by Lautenbaugh, 18; Brasch, 16; Larson, 40; Murante, 49.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article I:

I-31 Every vote by an elected official in the conduct of public duties shall be recorded in a public meeting and preserved for public inspection.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require that every vote by an elected official in the conduct of public duties be recorded in a public meeting and preserved for public inspection.

For

Against.

**LEGISLATIVE RESOLUTION 398.** Introduced by Johnson, 23.

WHEREAS, Kristi Bundy, a sixth grade teacher at Ashland-Greenwood Middle School in Ashland, was named as the 2014 Nebraska Teacher of the Year; and

WHEREAS, Ms. Bundy is a member of the Ashland-Greenwood Education Association, the Nebraska Coaches Association, the Nebraska Science Teachers Association, and the Nebraska State Education Association; and

WHEREAS, Ms. Bundy was selected by a panel of Nebraska educators for her ability to consistently engage students in education and build lasting relationships; and

WHEREAS, the Nebraska Teacher of the Year program recognizes teachers who are exceptionally dedicated, knowledgeable, skilled, and able to inspire students of all backgrounds and abilities.

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

1. That the Legislature congratulates Kristi Bundy for being named the 2014 Nebraska Teacher of the Year.
2. That a copy of this resolution be sent to Kristi Bundy.

Laid over.

#### AMENDMENTS - Print in Journal

Senator Schilz filed the following amendment to LB550:  
AM1585 is available in the Bill Room.

Senator Hadley filed the following amendment to LB474:  
AM1609

(Amendments to Standing Committee amendments, AM652)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 14-109, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 14-109 (1)(a) The city council shall have power to tax
- 6 for revenue, license, and regulate any person within the limits
- 7 of the city by ordinance except as otherwise provided in this
- 8 section. Such tax may include both a tax for revenue and license.
- 9 The city council may raise revenue by levying and collecting a
- 10 tax on any occupation or business within the limits of the city.
- 11 Any occupation tax imposed pursuant to this section shall make a
- 12 reasonable classification of businesses, users of space, or kinds
- 13 of transactions for purposes of imposing such tax, except that
- 14 no occupation tax shall be imposed on any transaction which is
- 15 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,
- 16 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax shall
- 17 be imposed in the manner provided in section 18-1208, except that
- 18 section 18-1208 does not apply to an occupation tax subject to
- 19 section 86-704. All such taxes shall be uniform in respect to the
- 20 class upon which they are imposed. All scientific and literary
- 21 lectures and entertainments shall be exempt from taxation, as well
- 22 as concerts and all other musical entertainments given exclusively
- 1 by the citizens of the city. It shall be the duty of the city
- 2 clerk to deliver to the city treasurer the certified copy of the
- 3 ordinance levying such tax, and the city clerk shall append thereto
- 4 a warrant requiring the city treasurer to collect such tax.
- 5 (b) For purposes of this subsection, limits of the city
- 6 does not include the extraterritorial zoning jurisdiction of such
- 7 city.
- 8 (2)(a) Except as otherwise provided in subdivision (c)
- 9 of this subsection, the city council shall also have power to
- 10 require any individual whose primary residence or person who owns
- 11 a place of business which is within the limits of the city and
- 12 that owns and operates a motor vehicle within such limits to
- 13 annually register such motor vehicle in such manner as may be

14 provided and to require such person to pay an annual motor vehicle  
 15 fee therefor and to require the payment of such fee upon the  
 16 change of ownership of such vehicle. All such fees which may be  
 17 provided for under this subsection shall be credited to a separate  
 18 fund of the city, thereby created, to be used exclusively for  
 19 constructing, repairing, maintaining, or improving streets, roads,  
 20 alleys, public ways, or parts thereof or for the amortization of  
 21 bonded indebtedness when created for such purposes.

22 (b) No motor vehicle fee shall be required under this  
 23 subsection if (i) a vehicle is used or stored but temporarily in  
 24 such city for a period of six months or less in a twelve-month  
 25 period, (ii) an individual does not have a primary residence or  
 26 a person does not own a place of business within the limits of  
 27 the city and does not own and operate a motor vehicle within the  
 1 limits of the city, or (iii) an individual is a full-time student  
 2 attending a postsecondary institution within the limits of the city  
 3 and the motor vehicle's situs under the Motor Vehicle Certificate  
 4 of Title Act is different from the place at which he or she is  
 5 attending such institution.

6 (c) After December 31, 2012, no motor vehicle fee shall  
 7 be required of any individual whose primary residence is or person  
 8 who owns a place of business within the extraterritorial zoning  
 9 jurisdiction of such city.

10 (d) For purposes of this subsection, limits of the city  
 11 includes the extraterritorial zoning jurisdiction of such city.

12 (3) For purposes of this section, person includes  
 13 bodies corporate, societies, communities, the public generally,  
 14 individuals, partnerships, limited liability companies, joint-stock  
 15 companies, cooperatives, and associations. Person does not  
 16 include any federal, state, or local government or any political  
 17 subdivision thereof.

18 Sec. 2. Section 15-202, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:

20 15-202 A city of the primary class shall have power to  
 21 levy taxes for general revenue purposes on all property within  
 22 the corporate limits of the city taxable according to the laws of  
 23 Nebraska and to levy an occupation tax on public service property  
 24 or corporations in such amounts as may be proper and necessary, in  
 25 the judgment of the mayor and council, for purposes of revenue. All  
 26 such taxes shall be uniform with respect to the class upon which  
 27 they are imposed. The occupation tax may be based upon a certain  
 1 percentage of the gross receipts of such public service corporation  
 2 or upon such other basis as may be determined upon by the mayor and  
 3 council. Any occupation tax imposed pursuant to this section shall  
 4 make a reasonable classification of businesses, users of space, or  
 5 kinds of transactions for purposes of imposing such tax, except  
 6 that no occupation tax shall be imposed on any transaction which is  
 7 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
 8 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax and



9 shall be imposed in the manner provided in section 18-1208, except  
10 that section 18-1208 does not apply to an occupation tax subject to  
11 section 86-704.

12 Sec. 3. Section 15-203, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 15-203 A city of the primary class shall have power to  
15 raise revenue by levying and collecting a license or occupation tax  
16 on any person, partnership, limited liability company, corporation,  
17 or business within the limits of the city and regulate the same  
18 by ordinance except as otherwise provided in this section and in  
19 section 15-212. Any occupation tax imposed pursuant to this section  
20 shall make a reasonable classification of businesses, users of  
21 space, or kinds of transactions for purposes of imposing such tax,  
22 except that no occupation tax shall be imposed on any transaction  
23 which is subject to tax under section 53-160, 66-489, 66-489.02,  
24 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation  
25 tax shall be imposed in the manner provided in section 18-1208,  
26 except that section 18-1208 does not apply to an occupation tax  
27 subject to section 86-704. All such taxes shall be uniform in  
1 respect to the class upon which they are imposed. All scientific  
2 and literary lectures and entertainments shall be exempt from such  
3 taxation as well as concerts and all other musical entertainments  
4 given exclusively by the citizens of the city.

5 Sec. 4. Section 16-205, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 16-205 A city of the first class may raise revenue by  
8 levying and collecting a license or occupation tax on any person,  
9 partnership, limited liability company, corporation, or business  
10 within the limits of the city and ~~to~~ may regulate the same by  
11 ordinance. Any occupation tax imposed pursuant to this section  
12 shall make a reasonable classification of businesses, users of  
13 space, or kinds of transactions for purposes of imposing such tax,  
14 except that no occupation tax shall be imposed on any transaction  
15 which is subject to tax under section 53-160, 66-489, 66-489.02,  
16 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation  
17 tax shall be imposed in the manner provided in section 18-1208,  
18 except that section 18-1208 does not apply to an occupation tax  
19 subject to section 86-704. All such taxes shall be uniform in  
20 respect to the class upon which they are imposed. All scientific  
21 and literary lectures and entertainments shall be exempt from such  
22 taxation as well as concerts and all other musical entertainments  
23 given exclusively by the citizens of the city.

24 Sec. 5. Section 17-525, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 17-525 Second-class cities and villages shall have power  
27 to raise revenue by levying and collecting a license tax on any  
1 occupation or business within the limits of the city or village,  
2 and regulate the same by ordinance. Any occupation tax imposed  
3 pursuant to this section shall make a reasonable classification

4 of businesses, users of space, or kinds of transactions for  
 5 purposes of imposing such tax, except that no occupation tax  
 6 shall be imposed on any transaction which is subject to tax under  
 7 section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146,  
 8 77-2602, or 77-4008. The occupation tax shall be imposed in the  
 9 manner provided in section 18-1208, except that section 18-1208  
 10 does not apply to an occupation tax subject to section 86-704.  
 11 All such taxes shall be uniform in respect to the classes upon  
 12 which they are imposed. All scientific and literary lectures and  
 13 entertainments shall be exempt from such taxation, as well as  
 14 concerts and other musical entertainments given exclusively by the  
 15 citizens of the city or village.  
 16 Sec. 6. Original sections 14-109, 15-202, 15-203, 16-205,  
 17 and 17-525, Reissue Revised Statutes of Nebraska, are repealed.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB807. No objections. So ordered.

Senator Kolowski asked unanimous consent to add his name as cointroducer to LB789. No objections. So ordered.

Senators Bloomfield, Christensen, Coash, Garrett, Kintner, and Schilz asked unanimous consent to add their names as cointroducers to LB300. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB812. No objections. So ordered.

Senators Janssen, Larson, Murante and Schilz asked unanimous consent to add their names as cointroducers to LB832. No objections. So ordered.

#### **RECESS**

At 12:27 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 Coash presiding.

#### **ROLL CALL**

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

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB696	Agriculture (rereferred)
LB774	Banking, Commerce and Insurance
LB775	Judiciary
LB776	Transportation and Telecommunications
LB777	Transportation and Telecommunications
LB778	Government, Military and Veterans Affairs
LB779	Education
LB780	Judiciary
LB781	Education
LB782	Education
LB783	Revenue
LB784	Judiciary
LB785	Judiciary
LB786	Transportation and Telecommunications
LB787	Revenue
LB788	Banking, Commerce and Insurance
LB789	Education
LB790	Health and Human Services
LB791	Urban Affairs
LB792	Government, Military and Veterans Affairs
LB793	Business and Labor
LB794	Revenue
LB795	Transportation and Telecommunications
LB796	Judiciary
LB797	Appropriations
LB798	Natural Resources
LB799	Banking, Commerce and Insurance
LB800	Business and Labor
LB801	Urban Affairs
LB802	Urban Affairs
LB803	Urban Affairs
LB804	Government, Military and Veterans Affairs
LB805	Government, Military and Veterans Affairs
LB806	Government, Military and Veterans Affairs
LB807	Transportation and Telecommunications
LB808	Judiciary
LB809	Revenue
LB810	Banking, Commerce and Insurance
LB811	Judiciary
LB812	Revenue
LB813	Revenue
LB814	Revenue
LB815	Banking, Commerce and Insurance
LB816	Transportation and Telecommunications

LB817 Government, Military and Veterans Affairs  
 LB818 Natural Resources  
 LB819 Banking, Commerce and Insurance  
 LB820 Business and Labor

Bird, Kenneth - Nebraska Educational Telecommunications Commission -  
 Education

Fleming, Shane M. - State Board of Health - Health and Human Services

Ohles, Frederik - Nebraska Educational Telecommunications Commission -  
 Education

Shoemaker, J. Richard - Nebraska Educational Telecommunications  
 Commission - Education

(Signed) John Wightman, Chairperson  
 Executive Board

### **MOTION - Adopt Permanent Rules**

The Mello proposed rules change, found in this day's Journal, to Rule 3,  
 Sec. 20, was renewed.

Senator Lautenbaugh offered the following amendment to the Mello  
 proposed rules change:

Amend Rule 3, Sec. 20

To strike all provisions of the Mello amendment and amend Rule 3, Sec. 20  
 (b) to strike "twenty" and insert "ten".

Senator Lautenbaugh moved for a call of the house. The motion prevailed  
 with 36 ayes, 0 nays, and 13 not voting.

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Brasch	Davis	Karpisek	Murante	Schumacher
Carlson	Garrett	Kintner	Nelson	Smith
Chambers	Gloor	Larson	Pirsch	Wightman
Christensen	Hadley	Lautenbaugh	Scheer	
Coash	Hansen	McCoy	Schilz	

Voting in the negative, 21:

Adams	Conrad	Harms	McGill	Wallman
Avery	Cook	Howard	Mello	
Bloomfield	Crawford	Johnson	Nordquist	
Bolz	Dubas	Kolowski	Seiler	
Campbell	Haar, K.	Lathrop	Sullivan	

Present and not voting, 1:

Krist

Excused and not voting, 4:

Ashford      Harr, B.      Janssen      Watermeier

The Lautenbaugh amendment lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Mello moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Mello requested a roll call vote on his proposed rules change.

Voting in the affirmative, 23:

Avery	Conrad	Hansen	Lathrop	Sullivan
Bloomfield	Cook	Harms	McGill	Wallman
Bolz	Davis	Howard	Mello	Wightman
Campbell	Dubas	Johnson	Nordquist	
Carlson	Haar, K.	Kolowski	Seiler	

Voting in the negative, 20:

Adams	Coash	Hadley	Lautenbaugh	Pirsch
Brasch	Crawford	Karpisek	McCoy	Scheer
Chambers	Garrett	Kintner	Murante	Schilz
Christensen	Gloor	Larson	Nelson	Schumacher

Present and not voting, 2:

Krist      Smith

Excused and not voting, 4:

Ashford      Harr, B.      Janssen      Watermeier

The Mello proposed rules change to Rule 3, Sec. 20 lost with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Lautenbaugh motion, found in this day's Journal, to adopt the permanent rules for the One Hundred Third Legislature, Second Session, and any special sessions held during the 2014 calendar year, as amended, was renewed.

Senator Chambers requested a record vote on the adoption of the permanent rules, as amended.

Voting in the affirmative, 38:

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

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Avery	Bloomfield	Conrad	Larson	McGill
-------	------------	--------	--------	--------

Excused and not voting, 5:

Ashford	Hadley	Harr, B.	Janssen	Watermeier
---------	--------	----------	---------	------------

The Lautenbaugh motion to adopt permanent rules, as amended, prevailed with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 850.** Introduced by Watermeier, 1; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3508 and 77-3513, Reissue Revised Statutes of Nebraska; to provide a homestead exemption for individuals with a developmental disability; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 851.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 60-366, 60-367, 66-482, 77-2703.01, and 77-2793, Reissue Revised Statutes of Nebraska, sections 77-1030 and 77-2709, Revised Statutes Cumulative Supplement, 2012, and sections 77-27,119 and 77-5735, Revised Statutes Supplement, 2013; to change provisions relating to nonresident owners

under the Motor Vehicle Registration Act; to redefine a term; to provide for notice to the Department of Revenue under the Nebraska Advantage Transformational Tourism and Redevelopment Act; to change provisions relating to sales and use tax sourcing, notice of deficiency determinations, claims for credit or refund, disclosure of tax information, and applicability; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 852.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to asbestos regulation; to amend sections 71-6301 and 71-6311, Reissue Revised Statutes of Nebraska, and section 81-1505, Revised Statutes Cumulative Supplement, 2012; to redefine the term asbestos project to exclude residential property of four units or less; to change a provision relating to contracts; to adopt a federal definition of facility; and to repeal the original sections.

**LEGISLATIVE BILL 853.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to juveniles; to amend section 43-284.02, Reissue Revised Statutes of Nebraska, and sections 43-247, 43-905, 43-1311.03, 43-4501, 43-4502, 43-4503, 43-4504, 43-4505, 43-4506, 43-4507, 43-4508, 43-4509, 43-4510, 43-4513, and 43-4514, Revised Statutes Supplement, 2013; to change and rename the Young Adult Voluntary Services and Support Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 854.** Introduced by Krist, 10; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Howard, 9; Watermeier, 1.

A BILL FOR AN ACT relating to long-term care; to state intent relating to requests for proposals.

**LEGISLATIVE BILL 855.** Introduced by Wallman, 30; K. Haar, 21.

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-501, 12-502, 12-512.01, 12-512.02, 12-512.04, 12-512.05, 12-516, 12-518, 12-808, 17-934, and 17-944, Reissue Revised Statutes of Nebraska; to change provisions relating to formation and operation of cemetery associations; to provide for transfer of management and operation of certain cemeteries; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 856.** Introduced by Wallman, 30; K. Haar, 21.

A BILL FOR AN ACT relating to the Industrial Ground Water Regulatory Act; to amend section 46-677, Reissue Revised Statutes of Nebraska; to require metering relating to hydraulic fracturing stimulation; and to repeal the original section.

**LEGISLATIVE BILL 857.** Introduced by Bloomfield, 17; Avery, 28; Bolz, 29; Brasch, 16; Carlson, 38; Christensen, 44; Coash, 27; Crawford, 45; Davis, 43; Garrett, 3; Gloor, 35; Hadley, 37; Hansen, 42; Harms, 48; Janssen, 15; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McGill, 26; Mello, 5; Murante, 49; Nordquist, 7; Pirsch, 4; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Watermeier, 1.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2012; to change application provisions regarding members of the United States Armed Forces to include spouses of such members; and to repeal the original section.

**LEGISLATIVE BILL 858.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend section 44-513, Reissue Revised Statutes of Nebraska; to provide requirements relating to pharmacists and the provision of health care services; and to repeal the original section.

**LEGISLATIVE BILL 859.** Introduced by Krist, 10; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Howard, 9.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-468, Revised Statutes Cumulative Supplement, 2012, and sections 71-467 and 71-469, Revised Statutes Supplement, 2013; to change provisions for onsite vaccinations at certain health care facilities; and to repeal the original sections.

**LEGISLATIVE BILL 860.** Introduced by Nordquist, 7; Conrad, 46; Cook, 13; Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend sections 44-761 and 44-7,103, Reissue Revised Statutes of Nebraska, and section 44-710.01, Revised Statutes Supplement, 2013; to adopt health insurance requirements relating to annual and lifetime limits, rescissions, preexisting conditions, and age of dependents; to harmonize provisions; and to repeal the original sections.



**GENERAL FILE**

**LEGISLATIVE BILL 174.** Title read. Considered.

Senator Chambers offered the following amendment:

FA159

Page 3, line 14 strike "two" and insert "five".

Senator Chambers withdrew his amendment.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 861.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska, and section 59-1523, Revised Statutes Cumulative Supplement, 2012; to prohibit the use and distribution of vapor products and other products derived from tobacco as prescribed and to provide an exception; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 862.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2825, Reissue Revised Statutes of Nebraska; to increase the dollar amount recoverable under the act; and to repeal the original sections.

**LEGISLATIVE BILL 863.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-122 and 53-190, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to elections and prohibited territory; to harmonize provisions; to repeal the original sections; and to outright repeal sections 53-121, 53-188, 53-189, and 53-191, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 864.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 2013; to allocate funds to the Early Childhood Education Grant Program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 865.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-10,120 and 79-10,126, Reissue Revised Statutes of Nebraska, sections 70-651.04, 79-528, 79-1008.02, 79-1036, 79-1041, and 79-2111, Revised Statutes Cumulative Supplement, 2012, and sections 77-1736.06, 77-3442, 79-1007.18, 79-1022, and 79-2104, Revised Statutes Supplement, 2013; to eliminate certain taxing authority of learning communities; to change state aid calculations; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-10,126.01, Reissue Revised Statutes of Nebraska, and sections 79-1073 and 79-1073.01, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 866.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend sections 53-105 and 53-106, Reissue Revised Statutes of Nebraska; to provide for appointment of two additional members to the commission; to harmonize provisions; and to repeal the original sections.

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

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Revised Statutes Cumulative Supplement, 2012, and section 77-2711, Revised Statutes Supplement, 2013; to change provisions relating to review of sales and use tax information by municipalities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 868.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to peace officers; to prohibit use of standard-issued uniforms or equipment while working off-duty.

**LEGISLATIVE BILL 869.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-413, 28-415, 28-418, 28-1437, 28-1438.01, 28-1439, 38-2870, and 71-2417, Reissue Revised Statutes of Nebraska, sections 28-401.01 and 28-414, Revised Statutes Cumulative Supplement, 2012, and section 28-401, Revised Statutes Supplement, 2013; to define and redefine terms; to change and transfer provisions relating to prescriptions and controlled substances; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 870.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to public debts; to amend sections 9-266, 9-356, 9-653, and 45-623, Reissue Revised Statutes of Nebraska, section

24-227.01, Revised Statutes Supplement, 2012, and sections 59-1608.04 and 77-27,119, Revised Statutes Supplement, 2013; to adopt the Public Debt Recovery Program Act; to authorize fund transfers; to harmonize provisions; and to repeal the original sections.

**AMENDMENTS - Print in Journal**

Senator Cook filed the following amendment to LB359:

AM1620

- 1 1. On page 2, line 14, strike "at redetermination, seven"
- 2 and insert "ten"; and strike lines 16 through 20 and insert "
- 3 Initial program eligibility standards shall not be impacted by the
- 4 provisions of this subsection."

Senator Sullivan filed the following amendment to LB470:

AM1614

(Amendments to Standing Committee amendments, AM444)

- 1 1. On page 6, line 20, strike "2013" and insert "2014".

Senator Cook filed the following amendment to LB359A:

AM1622

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated \$9,000 from the
- 4 General Fund for FY2014-15 to the Department of Health and Human
- 5 Services, for Program 33, to aid in carrying out the provisions
- 6 of Legislative Bill 359, One Hundred Third Legislature, Second
- 7 Session, 2014.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 Sec. 2. There is hereby appropriated (1) \$300,960
- 12 from the General Fund for FY2014-15 and (2) \$787,968 from the
- 13 General Fund for FY2015-16 to the Department of Health and Human
- 14 Services, for Program 347, to aid in carrying out the provisions
- 15 of Legislative Bill 359, One Hundred Third Legislature, Second
- 16 Session, 2014.
- 17 No expenditures for permanent and temporary salaries and
- 18 per diems for state employees shall be made from funds appropriated
- 19 in this section.

Senator Mello filed the following amendment to LB642:

AM1612

(Amendments to Standing Committee amendments, AM363)

- 1 1. Strike the original amendments and insert the
- 2 following new amendment:
- 3 1. Strike the original sections and insert the following
- 4 new sections:
- 5 Section 1. Section 2-1215, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:

7 2-1215 ~~Any (1) Except as provided in subsection (2) of~~  
8 ~~this section, (a) any person, corporation, or association holding~~  
9 ~~or conducting any horserace or horserace meeting in connection with~~  
10 ~~which the said parimutuel system of wagering is used or to be used,~~  
11 ~~without a license duly issued by the State Racing Commission, (b)~~  
12 ~~or any person, corporation, or association holding or conducting~~  
13 ~~horseraces or horserace meetings in connection with which any~~  
14 ~~wagering is permitted otherwise than in the manner hereinbefore~~  
15 ~~specified, or (c) or any person, corporation, or association~~  
16 ~~violating any of the provisions of sections 2-1201 to 2-1218 or any~~  
17 ~~of the rules and regulations prescribed adopted and promulgated by~~  
18 ~~the commission, shall be is guilty of a Class I misdemeanor.~~  
19 (2)(a) Any person, corporation, or association operating  
20 an advanced-deposit wagering system that takes or receives wagers  
21 from residents of this state on any thoroughbred horserace in  
22 violation of sections 2-1201 to 2-1218 or Article III, section 24,  
1 of the Constitution of Nebraska is guilty of a Class IV felony.  
2 (b) For purposes of this subsection, advanced-deposit  
3 wagering system means a system in which a person who has opened an  
4 account in advance may place a parimutuel wager from such account  
5 from outside of a licensed racetrack enclosure by telephonic,  
6 electronic, or other means.  
7 (3) Nothing in this section shall prohibit the operation  
8 of an advanced-deposit wagering system by any person, corporation,  
9 or association licensed by the State Racing Commission that takes  
10 or receives wagers wholly within the boundaries of a licensed  
11 racetrack enclosure.  
12 Sec. 2. Original section 2-1215, Reissue Revised Statutes  
13 of Nebraska, is repealed.

#### UNANIMOUS CONSENT - Add Cointroducers

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

Senator Janssen asked unanimous consent to add his name as cointroducer to LB761. No objections. So ordered.

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB814. No objections. So ordered.

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

#### ADJOURNMENT

At 5:03 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, January 14, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTH DAY - JANUARY 14, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 14, 2014

**PRAYER**

The prayer was offered by Senator Coash.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Campbell, Conrad, Karpisek, Krist, Lautenbaugh, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourth day was approved.

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Tuesday, January 21, 2014 1:30 p.m.

LB757  
LB758  
LB776  
LB777

(Signed) Annette Dubas, Chairperson

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR394.

**GENERAL FILE**

**LEGISLATIVE BILL 174.** Considered.

**SENATOR COASH PRESIDING**

**SENATOR GLOOR PRESIDING**

**SENATOR COASH PRESIDING**

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 6 present and not voting, and 2 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Tuesday, January 21, 2014 1:30 p.m.

LB668  
LB687  
LB712  
LB714  
LB788

(Signed) Mike Gloor, Chairperson

Urban Affairs

Room 1510

Tuesday, January 21, 2014 1:30 p.m.

LB679  
LB791  
LB801  
LB802  
LB803

(Signed) Amanda McGill, Chairperson

Education

Room 1525

Tuesday, January 21, 2014 1:30 p.m.

LB781  
LB740  
LB725

(Signed) Kate Sullivan, Chairperson

Judiciary

Room 1113

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

LB769  
LB748  
LB730  
LB672

(Signed) Brad Ashford, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 871.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to the Legislature; to require creation of fiscal notes for bill request drafts.

**LEGISLATIVE BILL 872.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to schools; to create the position of state school security director within the State Department of Education; and to provide duties for the director and the State Board of Education.

**LEGISLATIVE BILL 873.** Introduced by Larson, 40; Avery, 28; Hadley, 37; Kintner, 2; Lathrop, 12; Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to amend section 37-201, Revised Statutes Cumulative Supplement, 2012, and section 84-612, Revised Statutes Supplement, 2013; to appropriate and transfer funds; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 874.** Introduced by Larson, 40; Lathrop, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission.

**LEGISLATIVE BILL 875.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend section 44-4517.02, Reissue Revised Statutes of Nebraska; to change a provision relating to nonforfeiture benefits; and to repeal the original section.

**LEGISLATIVE BILL 876.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to prohibit exclusions of coverage for injury or damage resulting from carbon monoxide or other gas exposure.

**LEGISLATIVE BILL 877.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1205, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to use of a deadly weapon to commit a felony; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 878.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-810, Reissue Revised Statutes of Nebraska; to change provisions relating to wrongful death actions; and to repeal the original section.

**LEGISLATIVE BILL 879.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend sections 69-2428, 69-2429, 69-2430, 69-2432, 69-2434, 69-2437, 69-2438, 69-2440, 69-2441, 69-2447, and 69-2448, Reissue Revised Statutes of Nebraska, and sections 28-1204.04, 69-2431, 69-2433, 69-2435, 69-2436, 69-2439, and 69-2449, Revised Statutes Cumulative Supplement, 2012; to change permit provisions; to provide for a permit to carry a concealed handgun in a school as prescribed; to define and redefine terms; to provide fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 880.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to consumer protection; to require notice of debit card preauthorization hold amounts as prescribed; and to provide duties for the Department of Banking and Finance and the Attorney General.



**LEGISLATIVE BILL 881.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to innocent third parties; to harmonize provisions; and to repeal the original sections.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 399.** Introduced by Wightman, 36; Ashford, 20; Campbell, 25; Chambers, 11; Conrad, 46; Davis, 43; Gloor, 35; Hansen, 42; Harms, 48; Howard, 9; Karpisek, 32; McGill, 26; Nordquist, 7; Schumacher, 22.

WHEREAS, the Legislature recognizes that our federal immigration laws are long outdated, causing harm to families, businesses, and communities; and

WHEREAS, common-sense reforms that modernize our outdated immigration laws and that are sensible, fair, and practical are necessary to protect our borders and create a strong foundation for our economy and society; and

WHEREAS, immigration has always been an important part of the social and economic fabric of the United States, and it is in the best interest of all that our nation's immigration laws be kept up-to-date; and

WHEREAS, although comprehensive immigration reform is a federal and not a state matter, the State of Nebraska has legitimate interests in the passage of effective immigration laws at the federal level; and

WHEREAS, Nebraska's towns and cities have experienced significant growth in immigrant population in the last two decades which has helped the state maintain its population; and

WHEREAS, Nebraska community leaders, educators, business owners, cattlemen, farmers, and the immigrant community have recognized that while some challenges are created by integrating new immigrant Nebraskans, the positive impacts of immigration, including economic development, tax collections, and cultural diversity, exceed the costs of resolving these challenges, demonstrated by the fact that many communities with significant immigrant populations are thriving unlike many of those communities which have not attracted immigrants; and

WHEREAS, Nebraska population trends indicate a future shortage of needed and qualified labor in agriculture and the skilled trades and a shortage of professionally-trained workers in our rural communities; and

WHEREAS, pending legislation is before the United States Congress which would accomplish comprehensive immigration reform.

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

1. That the Legislature recommends that the Nebraska congressional delegation take affirmative action to enact comprehensive immigration reform to update our immigration system.

2. That such reform enacted by Congress should recognize the need to protect the borders of the United States, maintain respect for the law, embody fairness, and protect families.

3. That such reform should recognize the important role that immigrant Americans play as entrepreneurs, workers, taxpayers, and family members.

4. That such reform should protect agriculture, small businesses, and working Nebraskans and facilitate increases in the labor market and the professions necessary to protect rural communities from further economic decline.

5. That the Legislature recommends that in order to ensure adequate labor resources to support economic growth and stability, the House of Representatives should pass H.R. 15, the "Border Security, Economic Opportunity, and Immigration Modernization Act," as approved by the United States Senate, or alternatively should enact similar legislation in 2014 which embodies the principles and needs outlined in this resolution.

6. That a copy of this resolution be delivered to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to each member of the Nebraska congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR399 was referred to the Reference Committee.

#### **SENATOR HOWARD PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 446.** Title read. Considered.

Committee AM196, found on page 451, First Session, 2013, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE RESOLUTION 29CA.** Read. Considered.

Committee AM273, found on page 462, First Session, 2013, was offered.

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 400.** Introduced by Dubas, 34; Bolz, 29; Campbell, 25; Conrad, 46; Cook, 13; Crawford, 45; Gloor, 35; Harms, 48; Howard, 9; Krist, 10; McGill, 26; Mello, 5; Watermeier, 1.

WHEREAS, in 2008, the Department of Health and Human Services (DHHS) began to develop the ACCESSNebraska system. ACCESSNebraska is a system that is intended to efficiently determine public assistance eligibility and provide service delivery. Since the implementation of this system, the Legislature has conducted several hearings on bills and resolutions related to ACCESSNebraska. In these hearings, the realities and problems faced by clients navigating the ACCESSNebraska system were revealed including long call wait times, lost documentation, erroneous public assistance decisions, and a general difficulty for clients to get the assistance they needed in a timely manner.

WHEREAS, on December 18, 2013, the Legislative Performance Audit Committee issued a report and recommendations related to the ACCESSNebraska system. The report contained findings including, but not limited to, lack of implementation of the provisions of LB 825 (Laws 2012), lack of standards relating to internal processes and performance, and failure to meet internal goals related to call wait times and call abandonment rates. The report also made certain recommendations including evaluation of key program aspects, such as the adequacy of existing staffing, call center software, and call center staff training.

WHEREAS, the Legislature recognizes the need to have a system of public assistance service delivery that is modern and streamlined and that is also effective and efficient for clients. In recognition of the continued problems with the ACCESSNebraska system as described in the report of the Legislative Performance Audit Committee, a point has been reached where additional legislative oversight and monitoring is necessary to ensure accountability and system effectiveness.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The ACCESSNebraska Special Investigative Committee of the Legislature is hereby authorized to study the adequacy of staffing and training of DHHS employees working within the ACCESSNebraska system, including the number of employees for local offices, the number of employees for call centers and document imaging centers, the type and amount of training received, the education levels and years of experience of employees, client access to employees, and the need for and availability of dedicated caseworkers for clients. The scope of the committee's investigation shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and use of and access to databases to allow for data matching. The committee shall also investigate the effectiveness of processes and structures used by the ACCESSNebraska system, including system design, management structure, and system goals. The committee shall also investigate the need for new or additional data collection to determine system effectiveness. The committee shall analyze the experiences of clients and their family members and examine customer service experience, access to benefits, and responses to changing family needs. The committee shall utilize existing studies and reports and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation. The committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2014. The report to the Legislature shall be submitted electronically.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR400 was referred to the Reference Committee.

#### **MOTION - Print in Journal**

Senator Christensen filed the following motion to LB830:  
MO105  
Withdraw bill.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 882.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to climate assessment; to amend section 2-4902, Revised Statutes Supplement, 2013; to change duties of the Climate Assessment Response Committee; and to repeal the original section.

**LEGISLATIVE BILL 883.** Introduced by Nordquist, 7; Campbell, 25; Conrad, 46; Cook, 13; Howard, 9; Lathrop, 12; McGill, 26; Mello, 5; Wallman, 30.

A BILL FOR AN ACT relating to insurance; to amend section 44-7,104, Revised Statutes Cumulative Supplement, 2012; to eliminate a termination date relating to coverage requirements for certain anticancer medications; and to repeal the original section.

**LEGISLATIVE BILL 884.** Introduced by Hansen, 42; Johnson, 23; Lathrop, 12; Schilz, 47; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-701.03, 54-703, 54-704, 54-705, 54-750, 54-751, 54-752, 54-753, 54-753.06, 54-7,105, 54-7,106, 54-7,107, 54-7,108, 54-1156, 54-1159, 54-1173, 54-1180, 54-1181, 54-1182, 54-1183, 54-1184, and 54-1185, Reissue Revised Statutes of Nebraska, and sections 54-170, 54-1158, 54-1161, 54-1163, 54-1169, and 54-1170, Revised Statutes Supplement, 2013; to name and change the Exotic Animal Auctions and Swap Meets Act; to change, transfer, and eliminate provisions of the Livestock Auction Market Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-1174 and 54-1177, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 885.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-132, Reissue Revised Statutes of Nebraska; to redefine a term; to require the use of the income approach to value certain real property for taxation purposes; and to repeal the original section.

**LEGISLATIVE BILL 886.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to real property; to amend sections 76-854, 76-855, 76-870, and 76-871, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Condominium Act; and to repeal the original sections.

**LEGISLATIVE BILL 887.** Introduced by Campbell, 25; Crawford, 45; Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to medical assistance; to adopt the Wellness in Nebraska Act; and to declare an emergency.

#### UNANIMOUS CONSENT - Add Cointroducers

Senator McCoy asked unanimous consent to add his name as cointroducer to LB857 and LB832. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB359. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB96. No objections. So ordered.

Senators Bloomfield, Dubas, Lautenbaugh, Scheer, Schumacher, and Garrett asked unanimous consent to add their names as cointroducers to LR393CA. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LR399. No objections. So ordered.

Senators Mello and Smith asked unanimous consent to add their names as cointroducers to LB811. No objections. So ordered.

### **RECESS**

At 11:57 a.m., on a motion by Senator Mello, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

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

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB821	Judiciary
LB822	Judiciary
LB823	Urban Affairs
LB824	Business and Labor
LB825	Government, Military and Veterans Affairs
LB826	Education
LB827	Appropriations
LB828	Judiciary
LB829	Revenue
LB830	Transportation and Telecommunications
LB831	Banking, Commerce and Insurance
LB832	Judiciary
LB833	Government, Military and Veterans Affairs
LB834	Education

LB835 Education  
 LB836 Revenue  
 LB837 Appropriations  
 LB838 Education  
 LB839 Judiciary  
 LB840 Natural Resources  
 LB841 Revenue  
 LB842 Education  
 LB843 Health and Human Services  
 LB844 Natural Resources  
 LB845 Government, Military and Veterans Affairs  
 LB846 Agriculture  
 LB847 Transportation and Telecommunications  
 LB848 Appropriations  
 LB849 Banking, Commerce and Insurance  
 LB850 Revenue  
 LB851 Revenue  
 LB852 Health and Human Services  
 LB853 Health and Human Services  
 LB854 Health and Human Services  
 LB855 General Affairs  
 LB856 Natural Resources  
 LB857 Judiciary  
 LB858 Banking, Commerce and Insurance  
 LB859 Health and Human Services  
 LB860 Banking, Commerce and Insurance  
 LB861 General Affairs  
 LB862 Judiciary  
 LB863 General Affairs  
 LB864 Education  
 LB865 Education  
 LB866 General Affairs  
 LB867 Revenue  
 LB868 Judiciary  
 LB869 Health and Human Services  
 LB870 Judiciary  
 LR395 Government, Military and Veterans Affairs  
 LR397CA Executive Board

(Signed) John Wightman, Chairperson  
 Executive Board

#### **GENERAL FILE**

**LEGISLATIVE RESOLUTION 29CA.** Committee AM273, found on page 462, First Session, 2013, and considered in this day's Journal, was renewed.

The committee amendment was adopted with 37 ayes, 0 nays, 10 present

and not voting, and 2 excused and not voting.

Senator Schumacher offered the following amendment:

FA160

Strike from after the word "property" on page 1, line 9 through the word "a" in line 10 and insert after the word "project" in line 10 the words "or economic development project".

Senator Schumacher withdrew his amendment.

Senator Chambers offered the following motion:

MO107

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 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 888.** Introduced by Murante, 49; Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Revised Statutes Cumulative Supplement, 2012; to provide authority to change the hours for sales of alcoholic liquor; and to repeal the original section.

**LEGISLATIVE BILL 889.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for emergency medical services training and licensure.

**LEGISLATIVE BILL 890.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to property; to amend sections 25-2501, 25-2502, 25-2503, and 25-2504, Reissue Revised Statutes of Nebraska; to change provisions relating to procedures for acquiring private property for public use; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 891.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Legislative Council to pay dues under the Midwest Interstate Passenger Rail Compact.



**LEGISLATIVE BILL 892.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2325, Reissue Revised Statutes of Nebraska, and section 76-2301, Revised Statutes Supplement, 2013; to change penalties; to authorize injunctions; and to repeal the original sections.

**LEGISLATIVE BILL 893.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2825, Reissue Revised Statutes of Nebraska; to increase the dollar amount recoverable under the act; and to repeal the original section.

**LEGISLATIVE BILL 894.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.03 and 77-202.09, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to applying for property tax exemptions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 895.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-126.01, Reissue Revised Statutes of Nebraska; to change compensation rate for certain volunteers; and to repeal the original section.

**LEGISLATIVE BILL 896.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Erosion and Sediment Control Act; to amend sections 2-4603, 2-4604, 2-4605, 2-4608, 2-4610, 2-4612, and 2-4613, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for an order to cease and desist as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 897.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, and 77-2734.03, Revised Statutes Cumulative Supplement, 2012, and section 77-2717, Revised Statutes Supplement, 2013; to provide an income tax credit to employers of public assistance recipients as prescribed; to harmonize provisions; and to repeal the original sections.

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

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

LB660

LB790

LB853

(Signed) Kathy Campbell, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 33.** Title read. Considered.

Committee AM271, found on page 462, First Session, 2013, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 56.** Title read. Considered.

Committee AM226, found on page 472, First Session, 2013, was offered.

**SENATOR GLOOR PRESIDING**

The committee amendment was adopted with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

Senator Bloomfield offered the following motion:

MO108

Indefinitely postpone.

The Bloomfield motion to indefinitely postpone failed with 3 ayes, 24 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 5 nays, 11 present and not voting, and 5 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 898.** Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Adams, 24; Dubas, 34; Krist, 10; Mello, 5; Watermeier, 1; Wightman, 36.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require reports regarding the delivery system for public benefit programs as prescribed.

**LEGISLATIVE BILL 899.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-103, and 53-103.03, Revised Statutes Cumulative Supplement, 2012; to redefine beer; to define hard cider; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 900.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend section 30-3810, Reissue Revised Statutes of Nebraska; to eliminate a right of the Attorney General to be a qualified beneficiary to a charitable trust; and to repeal the original section.

**LEGISLATIVE BILL 901.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Behavioral Health Education Center; to amend section 71-830, Revised Statutes Cumulative Supplement, 2012; to provide for psychology internships as prescribed; and to repeal the original section.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 401.** Introduced by McGill, 26.

WHEREAS, Scott Michael Wenzl of Lincoln, 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, Scott has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, Scott has also served as an assistant patrol leader, a senior patrol leader, a troop guide, a troop instructor, and a quartermaster; 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, Scott, 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 Scott Michael Wenzl on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Scott Michael Wenzl.

Laid over.

**LEGISLATIVE RESOLUTION 402.** Introduced by Larson, 40.

WHEREAS, the Mean Green girls' softball team of O'Neill won the 2013 Nebraska Amateur Softball Association Fast Pitch 16-Under Class C State Championship by defeating Auburn by a score of 6-4; and

WHEREAS, the Mean Green girls' softball team won their second state championship in a row; 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 O'Neill Mean Green girls' softball team on winning the 2013 Nebraska Amateur Softball Association Fast Pitch 16-Under Class C State Championship.

2. That a copy of this resolution be sent to the O'Neill Mean Green girls' softball team and their coaches, Bob Pinkerman and Chuck Price.

Laid over.

**LEGISLATIVE RESOLUTION 403.** Introduced by Larson, 40.

WHEREAS, the Crofton High School Warriors boys and girls cross country teams won the 2013 Class D Boys State and Girls State Cross Country Championships; and

WHEREAS, the Crofton Warriors boys team has now won eight cross country state titles; and

WHEREAS, the Crofton Lady Warriors have now won eight consecutive cross country state titles and seventeen championships overall; 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 Crofton High School Warriors boys and girls cross country teams on their 2013 Class D Boys State and Girls State Cross Country Championships.

2. That a copy of this resolution be sent to the Crofton Warriors boys and girls cross country teams and their coaches.

Laid over.

**NOTICE OF COMMITTEE HEARING**

Education

Room 1525

Tuesday, January 21, 2014 1:30 p.m.

LB838

(Signed) Kate Sullivan, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Cook, Howard, and Lathrop asked unanimous consent to add their names as cointroducers to LB807. No objections. So ordered.

Senator Harms asked unanimous consent to add his name as cointroducer to LB689 and LB690. No objections. So ordered.

Senators Conrad, Cook, K. Haar, McGill, and Wallman asked unanimous consent to add their names as cointroducers to LB887. No objections. So ordered.

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

**VISITOR**

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 4:50 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Wednesday, January 15, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**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:

<b>LB/LR</b>	<b>Committee</b>
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
----------	-------------	----------	---------

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



**SEVENTH DAY - JANUARY 16, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 16, 2014

**PRAYER**

The prayer was offered by Reverend Jack Sample, Retired Pastor of Wood River Church, now residing in Grand Island.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Coash who was excused; and Senators Ashford, Christensen, Conrad, Kolowski, Krist, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixth day was approved.

**MESSAGE FROM THE GOVERNOR**

January 15, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

Jess D. Zeiss, 1517 S. 109 Street, Omaha, NE 68144

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### GENERAL FILE

**LEGISLATIVE BILL 399.** Title read. Considered.

Pending.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 933.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-830 and 28-831, Revised Statutes Supplement, 2013; to change provisions and redefine terms relating to labor trafficking and sex trafficking; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 934.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to human trafficking; to amend section 81-1431, Revised Statutes Cumulative Supplement, 2012, and section 81-1430, Revised Statutes Supplement, 2013; to change provisions relating to a task force and provide a termination date; to establish within the Nebraska Commission on Law Enforcement and Criminal Justice the position of Coordinator of Human Trafficking Prevention; to provide duties for the coordinator and powers and duties for the executive director of the commission; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 935.** Introduced by Gloor, 35; Dubas, 34; Sullivan, 41.

A BILL FOR AN ACT relating to state government; to require legislative approval to move state services between jurisdictions.

**LEGISLATIVE BILL 936.** Introduced by Bolz, 29; Campbell, 25; Lathrop, 12.

A BILL FOR AN ACT relating to state wards; to create and provide duties for the State Ward Permanency Pilot Project; to provide for collection of data and reports; to provide for termination; and to state intent relating to fund transfers and appropriations.



**LEGISLATIVE BILL 937.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to counties; to amend section 23-277, Reissue Revised Statutes of Nebraska; to change a quorum requirement; and to repeal the original section.

**LEGISLATIVE BILL 938.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit to individuals who pay a federal penalty relating to health insurance; to provide an operative date; and to repeal the original section.

**COMMITTEE REPORT**

Urban Affairs

**LEGISLATIVE BILL 404.** Placed on General File with amendment. AM1642 is available in the Bill Room.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 1507

Monday, January 27, 2014 1:30 p.m.

LB815  
LB819  
LB717  
LB684  
LB685

Tuesday, January 28, 2014 1:30 p.m.

LB755  
LB700  
LB715  
LB688  
LB799

(Signed) Mike Gloor, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 399.** Senator Chambers offered the following amendment:

FA163

Page 3, line 3, place a period after "department" and strike remaining matter.

**SENATOR GLOOR PRESIDING**

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

The Chambers amendment was adopted with 30 ayes, 9 nays, 5 present and not voting, and 5 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 939.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Motor Vehicle Safety Responsibility Act; to amend sections 60-524 and 60-569, Reissue Revised Statutes of Nebraska; to create the offense of false presentation; to provide a penalty; to require proof of financial responsibility as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 940.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Supplement, 2013; to create a fund; to transfer funds; and to repeal the original section.

**LEGISLATIVE BILL 941.** Introduced by Schilz, 47; Brasch, 16; Davis, 43; Johnson, 23; Watermeier, 1.

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Revised Statutes Cumulative Supplement, 2012; to provide for a dairy growth study and funding for the study; and to repeal the original section.

**LEGISLATIVE BILL 942.** Introduced by Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-2604, 54-2605, and 54-2606, Reissue Revised Statutes of Nebraska; to change provisions relating to packers under the Competitive Livestock Markets Act;

to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 943.** Introduced by Nordquist, 7; Ashford, 20; Chambers, 11; Conrad, 46; Cook, 13; Crawford, 45; Dubas, 34; K. Haar, 21; B. Harr, 8; Howard, 9; Kolowski, 31; Lathrop, 12; Mello, 5; Wallman, 30.

A BILL FOR AN ACT relating to labor; to amend section 48-1203, Reissue Revised Statutes of Nebraska; to change the minimum wage rate; and to repeal the original section.

**LEGISLATIVE BILL 944.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for an early childhood program and consultation services as prescribed; and to harmonize provisions.

**LEGISLATIVE BILL 945.** Introduced by Davis, 43; Avery, 28; Scheer, 19; Wallman, 30.

A BILL FOR AN ACT relating to the Governor's Emergency Program; to amend section 81-829.42, Revised Statutes Cumulative Supplement, 2012; to provide additional procedures for aid for political subdivisions; and to repeal the original section.

**LEGISLATIVE BILL 946.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 32-209, 32-210, 32-405, 32-608, 32-953, 32-956, 32-957, and 32-1202, Reissue Revised Statutes of Nebraska, and section 32-208, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to wages paid to counting board members, election commissioners, chief deputy election commissioners, special elections, filing fees, special elections by mail, and election expenses chargeable to political subdivisions; and to repeal the original sections.

**LEGISLATIVE BILL 947.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend sections 48-1203 and 48-1205, Reissue Revised Statutes of Nebraska; to change the minimum wage for persons compensated by way of gratuities; to provide duties for the Commissioner of Labor; and to repeal the original sections.

#### GENERAL FILE

**LEGISLATIVE BILL 399.** Senator Schumacher offered the following amendment:

FA164

Strike the new language and in its place insert "or (h) any motor vehicle when operated by a registered volunteer member of a public safety or crime

prevention organization which has been authorized to use such light or lights under such terms and conditions and within such area as determined by the county attorney of the county where the use occurs. A registered volunteer member is a person approved by a majority of the membership of the organization and who registers with the county attorney."

#### **SENATOR HOWARD PRESIDING**

Senator Chambers offered the following amendment to the Schumacher amendment:

FA166

Amend FA164

In line 1 after "operated" insert "lawfully."

Pending.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 948.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.12, Revised Statutes Cumulative Supplement, 2012; to change a fee for catering licenses; and to repeal the original section.

**LEGISLATIVE BILL 949.** Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 20; B. Harr, 8; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 950.** Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Ashford, 2 ; B. Harr, 8; McGill, 26; Wallman, 30.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

**LEGISLATIVE BILL 951.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-139, Reissue Revised Statutes of Nebraska; to change provisions relating to lump-sum settlements; and to repeal the original section.

**LEGISLATIVE BILL 952.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to adopt the Working to Improve Nebraska Schools Act; and to provide severability.

**LEGISLATIVE BILL 953.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend section 77-912, Revised Statutes Cumulative Supplement, 2012; to adopt the Health Information Initiative Act; to provide funding; to provide operative dates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 954.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,230, Reissue Revised Statutes of Nebraska; to change rotating or flashing light provisions; and to repeal the original section.

**LEGISLATIVE BILL 955.** Introduced by Dubas, 34; Conrad, 46; Cook, 13; Howard, 9; McGill, 26; Nordquist, 7.

A BILL FOR AN ACT relating to employment; to adopt the Paid Family Medical Leave Act; and to provide an operative date.

**LEGISLATIVE BILL 956.** Introduced by Conrad, 46; Cook, 13; Dubas, 34; Howard, 9; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to increase the earned income tax credit; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 957.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to oil and gas leases; to amend section 57-218, Reissue Revised Statutes of Nebraska; to make certain exploration findings a public record; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 958.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to education; to provide for appointment of a student achievement coordinator; and to provide duties.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 408.** Introduced by Schilz, 47; Brasch, 16; Janssen, 15; Larson, 40; Lautenbaugh, 18; Murante, 49; Smith, 14.

WHEREAS, Melvin Meierhenry of Lincoln, Nebraska, celebrated his 83rd birthday on September 28, 2013; and

WHEREAS, the celebration of this milestone is worthy of recognition by the Legislature.

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

1. That the Legislature congratulates Melvin Meierhenry on the occasion of his 83rd birthday.
2. That a copy of this resolution be sent to Melvin Meierhenry.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LB867 and LB932. No objections. So ordered.

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB845. No objections. So ordered.

Senator Hadley asked unanimous consent to add his name as cointroducer to LB829. No objections. So ordered.

Senators Ashford and Cook asked unanimous consent to add their names as cointroducers to LB932. No objections. So ordered.

**RECESS**

At 11:53 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 Howard presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Coash who was excused; and Senators Ashford, Avery, Campbell, Conrad, Davis, Dubas, Karpisek, Krist, McGill, and Sullivan who were excused until they arrive.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB902	Revenue
LB903	Business and Labor
LB904	Appropriations
LB905	Appropriations
LB906	Appropriations
LB907	Judiciary
LB908	Judiciary
LB909	Executive Board
LB910	Transportation and Telecommunications
LB911	Transportation and Telecommunications
LB912	Revenue
LB913	Revenue
LB914	General Affairs
LB915	Urban Affairs
LB916	Health and Human Services
LB917	Executive Board
LB918	Nebraska Retirement Systems
LB919	Government, Military and Veterans Affairs
LB920	Judiciary
LB921	Judiciary
LB922	Revenue
LB923	Education
LB924	Urban Affairs
LB925	Transportation and Telecommunications
LB926	Banking, Commerce and Insurance
LB927	Judiciary
LB928	Judiciary
LB929	Nebraska Retirement Systems
LB930	Transportation and Telecommunications
LB931	Health and Human Services
LB932	Business and Labor

(Signed) John Wightman, Chairperson  
Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 399.** The Chambers amendment, FA166, found in this day's Journal, to the Schumacher amendment, was renewed.

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

The Chambers amendment lost with 6 ayes, 21 nays, 14 present and not

voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO112

Reconsider the vote taken on FA166.

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

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

Voting in the affirmative, 11:

Ashford	Conrad	Harr, B.	Sullivan
Chambers	Cook	Kintner	Wallman
Christensen	Haar, K.	Lathrop	

Voting in the negative, 34:

Adams	Crawford	Harms	Lautenbaugh	Scheer
Avery	Davis	Howard	McCoy	Schilz
Bloomfield	Dubas	Janssen	Mello	Schumacher
Bolz	Garrett	Johnson	Murante	Seiler
Brasch	Gloor	Karpisek	Nelson	Smith
Campbell	Hadley	Kolowski	Nordquist	Wightman
Carlson	Hansen	Krist	Pirsch	

Excused and not voting, 4:

Coash	Larson	McGill	Watermeier
-------	--------	--------	------------

The Chambers motion to reconsider failed with 11 ayes, 34 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Schumacher amendment:

FA167

Amend FA164

In line 1, after "operated" insert "unlawfully".

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.



Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 32:

Adams	Crawford	Harms	Lautenbaugh	Seiler
Avery	Davis	Janssen	McCoy	Smith
Brasch	Dubas	Johnson	Murante	Sullivan
Campbell	Garrett	Karpisek	Nelson	Wightman
Carlson	Gloor	Kintner	Pirsch	
Christensen	Hadley	Krist	Scheer	
Cook	Hansen	Lathrop	Schumacher	

Present and not voting, 10:

Ashford	Bolz	Conrad	Harr, B.	Kolowski
Bloomfield	Chambers	Haar, K.	Howard	Wallman

Excused and not voting, 7:

Coash	McGill	Nordquist	Watermeier
Larson	Mello	Schilz	

The Chambers amendment lost with 0 ayes, 32 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 959.** Introduced by Carlson, 38; Brasch, 16; Christensen, 44; Schilz, 47.

A BILL FOR AN ACT relating to water storage reservoirs; to amend sections 46-241, 46-242, and 46-2,119, Reissue Revised Statutes of Nebraska; to provide a permit application exemption; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 960.** Introduced by Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2005, 77-2006, and 77-2040, Reissue Revised Statutes of Nebraska; to change inheritance tax rates; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 961.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-103, 48-127, and 48-148, Reissue Revised Statutes of Nebraska; to waive workers' compensation as the exclusive remedy if an employer is willfully negligent; and to repeal the original sections.

**LEGISLATIVE BILL 962.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1556, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of attachment, execution, or sale; and to repeal the original section.

**LEGISLATIVE BILL 963.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1552, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of forced sale on execution; and to repeal the original section.

**LEGISLATIVE BILL 964.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to homesteads; to amend section 40-102, Revised Statutes Cumulative Supplement, 2012; to provide a homestead exemption for claimants under sixty-five years of age and not married; and to repeal the original section.

**SENATOR KRIST PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 399.** Senator Schumacher withdrew his amendment, FA164, found in this day's Journal.

Senator Chambers offered the following amendment:

FA165

Page 3, line 2, after the comma insert "or".

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

The Chambers amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 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 965.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to power districts and corporations; to amend section 70-1501, Reissue Revised Statutes of Nebraska, and sections 70-1001 and 70-1014, Revised Statutes Cumulative Supplement, 2012; to change declarations of public policy relating to the provision of electric service; to define a term; to change required findings by the Nebraska Power Review Board; and to repeal the original sections.

**LEGISLATIVE BILL 966.** Introduced by Davis, 43; Avery, 28; Scheer, 19; Smith, 14; Wallman, 30.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.18, Revised Statutes Supplement, 2013; to change provisions relating to the averaging adjustment; and to repeal the original section.

**LEGISLATIVE BILL 967.** Introduced by Education Committee: Sullivan, 41, Chairperson; Avery, 28; Cook, 13; Davis, 43; K. Haar, 21; Kolowski, 31; Scheer, 19; Seiler, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-1101, Reissue Revised Statutes of Nebraska, sections 79-1011 and 79-1012, Revised Statutes Cumulative Supplement, 2012, and sections 9-812, 79-1003, 79-1007.11, 79-1007.23, 79-1007.25, 79-1017.01, 79-1028.01, and 79-2306, Revised Statutes Supplement, 2013; to change allocations from the Education Innovation Fund; to change provisions relating to certain allowances pursuant to the Tax Equity and Educational Opportunities Support Act; to provide for support payments relating to consolidations; to change provisions relating to local system formula resources and intent relating to early childhood education programs; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 968.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska; to provide additional powers for certain districts subject to municipal approval; and to repeal the original section.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 409.** Introduced by Carlson, 38.

WHEREAS, America's electric energy is generated by thousands of individual power plants connected to a complex electrical grid consisting of over 5 million miles of transmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout the country; and

WHEREAS, the nationwide electrical grid must be maintained and operated 24 hours a day, 7 days a week, and 365 days a year despite inclement weather, hurricanes, tornadoes, floods, and other hazards; and

WHEREAS, Nebraska's lineworkers have demonstrated outstanding skill and dedication and have won numerous awards by participating in various lineworker competitions, most notably the annual Nebraska Lineworkers' Rodeo at the Nebraska State Fair; and

WHEREAS, the hardworking men and women of Nebraska who risk their lives daily in extremely dangerous situations to ensure the reliable delivery of electric energy to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature expresses its appreciation to all of Nebraska's hard-working lineworkers.
2. That the Legislature recognizes August 26, 2014, as "Lineworker Appreciation Day" in Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 410.** Introduced by Carlson, 38; Brasch, 16; Christensen, 44; Dubas, 34; Johnson, 23; Kolowski, 31; Schilz, 47.

WHEREAS, Ron Bishop served as the general manager of the Central Platte Natural Resources District (NRD) since the formation of the NRDs in 1972 and until his retirement in June 2013; and

WHEREAS, Ron played a critical role in developing the role of the NRDs and the importance of natural resources conservation locally, state-wide, and nationally; and

WHEREAS, Ron provided leadership for the Central Platte NRD to build thirty flood control structures, clear over 500 miles of streams, and plant over 3.4 million trees; and

WHEREAS, Ron started the first ground water quality management program which reduced the nitrate contamination in the Central Platte NRD and is now a model used nationally; and

WHEREAS, Ron developed the first integrated water management plan in Nebraska to provide water for all users, sustain the state's water resources, and protect the local economy; and

WHEREAS, Ron provided the leadership for the first NRD to receive instream flow rights for fish and wildlife in Nebraska; and

WHEREAS, Ron's efforts have been instrumental to the success of the Central Platte NRD and Nebraska's NRDs to manage, conserve, and sustain our natural resources for future generations; and

WHEREAS, Ron was awarded numerous state and national awards for his leadership in soil, water, and wildlife conservation; and

WHEREAS, Ron Bishop passed away on January 13, 2014.

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 Ron Bishop, and recognizes Ron's dedicated years of service to the State of Nebraska in protecting our natural resources.

2. That a copy of this resolution be sent to the family of Ron Bishop.

Laid over.

**LEGISLATIVE RESOLUTION 411CA.** Introduced by Karpisek, 32.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 6 to Article XI, and repeal Article XI, sections 2 to 5:

XI-6 Municipalities and counties are granted the power and authority, not inconsistent with the laws of this state, to determine their own local affairs and government. The Legislature shall determine which matters are those of statewide concern.

The Legislature may by law delegate its power so that matters of local concern are handled by municipalities and counties without the necessity of further action by the Legislature. The rule or proposition of law that a municipality or county possesses and can exercise only those powers granted in express words is not part of the law of this state.

Article XI, sections 2 to 5, of the Constitution of Nebraska are repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize municipalities and counties to exercise greater powers in matters of local concern, with the Legislature to determine which matters are of statewide concern, and to eliminate home rule charters.

For

Against.

**NOTICE OF COMMITTEE HEARING**

Revenue

Room 1524

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

LB697

LB733

LB867

(Signed) Galen Hadley, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 399.** Senator Lautenbaugh offered the following amendment:

FA170

On page 3 line 2 strike "such".

Senator Lautenbaugh withdrew his amendment.

Senator Lautenbaugh offered the following amendment:

FA169

On page 3 line 1 strike "such".

Senator Lautenbaugh withdrew his amendment.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 969.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to amend section 79-1145, Reissue Revised Statutes of Nebraska; to change a limitation on appropriations for special education programs and support services; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 970.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to public records; to amend section 84-712.01, Reissue Revised Statutes of Nebraska; to provide that certain votes of public officials are public record; and to repeal the original section.

**LEGISLATIVE BILL 971.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to stacking of coverage; and to repeal the original sections.

**RESOLUTION****LEGISLATIVE RESOLUTION 412.** Introduced by Hansen, 42.

WHEREAS, November 2014 is National Family Caregivers Month; and

WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to increase in the next 20 years to 417,000 people, or 20 percent of the state's population in 2030; and

WHEREAS, an estimated 40,000 people in Nebraska, 2 percent of the state's population, are 85 years of age and older, and that number is expected to increase in the next 20 years to about 50,000 people, or 2.4 percent of the state's population in 2030; and

WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's disease, and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's disease and other forms of dementia living at home; and

WHEREAS, at least 20 percent of those persons 65 years of age and older need some level of assistance with the activities of daily living, and there are an estimated 220,000 adults in Nebraska providing paid and unpaid care to adult relatives or friends; and

WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and

WHEREAS, the longer a senior is able to provide for his or her own care, the less the burden that is placed on public assistance offered by the state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.

2. That the Legislature encourages accessible and affordable care for seniors and supports the continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.

3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

4. That the Legislature recognizes November 2014 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

**AMENDMENT - Print in Journal**

Senator Schilz filed the following amendment to LB215:  
AM1631

(Amendments to Standing Committee amendments, AM156)

- 1 1. Insert the following new amendment:
- 2 2. On page 2, line 22, after "facilities" insert
- 3 "or, with the advice of the visitors committee, make grants to
- 4 organizations to promote, encourage, and attract visitors to the
- 5 county to use the county's travel and tourism facilities, except
- 6 that no proceeds shall be granted to an organization to promote
- 7 parimutuel wagering".

**GENERAL FILE**

**LEGISLATIVE BILL 399.** Senator Lautenbaugh offered the following amendment:

FA171

Strike the new language and in its place insert "or (h)any motor vehicle when operated by a "volunteer member" of a public safety or crime prevention organization which has been authorized to use such light or lights under such terms and conditions and within such area as determined by the county attorney of the county where the use occurs. Such "volunteer members" shall be registered and authorized by the county attorney in the county where the use occurs, before they are allowed to display such lights.

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

Senator Lautenbaugh requested a roll call vote on his amendment.

Voting in the affirmative, 34:

Adams	Christensen	Haar, K.	Kintner	Pirsch
Ashford	Cook	Hadley	Kolowski	Scheer
Avery	Crawford	Hansen	Krist	Schilz
Bloomfield	Davis	Harms	Lautenbaugh	Seiler
Bolz	Dubas	Howard	McCoy	Smith
Brasch	Garrett	Johnson	Murante	Wightman
Carlson	Gloor	Karpisek	Nelson	



Voting in the negative, 0.

Present and not voting, 7:

Campbell Chambers	Conrad Lathrop	Schumacher Sullivan	Wallman
----------------------	-------------------	------------------------	---------

Excused and not voting, 8:

Coash Harr, B.	Janssen Larson	McGill Mello	Nordquist Watermeier
-------------------	-------------------	-----------------	-------------------------

The Lautenbaugh amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO113

Reconsider the vote taken on FA171.

The Chambers motion to reconsider failed with 2 ayes, 20 nays, 15 present and not voting, and 12 excused and not voting.

Pending.

**NOTICE OF COMMITTEE HEARING**  
Health and Human Services

Room 1510

Wednesday, January 29, 2014 1:30 p.m.

LB887

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT**  
Health and Human Services

**LEGISLATIVE BILL 427.** Placed on General File with amendment.  
AM1587 is available in the Bill Room.

(Signed) Kathy Campbell, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB826. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LR410. No objections. So ordered.

Senator Brasch asked unanimous consent to add her name as cointroducer to LB945. No objections. So ordered.

### **VISITOR**

The Doctor of the Day was Dr. Dale Michels from Lincoln.

### **ADJOURNMENT**

At 4:54 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Friday, January 17, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTH DAY - JANUARY 17, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 17, 2014

**PRAYER**

The prayer was offered by Senator Krist.

**ROLL CALL**

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

The roll was called and all members were present except Senator McGill who was excused; and Senators Ashford, Conrad, Harms, B. Harr, Karpisek, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Monday, January 27, 2014 1:30 p.m.

Jerome Fagerland - State Highway Commission  
Doug Leafgreen - State Highway Commission  
Ronald Books - State Highway Commission  
E.J. Militti Jr. - State Highway Commission  
LB911  
LB736

(Signed) Annette Dubas, Chairperson

**EXECUTIVE BOARD REPORT**

Senator Wightman, Chairperson of the Executive Board, reported the appointment of the following member of the Legislature to the following special committee:

Homeland Security Policy Group

Senator Tommy L. Garrett

(Signed) John Wightman, Chairperson  
Legislative Council, Executive Board

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 16, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Abboud, Chris - Public Affairs Group  
Manheims Omaha Auto Auction  
Monsanto  
Nebraska Agri-Business Association  
Nebraska Hotel & Motel Association, Inc.  
Omaha Police Officers Association  
Vehicle and Truck Cleaning Tax Association  
Babcock, Marsha L.  
Mechanical Contractors Association of Omaha, Inc.  
Blomstedt, Matthew L.  
Educational Service Unit Coordinating Council (Withdrawn 1/16/2014)  
Brashear, Kermit A.  
Lutheran Home, The  
Bromm, Curt/Bromm & Associates  
Douglas County West Community Schools  
Nebraska Medical Center  
Clark, Jennifer  
Brennan Center for Justice  
Miller, Amy A.  
ACLU Nebraska  
O'Hara Lindsay & Associates, Inc.  
City of Kearney  
Institute of Scrap Recycling Industries, Inc., Northwest Chapter  
Nebraskans for Rate Equity  
Peterson, Chris  
CP Strategies LLC  
Radcliffe, Walter H. of Radcliffe and Associates  
Bluestem Energy Solutions  
Ragland, Jina  
Nebraska Medical Association  
Stitt, Carol  
League of Nebraska Municipalities

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**ANNOUNCEMENT**

The Chair announced today is Senator Schilz's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 399.** Senator Chambers offered the following amendment:

FA172

Amend FA171

In line 4 after "attorney" add "with the approval of the county board".

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Ashford	Campbell	Conrad	Lathrop
Brasch	Chambers	Haar, K.	

Voting in the negative, 32:

Adams	Crawford	Harms	McCoy	Seiler
Avery	Davis	Janssen	Mello	Sullivan
Bloomfield	Dubas	Johnson	Murante	Watermeier
Carlson	Garrett	Karpisek	Nelson	Wightman
Christensen	Gloor	Kintner	Nordquist	
Coash	Hadley	Larson	Pirsch	
Cook	Hansen	Lautenbaugh	Scheer	

Present and not voting, 9:

Bolz	Howard	Krist	Schumacher	Wallman
Harr, B.	Kolowski	Schilz	Smith	

Excused and not voting, 1:

McGill

The Chambers amendment lost with 7 ayes, 32 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA173

Amend FA171

On page 1, lines 4 and 5 after the word "attorney" insert "with the approval of the county board".

#### **SENATOR WATERMEIER PRESIDING**

#### **SENATOR GLOOR PRESIDING**

Pending.

#### **MOTION - Escort Chief Justice**

Senator Wightman moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ashford, Lathrop, Pirsch, Nelson, and Seiler to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this legislative body, and specifically thank Speaker Greg Adams, for once again inviting me to address you.

As always, it is an honor for me to report on the Court's accomplishments during the last year and to discuss the Court's future. First, let me introduce my fellow Justices.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice Kenneth Stephan of Lincoln. To the right of Justice Stephan is Justice Lindsey Miller-Lerman of Omaha.

To my immediate left is Justice Michael McCormack also of Omaha. And to Justice McCormack's left is Justice William Cassel of O'Neill. Justice William Connolly of Hastings is unable to be with us today.

The core mission of our Judicial Branch is to do justice, resolve disputes, provide equal protection to all citizens, and ensure due process of law. That mission has not changed since Nebraska became a state in 1867, but how we carry out that mission has changed over the years. And 2013 was a year of especially significant change for Nebraska's courts.

Today I will speak to you about the change in the Judicial Branch's service to juveniles; sentencing alternatives in adult courts; guardianship

reform; evaluation of Nebraska's Parenting Act; Judicial Branch technology; and the ongoing challenge of providing language access in our courts.

### **Service to Juveniles**

First, as you are aware, the Judicial Branch has embarked on one of its biggest challenges in recent years: The statewide expansion of juvenile justice within our probation system, which began with the passage of LB561 in May 2013.

Many people have been involved in this project. I would especially like to extend my gratitude to Senators Brad Ashford, Kathy Campbell, and Bob Krist for their considerable leadership efforts in seeing this reform materialize. I would also like to thank our probation staff. Upon passage of LB561, they immediately began working toward implementation of this important legislation.

To quote a long-time leader in juvenile justice in Nebraska, "LB561 is one of the most influential and forward [looking] pieces of legislation to be passed by our State Legislature [and] will be recognized as a 'game changer' in helping our youth."

To implement LB561, the Office of Probation Administration is focused on four core objectives in the supervision of juveniles:

1. Fewer kids will be in detention or in foster care;
2. There will be earlier identification of the rehabilitative services needed for children and families;
3. Probation officers will proactively provide meaningful supervision for children and families to ensure access to appropriate services; and finally,
4. If out-of-home child placement is necessary, successful transition back into the family home and community will be a priority.

The implementation of LB561 has required skillful planning, scheduling, and cooperation with many of our local community and State partners. In addition to hiring and training 171 new Probation staff across the State, we have encouraged local communities to provide additional services for juveniles and their families.

We constantly seek updates from our judges, our Through the Eyes of the Child teams, and the Department of Health and Human Services. We have also taken advantage of community justice forums such as the one held in North Platte by Voices for Children and have participated at meetings of the Nebraska Association of County Officials and the State's Regional Behavioral Health Administrators. We have found this community input to be a vital part of the system reform effort.

Likewise, I invite members of this Legislature, and all parties interested in assisting with the successful implementation of LB561, to contact our probation administration or local probation offices with comments, questions, or concerns.

The first year of the implementation process of LB561 is on schedule and will be completed by June.

### **Sentencing Alternatives**

Now I will speak to you about adult sentencing alternatives. In Nebraska, adult community corrections programs are staffed by probation officers. These officers are employed by the Supreme Court using State tax dollars, but they are stationed in our local county courthouses. Community corrections alternatives to incarceration include drug and specialty courts and Probation's Specialized Substance Abuse Supervision programs, otherwise known as "SSAS."

Let me first call your attention to the Young Adult Court in Douglas County. Since 2004, the Young Adult Court has offered first-time, non-violent felons, who are between the ages of 16 and 22, a chance to avoid prison and work toward becoming productive citizens.

The program provides accountability through extensive supervision and frequent judicial oversight, while also offering a host of services such as employment, education, life-skills training, and adult mentors. The program's capacity was approximately 30 young adults, but because it was oversubscribed we have enlarged it to serve an additional 25 participants.

We are also working on improvements to Nebraska's drug courts. Since 1997, adult, juvenile, and family drug courts in Nebraska have served approximately 6,300 participants. At any given time, an average of 650 individuals and families are being supervised in drug courts across the State.

A recently completed statewide evaluation concluded that Nebraska's drug courts are cost-effective and are reducing crime and addiction. Additional information regarding problem-solving courts and our 5-year strategic plan for drug courts can be found on our Judicial Branch website.

We have also seen expansions and successes with other types of sentencing alternatives. As you may recall SSAS, a program I mentioned earlier, was initiated by our Probation staff. This program provides our courts with sentencing alternatives that combine intensive supervision with substance abuse treatment for felony probationers and parolees, but with less judicial involvement than drug courts.

A review of Probation's SSAS program in 2012 found that 91 percent of the individuals who successfully completed the program remained crime-free one year later. In 2013, 82 percent of SSAS probationers were gainfully employed upon successful completion of the program, up from a 78 percent rate in 2012.

SSAS programs utilize reporting centers in communities around the State. As of June 2013, reporting centers collectively offered 143 different rehabilitative and support services intended to promote behavior change and improve accountability. In the reporting centers alone, 65,925 drug tests were administered in 2013.

Last year this Legislature supported offering a "limited services" reporting center in Scotts Bluff County. You also supported adding a SSAS officer for the first time in Hall County -- and that officer's caseload reached capacity within 60 days.

SSAS currently has a capacity of 336 probationers statewide. Due to the demand in the program, we are now 20 percent over that capacity and without further resources will not be able to accept more participants.



**Guardianships**

Now I will speak to you about guardianship reform. A little over a year ago the Supreme Court established a Commission on Guardianships and Conservatorships. In spite of efforts by the Commission, our courts, and this Legislature, ensuring the protection of incapacitated adults continues to be a challenge.

In November the State Auditor released a report that included allegations of criminal activity by a person serving as guardian in a number of county courts across the State. These appointments were initiated by the State's Department of Health and Human Services, the Federal Veteran's Administration, family members, medical professionals, and nursing homes. The accused has since resigned or been removed from the over 200 active cases for which she had been appointed to serve as guardian.

I would like to thank our county court judges and staff for their responsiveness following the audit. I would also like to thank the many volunteer lawyers and community members across the State who stepped forward to meet the needs of protected individuals by accepting appointments as guardians ad litem and temporary guardians.

The judicial branch has identified these further reform actions:

- An internal alert system is being developed to notify all county courts when a guardian or conservator is removed for cause in any of our counties;
- County court staff will participate in further targeted judicial branch education on the implementation of additional safeguards;
- Government payors will be added as interested parties to receive copies of all reports filed by guardians and conservators in cases where those payors requested appointments; and
- Prospective guardians and conservators will be required to submit to the court, prior to appointment, a list of their other active guardian or conservatorship cases.

The lawyers, senators, judges, service providers, and accountants on our Supreme Court's Commission on Guardianships and Conservatorships have already begun to further review the issues that came to light during this most recent incident. It is crucial that we all continue to work together to create improved safeguards to protect those who might easily be harmed. We all have a responsibility to keep these individuals and their assets safe.

Finally, it is important to note that due to a rapidly aging population and smaller, geographically disbursed families, there are often no family members or interested individuals available to serve as guardians for our elderly, mentally ill, or developmentally challenged Nebraskans. Persons willing and able to serve as guardians are in very short supply. The courts, however, look forward to working with this legislative body and other interested parties to alleviate that shortage.

**Service to Children and Families**

I now turn to matters involving the court's service to children and families each year in divorce and child support cases. Nebraska's Parenting Act, which governs divorce, underwent a significant legislative revision in 2007.

Last year, a planned two-part evaluation of the Act was initiated to provide the Legislature, Judicial Branch, and the public with facts to determine whether the provisions of the Parenting Act are resulting in positive outcomes for children.

The first part of the evaluation began last May at the request of this Legislature. The Judicial Branch conducted a rigorous study of nearly 400 closed divorce and custody cases filed during the 10-year period from 2002 through 2012.

The study examined: rates of maternal and paternal custody and parenting time; whether mothers and fathers had lawyers; how many children were involved; rates of parental conflict; family income; court procedures; and the differences in custody before and after the 2007 Parenting Act revisions. This baseline study was released to the public on January 9th and is available on our Judicial Branch website.

This past October, the second and more in-depth part of the evaluation began. The results of this portion of the evaluation will provide us with an even more comprehensive analysis of program implementation, outcome results, and a cost-benefit study. Evaluators will seek input from legislators, family lawyers, parents, judges, and others as part of this intensive review.

### **Technology**

As I do each year, I will now give you a brief update on technology in the Courts. I am pleased to report that there were significant improvements to Judicial Branch technology during the past year. Bandwidth increases to enhance speeds at which courts can send and receive Internet data continue to be a focus. This year the cost of improving bandwidth to rural Nebraska courts was shared by the Supreme Court and the Department of Motor Vehicles, the Department of Health and Human Services, and the Secretary of State.

Most recently, courts in Cherry and Cheyenne Counties received a bandwidth upgrade which increased Internet speeds by nearly 60 percent. The use of increased bandwidth is important because courts are able to use video conferencing in more locations. Among other things, video conferencing allows us to provide remote interpreters and allows incarcerated individuals to participate in hearings without leaving correctional facilities. This saves money, increases access to justice, and lowers the risks inherent in transporting inmates and juveniles.

Good bandwidth is also necessary as we continue to expand our electronic filing system. Almost 65 percent of our 2012 county court civil filings were made electronically. By the end of 2013, that number was up to 70% of the nearly 91,000 civil cases filed.

Finally, over \$15 million in filing fees, fines, court costs, and other funds were electronically deposited in the courts last year. That represents over 195,000 financial transactions processed instantly, saving both time and money for the courts and our citizens.

### **Language Access**

I also annually report on language access issues in the courts. Ensuring justice to people with limited English language proficiency continues to be a

challenge for Nebraska's courts. In 2013, the Judicial Branch provided interpreters in 38 languages for 21,000 persons in courts and probation offices across the State. We have hired two new interpreter coordinators to assist courts and probation officers in identifying, educating, and scheduling interpreters in hard to find languages.

Through video conferencing we provided Spanish interpreters for over 450 hearings, saving Nebraska taxpayers more than \$63,000 in travel and other expenses.

### **Conclusion**

In conclusion, Nebraska's Judicial Branch is growing, it's dynamic, and it's busy. Our dedicated judges, support staff, and probation employees are carrying out the Court's long-term mission to do justice, resolve disputes, provide equal protection to all citizens, and ensure due process of law in all 93 of Nebraska's counties.

The Supreme Court is very proud of the many accomplishments of our court family in the last year. We truly appreciate the support the Legislature has provided to the judiciary and we look forward to working with you in serving Nebraska's citizens in the coming year.

Again, thank you for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.

### **NOTICE OF COMMITTEE HEARING**

Business and Labor

Room 2102

Monday, January 27, 2014 1:30 p.m.

LB932  
LB895  
LB820  
LB824

(Signed) Steve Lathrop, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 972.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to schools; to amend section 13-903, Reissue Revised Statutes of Nebraska, and sections 48-801 and 79-978, Revised Statutes Cumulative Supplement, 2012; to adopt the Independent Public Schools Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 973.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to schools; to amend sections 4-108, 10-704, 10-716.01, 13-2903, 23-1601, 23-3302, 32-541, 32-553, 32-555, 32-609, 77-3444, 77-3523, 79-2,126, 79-401, 79-402, 79-403, 79-406, 79-411, 79-415, 79-416, 79-418, 79-419, 79-423, 79-424, 79-425, 79-431, 79-434, 79-443, 79-447, 79-450, 79-451, 79-452, 79-454, 79-455, 79-458, 79-470, 79-472, 79-473, 79-474, 79-477, 79-478, 79-479, 79-492, 79-493, 79-494, 79-495, 79-496, 79-499, 79-4,100, 79-4,101, 79-4,102, 79-4,103, 79-4,109, 79-4,110, 79-4,111, 79-4,123, 79-4,128, 79-501, 79-506, 79-519, 79-520, 79-521, 79-523, 79-524, 79-525, 79-526, 79-534, 79-540, 79-543, 79-547, 79-548, 79-549, 79-550, 79-554, 79-557, 79-558, 79-565, 79-567, 79-570, 79-572, 79-576, 79-577, 79-578, 79-579, 79-580, 79-581, 79-584, 79-586, 79-587, 79-588, 79-590, 79-593, 79-5,104, 79-5,105, 79-5,107, 79-5,108, 79-716, 79-717, 79-728, 79-734, 79-824, 79-840, 79-841, 79-850, 79-8,110, 79-939, 79-979, 79-981, 79-983, 79-985, 79-986, 79-988, 79-994, 79-995, 79-997, 79-9,107, 79-9,108, 79-9,109, 79-9,115, 79-1027.01, 79-1043, 79-1045, 79-1065.02, 79-1070, 79-1072, 79-1075, 79-1077, 79-1078, 79-1080, 79-1081, 79-1082, 79-1083.02, 79-1087, 79-1089, 79-1090, 79-1092, 79-1093, 79-1098, 79-1099, 79-10,103, 79-10,111, 79-10,113, 79-10,114, 79-10,116, 79-10,117, 79-10,118, 79-10,119, 79-10,120, 79-10,121, 79-10,122, 79-10,124, 79-10,126, 79-10,126.01, 79-10,127, 79-1217.01, and 79-1504, Reissue Revised Statutes of Nebraska, sections 32-618, 32-811, 32-1303, 48-816, 68-621, 79-101, 79-408, 79-413, 79-4,108, 79-528, 79-569, 79-828, 79-942, 79-944, 79-947, 79-978, 79-978.01, 79-980, 79-988.01, 79-998, 79-9,104, 79-1005.01, 79-1011, 79-1025, 79-1029, 79-1030, 79-1036, 79-1084, 79-10,110, 79-1108.02, 79-1217, 79-1225, and 79-2116, Revised Statutes Cumulative Supplement, 2012, and sections 13-508, 32-101, 32-552, 32-554, 32-570, 32-606, 32-1007, 79-234, 79-4,129, 79-611, 79-902, 79-916, 79-966, 79-984, 79-991, 79-992, 79-9,100, 79-9,102, 79-9,103, 79-9,113, 79-1003, and 79-1028.01, Revised Statutes Supplement, 2013; to change and eliminate provisions relating to classification of school districts; to require training as prescribed; to rename an act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-542, 32-543, 32-544, 32-546, 79-102, 79-103, 79-104, 79-404, 79-407, 79-409, 79-410, 79-417, 79-426, 79-475, 79-476, 79-522, 79-535, 79-537, 79-551, 79-553, 79-555, 79-556, 79-560, 79-561, 79-562, 79-563, 79-564, 79-566, 79-568, 79-573, 79-574, 79-582, 79-583, 79-585, 79-589, 79-591, 79-594, 79-595, 79-596, 79-597, 79-5,106, 79-1085, and 79-10,115, Reissue Revised Statutes of Nebraska, sections 79-592 and 79-1086, Revised Statutes Cumulative Supplement, 2012, and sections 32-545, 79-552, and 79-559, Revised Statutes Supplement, 2013.

**GENERAL FILE**

**LEGISLATIVE BILL 399.** The Chambers amendment, FA173, found in this day's Journal, was renewed.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Ashford	Campbell	Crawford	Harr, B.
Avery	Conrad	Haar, K.	Lathrop

Voting in the negative, 26:

Adams	Hadley	Kintner	Nelson	Sullivan
Carlson	Hansen	Larson	Nordquist	Wightman
Christensen	Harms	Lautenbaugh	Pirsch	
Coash	Janssen	McCoy	Scheer	
Cook	Johnson	Mello	Schilz	
Gloor	Karpisek	Murante	Seiler	

Present and not voting, 12:

Bloomfield	Chambers	Howard	Schumacher
Bolz	Davis	Kolowski	Smith
Brasch	Dubas	Krist	Wallman

Excused and not voting, 3:

Garrett	McGill	Watermeier
---------	--------	------------

The Chambers amendment lost with 8 ayes, 26 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO114

Reconsider the vote taken on FA173.

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

The Chambers motion to reconsider failed with 5 ayes, 32 nays, 10 present and not voting, and 2 excused and not voting.

Pending.

**NOTICE OF COMMITTEE HEARINGS**

General Affairs

Room 1510

Monday, January 27, 2014 1:30 p.m.

LB680

LB771

LB855

LB861

(Signed) Russ Karpisek, Chairperson

Natural Resources

Room 1525

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

Mohamed F. Dahab - Environmental Quality Council

John Edward Dilsaver - Environmental Quality Council

LB844

(Signed) Tom Carlson, Chairperson

Education

Room 1525

Monday, January 27, 2014 1:30 p.m.

LB741

LB782

LB923

LB872

(Signed) Kate Sullivan, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 174.** Placed on Select File.**LEGISLATIVE BILL 446.** Placed on Select File with amendment.

ER116

- 1 1. On page 1, strike beginning with "60-174" in line
- 2 2 through line 6 and insert "60-171, Reissue Revised Statutes
- 3 of Nebraska; to redefine salvage to include flood damage; and to
- 4 repeal the original section."

**LEGISLATIVE RESOLUTION 29CA.** Placed on Select File with amendment.

ER117

- 1 1. On page 1, line 2, strike "FIRST" and insert "SECOND".

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARING**

Revenue

Room 1524

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

Nancy Salmon - Tax Equalization and Review Commission  
LB675

(Signed) Galen Hadley, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 413.** Introduced by Davis, 43.

WHEREAS, the Nebraska cattle industry is vital to the economic and social well-being of the state; and

WHEREAS, foot-and-mouth disease (FMD) is one of the most contagious diseases known to cloven-hooved animals including cattle, hogs, and sheep, and an outbreak of FMD could significantly harm Nebraska livestock producers and the state's economy; and

WHEREAS, the United States has not had an outbreak of FMD since 1929 when the disease was inadvertently introduced into California via contaminated animal products imported from Argentina; and

WHEREAS, the United States has successfully prevented any further reintroductions of FMD by strictly prohibiting the importation of livestock and fresh and chilled meat originating in countries where FMD has not been eradicated and where a risk of outbreaks persists; and

WHEREAS, the United States Department of Agriculture (USDA) is proposing a rule to allow the importation of fresh and chilled beef from fourteen states in Brazil, including states where widespread outbreaks of FMD occurred as recently as 2005 and 2006, where vaccination is attempted to control FMD, and which states are geographically adjacent to Paraguay which had an outbreak of FMD as recently as 2011; and

WHEREAS, the USDA admits there is an increased risk of introducing FMD into the United States under its proposed rule by acknowledging that "as long as FMD is endemic in the overall region in South America, there is a risk of reintroduction from adjacent areas into the proposed exporting region"; and

WHEREAS, the USDA further admits that reintroduction of FMD into the United States would reduce financial returns to cattle producers and beef processors, the result of which would also harm rural communities and the entire Nebraska economy.

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

1. That the Legislature requests that the United States Department of Agriculture immediately withdraw its proposed rule entitled "Importation of Beef from a Region in Brazil" and not allow the importation of fresh and chilled beef from fourteen states in Brazil.

2. That the Legislature further requests the United States Department of Agriculture adopt a rule to strictly prohibit the importation of fresh and chilled beef from Brazil until the United States Secretary of Agriculture certifies to Congress that every region of Brazil is free of foot-and-mouth disease without vaccination.

3. That a copy of this resolution be sent to President Barack Obama, to United States Secretary of Agriculture Tom Vilsack, and to each member of the Nebraska congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR413 was referred to the Reference Committee.

#### **SPEAKER ADAMS PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 399.** Senator Lautenbaugh offered the following motion:

MO115

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to invoke cloture.



Voting in the affirmative, 36:

Adams	Davis	Johnson	Murante	Smith
Avery	Dubas	Karpisek	Nelson	Wallman
Bolz	Gloor	Kintner	Nordquist	Watermeier
Brasch	Hadley	Kolowski	Pirsch	Wightman
Carlson	Hansen	Larson	Scheer	
Christensen	Harms	Lautenbaugh	Schilz	
Coash	Howard	McCoy	Schumacher	
Crawford	Janssen	Mello	Seiler	

Voting in the negative, 7:

Ashford	Conrad	Harr, B.	Sullivan
Chambers	Haar, K.	Lathrop	

Present and not voting, 4:

Bloomfield	Campbell	Cook	Krist
------------	----------	------	-------

Excused and not voting, 2:

Garrett	McGill
---------	--------

The Lautenbaugh motion to invoke cloture prevailed with 36 ayes, 7 nays, 4 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 25:

Brasch	Gloor	Karpisek	Mello	Scheer
Carlson	Hadley	Kintner	Murante	Schilz
Christensen	Hansen	Larson	Nelson	Smith
Coash	Janssen	Lautenbaugh	Nordquist	Watermeier
Dubas	Johnson	McCoy	Pirsch	Wightman

Voting in the negative, 20:

Adams	Bolz	Cook	Harms	Schumacher
Ashford	Campbell	Crawford	Harr, B.	Seiler
Avery	Chambers	Davis	Kolowski	Sullivan
Bloomfield	Conrad	Haar, K.	Lathrop	Wallman

Present and not voting, 2:

Howard	Krist
--------	-------

Excused and not voting, 2:

Garrett            McGill

Advanced to Enrollment and Review Initial with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 974.** Introduced by Mello, 5; Campbell, 25; Harms, 48; Krist, 10.

A BILL FOR AN ACT relating to agency budgeting; to amend section 81-3110, Reissue Revised Statutes of Nebraska, sections 81-132 and 81-1113, Revised Statutes Cumulative Supplement, 2012, and section 81-3133, Revised Statutes Supplement, 2013; to provide strategic duties for divisions of the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 975.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 32-566 and 32-573, Reissue Revised Statutes of Nebraska; to change provisions relating to filling a vacancy in the Legislature and on the Board of Regents of the University of Nebraska; and to repeal the original sections.

**LEGISLATIVE BILL 976.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the Redistricting Act; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 977.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to governmental retirement and pension funds; to amend section 30-3209, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to fiduciary duties in cities of the primary class and public power districts; and to repeal the original section.

**LEGISLATIVE BILL 978.** Introduced by B. Harr, 8; K. Haar, 21; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to the Low-Income Home Energy Conservation Act; to amend sections 66-1017 and 66-1018, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, and 66-1015, Revised

Statutes Cumulative Supplement, 2012; to authorize funding for on-bill payment programs; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 979.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1829, 77-1840, and 77-1917, Reissue Revised Statutes of Nebraska, section 77-1837.01, Revised Statutes Cumulative Supplement, 2012, and sections 77-1822, 77-1823, 77-1824, 77-1825, and 77-1831, Revised Statutes Supplement, 2013; to change provisions relating to tax sales for delinquent property taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 980.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to county government and officers; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to change provisions relating to termination of a township board; and to repeal the original section.

**LEGISLATIVE BILL 981.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend section 60-465, Reissue Revised Statutes of Nebraska, and sections 60-487, 60-4,144.01, 60-4,168, 60-4,182, and 60-6,179.02, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change provisions relating to falsified information; to require medical examinations by medical examiners listed on the National Registry of Certified Medical Examiners; to prohibit texting and the use of a handheld mobile telephone and provide for penalties and disqualification as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 982.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-103 and 60-305, Reissue Revised Statutes of Nebraska, and sections 60-135.01, 60-358.01, and 60-6,355, Revised Statutes Supplement, 2013; to redefine the terms all-terrain vehicle and utility-type vehicle; and to repeal the original sections.

**LEGISLATIVE BILL 983.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-464, 60-480, 60-4,118.05, 60-4,141, 60-4,147.01, 60-4,149.01, 60-4,157, 60-4,158, 60-4,159, 60-4,160, 60-4,162, 60-4,169, 60-4,172, 60-2905, 60-2907, and 75-369.03, Reissue Revised Statutes of Nebraska, sections 29-3608, 60-484.03, 60-484.04, 60-484.05, 60-484.06, 60-487, 60-4,112, 60-4,115, 60-4,116, 60-4,131, 60-4,137, 60-4,138, 60-4,139, 60-4,142,

60-4,143, 60-4,144, 60-4,144.01, 60-4,144.02, 60-4,146, 60-4,149, 60-4,150, 60-4,151, 60-4,153, 60-4,154, 60-4,167, 60-4,168, 60-4,170, 60-4,171, and 60-2909.01, Revised Statutes Cumulative Supplement, 2012, and sections 60-462, 60-462.01, and 60-484, Revised Statutes Supplement, 2013; to change and eliminate commercial driver's licensing provisions; to provide for commercial learners' permits; to provide for compliance with certain federal regulations regarding commercial drivers' licenses and commercial learners' permits; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 60-4,156, Reissue Revised Statutes of Nebraska, and section 60-4,145, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 984.** Introduced by Sullivan, 41; Mello, 5.

A BILL FOR AN ACT relating to schools; to amend section 79-1101, Reissue Revised Statutes of Nebraska, and sections 9-812 and 79-2306, Revised Statutes Supplement, 2013; to change allocations from the Education Innovation Fund; to state intent relating to early childhood education programs and appropriations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 985.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to water; to amend section 46-233, Reissue Revised Statutes of Nebraska; to grant standing to natural resources districts; to provide requirements for certain water appropriation applications; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB913. No objections. So ordered.

**ADJOURNMENT**

At 11:41 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 10:00 a.m., Tuesday, January 21, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINTH DAY - JANUARY 21, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 21, 2014

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 33.** Placed on Select File with amendment.  
ER118 is available in the Bill Room.

**LEGISLATIVE BILL 56.** Placed on Select File.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Transportation and Telecommunications

Room 1113

Tuesday, January 28, 2014 1:30 p.m.

LB807  
LB786

(Signed) Annette Dubas, Chairperson

Agriculture

Room 2102

Tuesday, January 28, 2014 1:30 p.m.

LB884

Mark Fahleson - Nebraska State Fair Board

(Signed) Ken Schilz, Chairperson

Urban Affairs

Room 1510

Tuesday, January 28, 2014 1:30 p.m.

LB702

LB915

LB924

(Signed) Amanda McGill, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB933	Judiciary
LB934	Judiciary
LB935	Government, Military and Veterans Affairs
LB936	Appropriations
LB937	Government, Military and Veterans Affairs
LB938	Revenue
LB939	Judiciary
LB940	Appropriations
LB941	Agriculture
LB942	Agriculture
LB943	Business and Labor
LB944	Appropriations
LB945	Government, Military and Veterans Affairs
LB946	Government, Military and Veterans Affairs
LB947	Business and Labor
LB948	General Affairs
LB949	Business and Labor
LB950	Business and Labor
LB951	Business and Labor
LB952	Education

LB953 Banking, Commerce and Insurance  
 LB954 Transportation and Telecommunications  
 LB955 Business and Labor  
 LB956 Revenue  
 LB957 Government, Military and Veterans Affairs  
 LB958 Education  
 LB959 Natural Resources  
 LB960 Revenue  
 LB961 Business and Labor  
 LB962 Judiciary  
 LB963 Judiciary  
 LB964 Judiciary  
 LB965 Natural Resources  
 LB966 Education  
 LB967 Education  
 LB968 Urban Affairs  
 LB969 Appropriations  
 LB970 Executive Board  
 LB971 Banking, Commerce and Insurance  
 LR411CA Government, Military and Veterans Affairs

Zeiss, Jess D. - Board of Trustees of the Nebraska State Colleges -  
Education

(Signed) John Wightman, Chairperson  
Executive Board

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 392, 396, and 398 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 392, 396, and 398.

### GENERAL FILE

**LEGISLATIVE BILL 403.** Title read. Considered.

Committee AM130, found on page 504, First Session, 2013, was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Senator Coash offered the following amendment:

AM1660

- 1 1. Insert the following new section:
- 2 Sec. 3. This act becomes operative on January 1, 2015.
- 3 2. Renumber the remaining section accordingly.

**SENATOR HOWARD PRESIDING**

Senator Coash moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Coash requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bloomfield	Davis	Larson	Nelson	Wallman
Brasch	Garrett	Lautenbaugh	Pirsch	
Christensen	Janssen	McCoy	Schilz	
Coash	Kintner	Murante	Schumacher	

Voting in the negative, 29:

Adams	Chambers	Hadley	Karpisek	Nordquist
Ashford	Conrad	Hansen	Kolowski	Scheer
Avery	Cook	Harms	Krist	Seiler
Bolz	Crawford	Harr, B.	Lathrop	Sullivan
Campbell	Dubas	Howard	McGill	Wightman
Carlson	Haar, K.	Johnson	Mello	

Present and not voting, 2:

Gloor	Smith
-------	-------

Excused and not voting, 1:

Watermeier

The Coash amendment lost with 17 ayes, 29 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following amendment:

FA175

On page 2, line 21 add "and/" to the word "or" so it reads "and/or" before the words "distribute" and "promotion".

Pending.



**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 986.** Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to change homestead exemption income limitations; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 987.** Introduced by Revenue Committee: Hadley, 37, Chairperson; Hansen, 42; B. Harr, 8; Pirsch, 4; Schumacher, 22; Sullivan, 41; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012, and section 77-2716, Revised Statutes Supplement, 2013; to adjust individual income tax brackets for inflation; to exempt social security benefits from state income taxation as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 988.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2201, Revised Statutes Cumulative Supplement, 2012; to provide for certain access to a decedent's safe deposit box; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 989.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-383, Reissue Revised Statutes of Nebraska, and sections 77-385 and 81-125, Revised Statutes Supplement, 2013; to require a report relating to sales taxes under the Tax Expenditure Reporting Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 990.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Emergency Telephone Communications Systems Act; to amend section 86-437, Reissue Revised Statutes of Nebraska; to change provisions relating to service surcharges and records; to add a penalty for late payment by a service supplier; and to repeal the original section.

**LEGISLATIVE BILL 991.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to electronic payment transactions; to

prohibit the collection of interchange fees on specified taxes and fees; and to provide penalties.

**LEGISLATIVE BILL 992.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to early childhood; to create and provide duties for the Early Childhood Data Governing Body; and to provide for reports.

**LEGISLATIVE BILL 993.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to insurance; to provide that health care sharing ministries are not engaged in the business of insurance.

**LEGISLATIVE BILL 994.** Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Cook, 13; Crawford, 45; Gloor, 35; Howard, 9; Krist, 10; Watermeier, 1.

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.

**LEGISLATIVE BILL 995.** Introduced by Hadley, 37; Bolz, 29; Campbell, 25; Harms, 48; B. Harr, 8; Mello, 5; Nordquist, 7; Schilz, 47; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2012, and section 49-801.01, Revised Statutes Supplement, 2013; to provide an income tax credit for state and local taxes paid as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 996.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to state government; to define a term; and to require response by state agencies to requests for information by members and staff of the Legislature as prescribed.

**LEGISLATIVE BILL 997.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to labor; to amend section 48-622.02, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Nebraska Training and Support Trust Fund; and to repeal the original section.

**LEGISLATIVE BILL 998.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to

amend section 83-1,127.02, Reissue Revised Statutes of Nebraska, and section 60-6,211.11, Revised Statutes Cumulative Supplement, 2012; to change provisions and penalties relating to prohibited acts regarding ignition interlock devices; and to repeal the original sections.

**LEGISLATIVE BILL 999.** Introduced by Ashford, 20; Avery, 28; Campbell, 25; Coash, 27; Conrad, 46; Cook, 13; Davis, 43; Harms, 48; Krist, 10; McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

A BILL FOR AN ACT relating to criminal law; to amend sections 29-2709, 47-633, 81-1426, 83-173, 83-178, 83-192, and 83-1,100, Reissue Revised Statutes of Nebraska, and sections 29-2252, 29-2262, 47-624.01, 47-627, 47-632, 81-1425, 83-1,102, and 83-1,107, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Department of Correctional Services, Office of Probation Administration, and Office of Parole Administration; to adopt the Criminal Justice Reentry and Data Act; to create the Reentry Programming Board; to create, rename, and eliminate funds; to repeal the Community Corrections Act; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-2208 and 29-2405, Reissue Revised Statutes of Nebraska, and sections 47-619, 47-620, 47-621, 47-622, 47-624, 47-628, 47-629, and 47-634, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 1000.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2921, Reissue Revised Statutes of Nebraska, and section 43-2929, Revised Statutes Cumulative Supplement, 2012; to state intent; to change provisions relating to parenting plans as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 1001.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to industrial hemp; to amend section 28-401, Revised Statutes Supplement, 2013; to allow the planting, growing, harvesting, possession, processing, selling, and buying of industrial hemp as prescribed; to exempt industrial hemp from the Uniform Controlled Substances Act as prescribed; to provide powers and duties for the Department of Agriculture; and to repeal the original section.

**LEGISLATIVE BILL 1002.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-633, Reissue Revised Statutes of Nebraska; to change provisions relating to enforcement powers; and to repeal the original section.

**LEGISLATIVE BILL 1003.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226, Reissue Revised Statutes of Nebraska; to provide for issuance of general obligation bonds; and to repeal the original section.

**LEGISLATIVE BILL 1004.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Commission on Indian Affairs Cash Fund; to amend section 81-2516, Revised Statutes Supplement, 2013; to add sources of funding; and to repeal the original section.

**LEGISLATIVE BILL 1005.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 46-703, 46-706, 46-714, 46-715, 46-718, 46-719, and 46-720, Reissue Revised Statutes of Nebraska; to eliminate the Interrelated Water Review Board; to create the Surface Water and Ground Water Review Board; to provide powers and duties; and to repeal the original sections.

**LEGISLATIVE BILL 1006.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to public contracts; to amend section 47-803, Reissue Revised Statutes of Nebraska; to prohibit state agencies from entering into contracts that include certain provisions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1007.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to change provisions relating to the Security, Privacy, and Dissemination of Criminal History Information Act; and to repeal the original section.

**LEGISLATIVE BILL 1008.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to climate assessment; to amend section 2-4902, Revised Statutes Supplement, 2013; to change duties of the Climate Assessment Response Committee; and to repeal the original section.

**LEGISLATIVE BILL 1009.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to education; to state intent; to define a term; to establish a pilot program relating to problem-based learning as prescribed; and to provide a termination date.

**LEGISLATIVE BILL 1010.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Enterprise Act; and to authorize the Governor to make grants for economic development as prescribed.

**LEGISLATIVE BILL 1011.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to municipalities; to amend section 18-2526, Reissue Revised Statutes of Nebraska; to change provisions relating to changing or repealing initiative measures; and to repeal the original section.

**LEGISLATIVE BILL 1012.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Supplement, 2013; to change provisions relating to blighted areas; to repeal the original section; and to declare an emergency.

### RESOLUTION

**LEGISLATIVE RESOLUTION 414.** Introduced by Davis, 43.

WHEREAS, virtually all imported consumer goods including pet treats, clothing, tools, and electronic equipment are required to be labeled indicating their country of origin as a condition of entry into the United States; and

WHEREAS, Nebraska consumers appreciate such origin markings as they empower us to exercise choices in the marketplace, including which country's producers and manufacturers to support with our purchasing dollars; and

WHEREAS, until recently, the United States was one of the few developed countries in the world that did not require country of origin labels (COOL) on such staple food items as fruits, vegetables, and meat; and

WHEREAS, Congress remedied that deficiency by passing a law as part of the 2002 Farm Bill that required fruits, vegetables, and meat to be labeled as to their country of origin, but meat importers effectively delayed the law's implementation until 2009, at which time the implementing regulations allowed meat such as beef that was exclusively born, raised, and slaughtered in the United States to nevertheless be mislabeled as if it was a mixed-origin product from Mexico, Canada, and the United States; and

WHEREAS, the countries of Canada and Mexico did not want their meat products labeled according to origin in the United States market, and filed a complaint with the World Trade Organization which determined that the mixed-origin label allowed on meat that was exclusively born, raised, and slaughtered in the United States caused consumer confusion; and

WHEREAS, the United States Department of Agriculture (USDA) issued a rule effective November 23, 2013, that corrected the COOL regulations by disallowing mixed-origin labels on meat exclusively born, raised, and

slaughtered in the United States. However, Canada, Mexico, and domestic meat importers are now working to convince Congress to eliminate or weaken COOL, which would deprive the citizens of the United States of the proper labeling that informs them where the meat they purchase for themselves and their families was born, raised, and slaughtered.

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

1. That the Legislature requests that the United States Congress, President Barack Obama, the United States Secretary of Agriculture, and the United States Trade Representative defend and protect the right of Nebraska citizens, as well as all citizens of the United States, to be informed of the origins of their meat purchases by rejecting any effort to change the current law governing country of origin labeling.

2. That the Legislature further requests that the United States Congress, President Barack Obama, the United States Secretary of Agriculture, and the United States Trade Representative notify the World Trade Organization that it must not intrude on the sovereignty of the United States by attempting to undermine United States law governing country of origin labeling.

3. That a copy of this resolution be sent to President Barack Obama, United States Secretary of Agriculture Tom Vilsack, United States Trade Representative Michael Froman, and each member of the Nebraska congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR414 was referred to the Reference Committee.

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 415.** Introduced by Dubas, 34.

WHEREAS, Judge Michael J. Owens was born in Arcadia, Nebraska, in 1948; and

WHEREAS, Judge Owens graduated from Bellevue High School in 1966, earned a bachelor's degree from the University of Nebraska-Lincoln in 1970, and received his juris doctorate degree from the University of Nebraska College of Law in 1972; and

WHEREAS, Judge Owens served in the United States Air Force Judge Advocate General's Corps; and

WHEREAS, Judge Owens moved with his young family to Aurora, Nebraska, in 1976; and

WHEREAS, Judge Owens was elected Hamilton County Attorney in 1978, was appointed a district judge for the Fifth Judicial District by Governor Ben Nelson in 1996, and was retained by the voters in 2000, 2006, and 2012; and

WHEREAS, Judge Owens retired from the bench this year, after serving as a member of the Nebraska judiciary for 17.5 years; and

WHEREAS, Judge Owens is a Nebraska State Bar Foundation Fellow, and a man of integrity and honor whose legacy is one of service, commitment, and professionalism.

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

1. That the Legislature expresses its gratitude to Judge Michael J. Owens for his distinguished service to the people of the State of Nebraska, and congratulates him on the occasion of his retirement.
2. That a copy of this resolution be sent to Judge Michael J. Owens.

Laid over.

**LEGISLATIVE RESOLUTION 416CA.** Introduced by Karpisek, 32.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5)(a) For purposes of this subsection, casino gaming includes games of chance played for money, credit, or any representative of value using cards, using dice, using equipment, using player-activated electronic, video, or mechanical gaming devices, and using other methods authorized by the Legislature.

(b) Nothing in the Constitution of Nebraska shall be construed to prohibit or restrict casino gaming as authorized by the Legislature. The Legislature shall provide for the authorization, operation, regulation, and taxation of casino gaming. If a casino is proposed to be located in a city or village, the governing body of the city or village shall submit the issue of whether to approve or disapprove the casino location in the city or village to the registered voters of the city or village. If a casino is proposed to be located outside of a city or village, the county board shall submit the issue of whether to approve or disapprove the casino location in the county to the registered voters of the county. The proceeds of taxation of casino gaming shall be appropriated by the Legislature for the costs of regulating casino gaming and for the following purposes, as directed by the Legislature:

(i) Fifty percent of the money remaining after the payment of regulatory expenses shall be used to reduce property taxes as the Legislature may direct;

(ii) Twenty-five percent of the money remaining after the payment of



regulatory expenses shall be used for elementary and secondary education as the Legislature may direct;

(iii) Twelve percent of the money remaining after the payment of regulatory expenses shall be transferred to the Game and Parks Commission;

(iv) Twelve percent of the money remaining after the payment of regulatory expenses shall be transferred to the Department of Natural Resources for water funding, including, but not limited to, (A) research and data gathering; (B) further integrating the management of Nebraska's water supplies; (C) improving the state's aging and antiquated water supply infrastructure; (D) building new water supply infrastructure; (E) promoting coordination and collaboration among all water users; and (F) providing information to policymakers to justify a stable source of project funds; and

(v) One percent of the money remaining after the payment of regulatory expenses shall be transferred to the Compulsive Gamblers Assistance Fund.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to define casino gaming, to permit the Legislature to provide for the authorization, operation, regulation, and taxation of casino gaming, to provide for approval of casino locations by voters in the affected cities, villages, or counties, and to provide for the distribution of proceeds of taxation of casino gaming.

For

Against.

#### **NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, January 28, 2014 1:30 p.m.

LB952

LB682

LB966

(Signed) Kate Sullivan, Chairperson

Health and Human Services

Room 1510

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

LB728

LB901

LB931

Friday, January 31, 2014 1:30 p.m.

LB705  
LB732  
LB916

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Wednesday, January 29, 2014 1:30 p.m.

LB908  
LB928  
LB920  
LB722  
LB784

(Signed) Brad Ashford, Chairperson

Urban Affairs

Room 1510

Tuesday, January 28, 2014 1:30 p.m.

LB968

(Signed) Amanda McGill, Chairperson

**MOTION - Print in Journal**

Senator Christensen filed the following motion to LB957:  
MO116  
Withdraw bill.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Wallman asked unanimous consent to add his name as cointroducer to LB976. No objections. So ordered.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Wednesday, January 22, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**TENTH DAY - JANUARY 22, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 22, 2014

**PRAYER**

The prayer was offered by Chaplain Perry Gauthier, Capitol Ministries, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senator Harms who was excused; and Senators Ashford, Conrad, Larson, Lautenbaugh, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB972	Education
LB973	Education
LB974	Appropriations
LB975	Executive Board
LB976	Executive Board
LB977	Banking, Commerce and Insurance
LB978	Revenue
LB979	Revenue
LB980	Government, Military and Veterans Affairs
LB981	Transportation and Telecommunications
LB982	Transportation and Telecommunications
LB983	Transportation and Telecommunications
LB984	Education
LB985	Natural Resources

LR413 Agriculture

(Signed) John Wightman, Chairperson  
Executive Board

**MESSAGE FROM THE GOVERNOR**

January 21, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Please withdraw the following individual from consideration for confirmation of appointment to the State Board of Health:

Dr. John Tennity, 5114 Deer Ridge Drive, Eagle, NE 68347

Dr. John Tennity has resigned from the State Board of Health effective February 1, 2014.

Thank you.

Sincerely,  
(Signed) Dave Heineman  
Governor

**NOTICE OF COMMITTEE HEARINGS**

Natural Resources

Room 1525

Wednesday, January 29, 2014 1:30 p.m.

LB671

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 29, 2014 1:30 p.m.

LB792  
LB804  
LB833  
LB745

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

LB676  
LB778  
LB747

Friday, January 31, 2014 1:30 p.m.

LB726  
LB742  
LB743

(Signed) Bill Avery, Chairperson

**MOTION - Withdraw LB957**

Senator Christensen offered his motion, MO116, found on page 298, to withdraw LB957.

The Christensen motion to withdraw the bill prevailed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 403.** Senator Kintner withdrew his amendment, FA175, found on page 288.

Senator Brasch offered the following amendment:

FA176

On page 2, line 22 add "to a minor under eighteen years of age." after "lighter" so it reads "a novelty lighter to a minor under eighteen years of age."

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1013.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to counties; to amend section 23-187, Reissue Revised Statutes of Nebraska; to permit counties to regulate by ordinance the operation or conduct of peddlers, hawkers, or solicitors as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1014.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2102, 14-2103, and 32-540, Reissue Revised Statutes of Nebraska; to change provisions relating to election of the board of directors as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1015.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend section 13-903, Reissue Revised Statutes of Nebraska; to include certain nonprofit volunteer fire and rescue departments under the act; and to repeal the original section.

**LEGISLATIVE BILL 1016.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to state aircraft; to amend section 3-106, Reissue Revised Statutes of Nebraska; to direct the purchase and sale of certain aircraft for state government; to provide for operation, maintenance, and hangaring; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1017.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to drugs; to amend sections 28-425, 28-1437, 28-1438, 38-2810, 38-2811, 38-2819, 38-2831, 38-2833, 38-2837, 38-2843, 38-2866, 38-2870, 38-2884, 38-2887, 38-2890, 38-2892, 38-2895, 38-2899, 71-436, 71-2401, 71-2402, 71-2404, 71-2405, 71-2426, 71-2427, 71-2440, 71-2441, 71-2501, 71-2502, 71-2505, 71-2506, 71-2507, 71-2509, 71-2510, 71-2512, 71-5401.01, 71-5401.02, 71-5402, 71-5403, 71-5404, 71-5405, 71-5406, 71-5407, and 71-5409, Reissue Revised Statutes of Nebraska, sections 38-2801, 38-2802, 38-2850, 38-2867, 38-2869, 71-403, 71-448, 71-2421, 71-2453, and 71-7447, Revised Statutes Cumulative Supplement, 2012, and section 71-401, Revised Statutes Supplement, 2013; to adopt the Prescription Drug Safety Act; to transfer, provide, change, and eliminate provisions relating to poisons, medicinal substances, prescription drugs and devices, the practice of pharmacy, and the licensure of pharmacies; to name the Poison Control Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-2848,

71-2403, and 71-2511, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1018.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 2013; to change provisions relating to withholding of job application materials from the public; and to repeal the original section.

**LEGISLATIVE BILL 1019.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to economic development; to amend sections 8-1108.01, 8-1111, 8-1118, and 84-612, Revised Statutes Supplement, 2013; to adopt the Development and Venture Enterprise Act; to change provisions of the Securities Act of Nebraska; to transfer funds; and to repeal the original sections.

**LEGISLATIVE BILL 1020.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to licensing violations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1021.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-2,108.03 and 43-2,108.04, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the sealing of records; and to repeal the original sections.

**LEGISLATIVE BILL 1022.** Introduced by Seiler, 33.

A BILL FOR AN ACT relating to legal procedure; to amend sections 27-801 and 29-3805, Reissue Revised Statutes of Nebraska, and section 29-1207, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to hearsay and disposition of untried charges and trial within six months; and to repeal the original sections.

**LEGISLATIVE BILL 1023.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to budgetary reports; to amend section 81-1125.01, Revised Statutes Cumulative Supplement, 2012; to change a financial reporting requirement; and to repeal the original section.

**LEGISLATIVE BILL 1024.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to state government; to amend section 90-119, Reissue Revised Statutes of Nebraska, and section 81-3711,

Revised Statutes Cumulative Supplement, 2012; to permit the Nebraska Tourism Commission to adopt a state symbol or slogan; to repeal statutes prescribing the official state symbol and slogan and requiring its use by state agencies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 90-105 and 90-106, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1025.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1021, Reissue Revised Statutes of Nebraska, and section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to change the distribution of sales and use tax revenue; to create a fund; to provide funding for schools; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1026.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to state funds; to amend section 77-2715.01, Revised Statutes Cumulative Supplement, 2012; to create and provide for the purpose and use of the Nebraska Educational Trust Fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1027.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to seized property; to amend section 29-820, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to restoration of seized firearms as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1028.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of judges of the separate juvenile court as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1029.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 2013; to change provisions relating to size, weight, and load with respect to vehicles transporting fertilizer; and to repeal the original section.

**LEGISLATIVE BILL 1030.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2013; to prohibit cities and counties from enacting ordinances or resolutions or performing any other official act restricting the use of firearms to a greater extent than state law; to provide



that residents of Nebraska are not subject to federal laws regarding firearms as prescribed; to provide penalties as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1031.** Introduced by Kintner, 2; Garrett, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-27,132, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Department of Revenue; to provide for decreased individual income tax rates; to change the distribution of sales and use tax revenue; and to repeal the original sections.

**LEGISLATIVE BILL 1032.** Introduced by Kintner, 2; Garrett, 3.

A BILL FOR AN ACT relating to abortion; to amend section 71-401, Revised Statutes Supplement, 2013; to require the posting of signs regarding abortion; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 1033.** Introduced by Watermeier, 1; Kintner, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; and to state intent relating to operation and maintenance of Arbor Lodge State Historical Park.

**LEGISLATIVE BILL 1034.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.08, 28-367.01, and 29-4003, Revised Statutes Cumulative Supplement, 2012; to change provisions and penalties relating to unlawful intrusion; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1035.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to handguns; to amend section 69-2409.01, Revised Statutes Cumulative Supplement, 2012; to require reports from the Nebraska State Patrol and the Department of Health and Human Services regarding the agencies' records of persons unable to purchase or possess handguns because of disqualification or disability; and to repeal the original section.

**LEGISLATIVE BILL 1036.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-816, Revised Statutes Cumulative Supplement, 2012; to provide for biennial contracts for cities of the primary class; and to repeal the original section.

**LEGISLATIVE BILL 1037.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 2013; to authorize examination of certain entities formed under the Interlocal Cooperation Act; and to repeal the original section.

**LEGISLATIVE BILL 1038.** Introduced by Dubas, 34; Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2012; to provide an income tax credit for certain property taxes paid on agricultural land and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1039.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,288 and 60-6,289, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-6,290, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to size, weight, and load for farm equipment and implements of husbandry; and to repeal the original sections.

**LEGISLATIVE BILL 1040.** Introduced by Karpisek, 32.

A BILL For AN ACT relating to the Low-Income Home Energy Conservation Act; to amend sections 66-1013, 66-1018, and 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1014, 66-1015 and 66-1016, Revised Statutes Cumulative Supplement, 2012; to change and eliminate grant program provisions for energy conservation improvements; to harmonize provisions; to repeal the original sections; to outright repeal section 66-1017, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 1041.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 79-933.08, Reissue Revised Statutes of Nebraska, section 79-980, Revised Statutes Cumulative Supplement, 2012, and sections 79-987 and 79-991, Revised Statutes Supplement, 2013; to change provisions relating to service credits for school employees; to change provisions relating to the Class V School Employees Retirement Act; to change provisions relating to an annual report; to define a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1042.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 79-902 and 79-921, Revised Statutes Supplement, 2013; to define a term; to provide for

repayments upon rejoining the school employees retirement system; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1043.** Introduced by Nelson, 6; Campbell, 25; Coash, 27; Johnson, 23; Scheer, 19; Seiler, 33; Smith, 14; Watermeier, 1; Wightman, 36.

A BILL FOR AN ACT relating to the documentary stamp tax; to amend section 76-902, Revised Statutes Supplement, 2013; to exempt certain deeds from taxation; and to repeal the original section.

**LEGISLATIVE BILL 1044.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to abandoned vehicles; to amend section 60-1901, Reissue Revised Statutes of Nebraska; to provide procedures for abandoned mobile homes; to define a term; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1045.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2317, Reissue Revised Statutes of Nebraska; to redefine the term underground facility; and to repeal the original section.

**LEGISLATIVE BILL 1046.** Introduced by Carlson, 38; Christensen, 44; Davis, 43; Kolowski, 31; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to create the Water Sustainability Fund; to provide for administration of the fund; and to transfer General Funds.

**LEGISLATIVE BILL 1047.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources; and to declare an emergency.

#### **GENERAL FILE**

**LEGISLATIVE BILL 403.** The Brasch amendment, FA176, found in this day's Journal, was renewed.

#### **PRESIDENT HEIDEMANN PRESIDING**

Senator Scheer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Brasch amendment lost with 10 ayes, 25 nays, 12 present and not voting, and 2 excused and not voting.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1048.** Introduced by Murante, 49; Avery, 28; Lautenbaugh, 18; Mello, 5.

A BILL FOR AN ACT relating to political parties; to amend sections 32-613, 32-614, 32-701, 32-702, 32-703, 32-704, 32-719, and 32-720, Reissue Revised Statutes of Nebraska, and sections 32-610 and 32-707, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to statewide primary elections and political party conventions; to require delegate selection plans for national political party conventions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-706, 32-708, 32-709, and 32-711, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1049.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-202, Reissue Revised Statutes of Nebraska; to change provisions relating to actions for the recovery of title or possession of real estate or foreclosure of mortgages or deeds of trust as mortgages; and to repeal the original section.

**LEGISLATIVE BILL 1050.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to child care; to amend sections 43-2618 and 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to inspections of certain child care facilities as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 1051.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to community health workers; to adopt the Public Health Leadership and Development Act; and to appropriate funds to the Board of Regents of the University of Nebraska.

**LEGISLATIVE BILL 1052.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-183, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to retailers; and to repeal the original section.

**LEGISLATIVE BILL 1053.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 and 71-5314, Reissue Revised Statutes of Nebraska, and sections 77-3,119, 77-27,139.03, 81-15,147, and 83-380, Revised Statutes Cumulative Supplement, 2012; to provide state aid to municipalities, counties, and natural resources districts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1054.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-431, Reissue Revised Statutes of Nebraska; to redefine treatment; and to repeal the original section.

**LEGISLATIVE BILL 1055.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to postsecondary education; to provide for tuition-free academic credits for veterans and military personnel as prescribed.

**LEGISLATIVE BILL 1056.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012; to change individual income tax brackets and rates as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1057.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2012; to provide duties for the Department of Revenue; to change the distribution of sales and use tax revenue; and to repeal the original section.

**LEGISLATIVE BILL 1058.** Introduced by Murante, 49.

A BILL FOR AN ACT relating to presidential elections; to adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.

**LEGISLATIVE BILL 1059.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to learning communities; to amend sections 32-567, 79-2102, and 79-2102.01, Reissue Revised Statutes of Nebraska, and sections 32-604 and 32-1203, Revised Statutes Cumulative Supplement, 2012; to change membership of the learning community coordinating council; to harmonize provisions; to repeal the original sections; and to

outright repeal sections 32-546.01 and 32-555.01, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 1060.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to educational service units; to amend sections 32-404, 32-567, 32-608, 32-1301, 32-1302, and 79-1208, Reissue Revised Statutes of Nebraska, sections 32-607, 32-1203, 79-1212, and 79-1217, Revised Statutes Cumulative Supplement, 2012, and section 32-606, Revised Statutes Supplement, 2013; to provide for appointment of board members; to eliminate provisions relating to election of board members; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-515 and 79-1217.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1061.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to community college areas; to amend sections 32-608, 32-1301, 32-1302, 85-1506, 85-1507, 85-1514, 85-1541, and 85-1542, Reissue Revised Statutes of Nebraska, and sections 32-604, 32-607, 32-811, 32-1203, and 77-3445, Revised Statutes Cumulative Supplement, 2012; to provide for appointment of board members; to eliminate provisions relating to election of board members; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-514, Reissue Revised Statutes of Nebraska, and section 85-1512, Revised Statutes Supplement, 2013.

**LEGISLATIVE BILL 1062.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2012; to require presentment of an operator's license and proof of financial responsibility or evidence of insurance to a peace officer by a driver involved in an accident; to provide for impoundment of a vehicle as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1063.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,108, Reissue Revised Statutes of Nebraska; to require court approval to obtain a juvenile court proceeding transcript; and to repeal the original section.

**LEGISLATIVE BILL 1064.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to education; to adopt the Teach for Nebraska Program Act.

**LEGISLATIVE BILL 1065.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1413, Revised Statutes Cumulative Supplement, 2012; to eliminate provisions relating to secret ballots; and to repeal the original section.

**LEGISLATIVE BILL 1066.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to county boards; to amend section 23-155, Reissue Revised Statutes of Nebraska; to require a record vote by roll call for action by the county board in certain counties; and to repeal the original section.

**LEGISLATIVE BILL 1067.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5806 and 77-5905, Reissue Revised Statutes of Nebraska, and section 77-5725, Revised Statutes Supplement, 2013; to extend sunset dates for tax incentives under the Nebraska Advantage Act, the Nebraska Advantage Research and Development Act, and the Nebraska Advantage Microenterprise Tax Credit Act; and to repeal the original sections.

**LEGISLATIVE BILL 1068.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to learning communities; to amend section 79-1008.02, Revised Statutes Cumulative Supplement, 2012, and sections 79-1003, 79-1022, 79-2104.01, and 79-2104.03, Revised Statutes Supplement, 2013; to redefine a term and change provisions relating to a minimum levy adjustment and distribution of funds for purposes of the Tax Equity and Educational Opportunities Support Act; to rename a committee and to change and provide duties for the committee relating to learning communities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1069.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 1-116, 79-526, 79-535, 79-1102, and 79-1337, Reissue Revised Statutes of Nebraska, sections 79-319, 79-8,133, 79-8,137.01, and 85-2407, Revised Statutes Cumulative Supplement, 2012, and sections 79-1118.01, 85-1603, 85-1604, and 85-2405, Revised Statutes Supplement, 2013; to change provisions relating to an accrediting commission and distance education incentives; to provide authorization for expenditures as prescribed; to provide duties for the Early Childhood Training Center; to define and redefine terms relating to the Special Education Act; to change provisions relating to the Private Postsecondary Career School Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1070.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1008.02 and 79-1073, Revised Statutes Cumulative Supplement, 2012, and sections 79-1003, 79-1007.11, and 79-1022, Revised Statutes Supplement, 2013; to redefine a term and change provisions relating to calculation of formula need, a minimum levy adjustment, and distribution of funds for purposes of the Tax Equity and Educational Opportunities Support Act; to change a duty for learning community coordinating councils; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1071.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2012; to provide rights and responsibilities for operating a bicycle on a sidewalk or across a roadway or shoulder on a crosswalk; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1072.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to public health; to amend section 38-178, Revised Statutes Cumulative Supplement, 2012; to adopt the Prescription Monitoring and Health Information Exchange Act; to change provisions relating to grounds for disciplinary action; to eliminate provisions relating to prescription drug monitoring; to harmonize provisions; to provide an operative date; to repeal the original section; and to outright repeal section 71-2454 and 71-2455, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 1073.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to labor; to amend section 4-114, Reissue Revised Statutes of Nebraska; to require employers to e-verify the immigration status of new employees; to eliminate obsolete provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1074.** Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 46-706, 46-713, 46-714, 46-715, 46-720, 46-739, and 46-740, Reissue Revised Statutes of Nebraska, and section 46-753, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to overappropriation designations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1075.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to government; to prohibit the employment of certain persons by certain public entities.



**LEGISLATIVE BILL 1076.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide for certain reimbursement rates and services as prescribed; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1077.** Introduced by Sullivan, 41; Scheer, 19.

A BILL FOR AN ACT relating to education; to amend sections 79-1007.13, 85-1904, and 85-2103, Reissue Revised Statutes of Nebraska, and sections 79-1018.01, 85-1918, 85-2104, and 85-2106, Revised Statutes Cumulative Supplement, 2012; to adopt the Shared Responsibility for Access and Success Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1078.** Introduced by Nordquist, 7; Campbell, 25; Dubas, 34; McGill, 26.

A BILL FOR AN ACT relating to telehealth; to amend sections 71-8503 and 71-8508, Reissue Revised Statutes of Nebraska, sections 38-2001, 38-2301, and 38-2801, Revised Statutes Cumulative Supplement, 2012, and section 71-8506, Revised Statutes Supplement, 2013; to provide for the establishment of a patient relationship through video conferencing as prescribed; to require insurance coverage for telehealth services as prescribed; to define and redefine terms; to change provisions relating to reimbursement rates and rules and regulations under the Nebraska Telehealth Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1079.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend section 13-2706, Reissue Revised Statutes of Nebraska, and sections 13-2703, 13-2705, 13-2707, 13-2707.01, and 13-2709, Revised Statutes Supplement, 2013; to authorize grants to certain county agricultural societies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 403.** Senator Kintner offered the following amendment:

FA177

On page 2, line 24, strike "Class IV" and insert "Class V".

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1080.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Plant Protection and Plant Pest Act; to amend section 2-1072, Revised Statutes Supplement, 2013; to provide for nonprofit nursery stock distributors under the act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1081.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the schools; to amend section 79-233, Revised Statutes Cumulative Supplement, 2012, and section 79-237, Revised Statutes Supplement, 2013; to provide a duty for the State Department of Education; to provide for reversal of a transfer decision as prescribed; to provide for eligibility for participation in certain activities as prescribed; to provide for changes in classification of schools relating to varsity athletic competition as prescribed; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 1082.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to allow all-terrain vehicles and utility-type vehicles to be operated as authorized emergency vehicles; and to repeal the original section.

**LEGISLATIVE BILL 1083.** Introduced by Garrett, 3.

A BILL FOR AN ACT relating to economic development; to amend section 81-1204, Reissue Revised Statutes of Nebraska, section 81-1203, Revised Statutes Cumulative Supplement, 2012, and sections 81-1201.21 and 81-1210.02, Revised Statutes Supplement, 2013; to authorize training grants for certain veterans; to change provisions relating to job training grants and grants for internships; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1084.** Introduced by Garrett, 3.

A BILL FOR AN ACT relating to offices and officeholders; to amend section 32-567, Reissue Revised Statutes of Nebraska; to provide a statutory reference for the filling of certain vacancies; and to repeal the original section.

**LEGISLATIVE BILL 1085.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to labor and employment; to require certain

employers to provide a listing of employee salaries and job titles as prescribed; and to provide an operative date.

**LEGISLATIVE BILL 1086.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Supplement, 2013; to transfer funds to the Property Tax Credit Cash Fund; and to repeal the original section.

**LEGISLATIVE BILL 1087.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3501.01, 77-3506.03, 77-3509, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3513, 77-3514, 77-3516, 77-3521, 77-3522, 77-3523, 77-3529, and 77-4212, Reissue Revised Statutes of Nebraska, and section 77-3517, Revised Statutes Cumulative Supplement, 2012; to create a homestead exemption for disabled veterans and widows and widowers as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1088.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to child care; to amend section 68-1206, Revised Statutes Supplement, 2013; to change provisions relating to assistance; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1089.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 30-3839, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide for disposition of residual funds in class action litigation and charitable trusts; and to repeal the original section.

**LEGISLATIVE BILL 1090.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to labor; to adopt the Healthy Families and Workplaces Act; and to provide severability.

**LEGISLATIVE BILL 1091.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend section 81-1204, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2013; to change provisions relating to job training grant limitations; to provide for a fund transfer; and to repeal the original sections.

**LEGISLATIVE BILL 1092.** Introduced by Dubas, 34; Davis, 43; Johnson, 23; Krist, 10; Lautenbaugh, 18; Mello, 5; Nordquist, 7; Scheer, 19; Schilz, 47; Sullivan, 41.

A BILL FOR AN ACT relating to funding for highways; to amend sections 39-2205, 39-2209, 39-2211, 39-2213, 39-2222, 39-2223, and 39-2224, Reissue Revised Statutes of Nebraska, and sections 39-2215, 39-2216, and 39-2704, Revised Statutes Cumulative Supplement, 2012; to authorize issuance of highway bonds; to change provisions of the Build Nebraska Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1093.** Introduced by Brasch, 16; Coash, 27.

A BILL FOR AN ACT relating to juvenile conferencing; to amend section 43-247.01, Reissue Revised Statutes of Nebraska, and section 43-4203, Revised Statutes Supplement, 2013; to change provisions relating to facilitated conferencing and funding; to state funding intent; and to repeal the original sections.

**LEGISLATIVE BILL 1094.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB199, section 7; to change a fund transfer to the Property Tax Credit Cash Fund; and to repeal the original section.

**LEGISLATIVE BILL 1095.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to economic development; to amend sections 18-2102.01, 18-2113, 18-2116, 18-2117.01, and 81-1201.20, Reissue Revised Statutes of Nebraska, section 81-1201.07, Revised Statutes Cumulative Supplement, 2012, and sections 18-2103, 81-1201.01, and 81-1201.03, Revised Statutes Supplement, 2013; to change the Community Development Law; to create the Tax-increment Financing Division of the Department of Economic Development and provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1096.** Introduced by Ashford, 20; Howard, 9; Lathrop, 12; Lautenbaugh, 18; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend section 19-4015, Reissue Revised Statutes of Nebraska; to provide a procedure to expand a business improvement district; and to repeal the original section.

**LEGISLATIVE BILL 1097.** Introduced by B. Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2734.02, Revised Statutes Cumulative Supplement,

2012; to change individual income tax brackets and rates and corporate income tax rates; and to repeal the original sections.

**LEGISLATIVE BILL 1098.** Introduced by Carlson, 38; Christensen, 44; Davis, 43; Kolowski, 31; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend section 2-1504, Reissue Revised Statutes of Nebraska; to change the membership of and provide powers and duties for the commission; and to repeal the original section.

**LEGISLATIVE BILL 1099.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to education; to state findings and intent; and to provide for a study relating to state aid to schools.

**LEGISLATIVE BILL 1100.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to public power; to create the Public Power Task Force; to provide powers and duties for the task force; and to provide a termination date.

**LEGISLATIVE BILL 1101.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to schools; to amend sections 79-10,120, 79-10,126, and 79-2107, Reissue Revised Statutes of Nebraska, sections 70-651.04, 79-528, 79-1008.02, 79-1036, 79-1041, and 79-2111, Revised Statutes Cumulative Supplement, 2012, and sections 77-1736.06, 77-3442, 79-1007.18, 79-1022, and 79-2104, Revised Statutes Supplement, 2013; to eliminate certain taxing authority of learning communities; to change state aid calculations; to change provisions relating to transfer of territory between certain districts as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-10,126.01, Reissue Revised Statutes of Nebraska, and sections 79-1073 and 79-1073.01, Revised Statutes Cumulative Supplement, 2012.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 401, 402, and 403 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 401, 402, and 403.

**GENERAL FILE**

**LEGISLATIVE BILL 403.** The Kintner amendment, FA177, found in this day's Journal, was renewed.

Senator Kintner requested a roll call vote on his amendment.

The Kintner amendment lost with 15 ayes, 24 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1102.** Introduced by Crawford, 45; Chambers, 11; Davis, 43; Garrett, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401.01, Revised Statutes Cumulative Supplement, 2012, and section 28-401, Revised Statutes Supplement, 2013; to adopt Will's Law; to redefine marijuana and authorize the medical use of hemp oil extract which contains no more than three-tenths of one percent tetrahydrocannabinols; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1103.** Introduced by Education Committee: Sullivan, 41, Chairperson; Avery, 28; Cook, 13; Davis, 43; Kolowski, 31; Scheer, 19; Seiler, 33.

A BILL FOR AN ACT relating to education; to state findings and intent; to provide for a strategic planning process; to provide duties for the Education Committee of the Legislature; and to declare an emergency.

**LEGISLATIVE BILL 1104.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to farm wineries; to amend section 53-123.11, Reissue Revised Statutes of Nebraska; to change provisions relating to licensees; and to repeal the original section.

**LEGISLATIVE BILL 1105.** Introduced by McGill, 26; Ashford, 20; Crawford, 45.

A BILL FOR AN ACT relating to courts; to amend sections 24-1301, 24-1302, and 29-2246, Reissue Revised Statutes of Nebraska; to create veterans and servicemembers court programs; to state intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1106.** Introduced by McGill, 26; Ashford, 20; Dubas, 34.

A BILL FOR AN ACT relating to education; to amend section 79-777, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to career academies; to provide for reimbursement of tuition and fees as prescribed; to create a fund; and to repeal the original section.

**LEGISLATIVE BILL 1107.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-901, Revised Statutes Cumulative Supplement, 2012; to change payment provisions relating to encounters with multiple health care professionals at a federally qualified health center; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1108.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to abortion; to amend section 71-6903, Revised Statutes Cumulative Supplement, 2012; to change a standard used by a court in finding a pregnant woman sufficiently mature to decide to have an abortion; and to repeal the original section.

**LEGISLATIVE BILL 1109.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to abortion; to amend sections 38-2021, 64-113, 71-6901, 71-6902, 71-6903, 71-6904, 71-6905, 71-6906, 71-6907, and 71-6908, Revised Statutes Cumulative Supplement, 2012; to change and eliminate provisions relating to consent and parental notification; to eliminate certain penalties; to repeal the original sections; and to outright repeal sections 71-6902.01, 71-6902.02, 71-6909, 71-6910, and 71-6911, Revised Statutes Cumulative Supplement, 2012.

**LEGISLATIVE BILL 1110.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2436, Revised Statutes Cumulative Supplement, 2012; to change renewal provisions for members of the United States Armed Forces and their spouses; and to repeal the original section.

**LEGISLATIVE BILL 1111.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-701, Reissue Revised Statutes of Nebraska; to provide duties for certain natural resources districts relating to integrated management plans as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1112.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Reissue Revised Statutes of Nebraska; to terminate and authorize occupation taxes; and to repeal the original section.

**LEGISLATIVE BILL 1113.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to irrigation; to provide powers and duties for districts, companies, and property owners relating to surface water appropriations; and to declare an emergency.

**LEGISLATIVE BILL 1114.** Introduced by Mello, 5; Hadley, 37.

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Reissue Revised Statutes of Nebraska, and sections 81-12,154 and 81-12,167, Revised Statutes Cumulative Supplement, 2012; to change funding for certain tax credits; to state intent relating to funding; to change the termination date of the Business Innovation Act; to create a fund and provide for its use; and to repeal the original sections.

**LEGISLATIVE BILL 1115.** Introduced by Davis, 43; Brasch, 16; Dubas, 34; K. Haar, 21; Schilz, 47; Seiler, 33; Smith, 14; Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate additional funds to the Nebraska Power Review Board for a study; to state public policy; and to declare an emergency.

**AMENDMENT - Print in Journal**

Senator Krist filed the following amendment to LB660:

AM1668

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 68-1212, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 68-1212 (1) Except as provided in subsection (2) of  
 6 this section, by April 1, 2012, for all cases in which a  
 7 court has awarded a juvenile to the care of the Department of  
 8 Health and Human Services according to subsection (1) of section  
 9 43-285 and for any noncourt and voluntary cases, the case manager  
 10 shall be an employee of the department. Such case manager shall  
 11 be responsible for and shall directly oversee: Case planning;  
 12 service authorization; investigation of compliance; monitoring  
 13 and evaluation of the care and services provided to children  
 14 and families; and decisionmaking regarding the determination of  
 15 visitation and the care, placement, medical services, psychiatric  
 16 services, training, and expenditures on behalf of each juvenile  
 17 under subsection (1) of section 43-285. Such case manager shall be



18 responsible for decisionmaking and direct preparation regarding the  
19 proposed plan for the care, placement, services, and permanency of  
20 the juvenile filed with the court required under subsection (2)  
21 of section 43-285. The health and safety of the juvenile shall be  
22 the paramount concern in the proposed plan in accordance with such  
23 subsection.

1 (2) The department may contract with a lead agency  
2 for a case management lead agency model pilot project in the  
3 department's eastern service area as designated pursuant to section  
4 81-3116. The department shall include in the pilot project the  
5 appropriate conditions, performance outcomes, and oversight for the  
6 lead agency, including, but not be limited to:

7 (a) The reporting and survey requirements of lead  
8 agencies described in sections 43-4406 and 43-4407;

9 (b) Departmental monitoring and functional capacities of  
10 lead agencies described in section 43-4408;

11 (c) The key areas of evaluation specified in subsection  
12 (3) of section 43-4409;

13 (d) Compliance and coordination with the development of  
14 the statewide strategic plan for child welfare program and service  
15 reform pursuant to Laws 2012, LB821; and

16 (e) Assurance of financial accountability and reporting  
17 by the lead agency.

18 (3) ~~Prior to April 1, 2013, the Health and Human Services  
19 Committee of the Legislature shall review the pilot project and  
20 provide to the department and the Legislature recommendations,  
21 and any legislation necessary to adopt the recommendations,  
22 regarding the adaptation or continuation of the pilot project. In  
23 making the recommendations, the committee shall utilize: (a) The  
24 evaluation completed pursuant to Legislative Bill 1160, One Hundred  
25 Second Legislature, Second Session, 2012; (b) the recommendations  
26 of the statewide strategic plan pursuant to Legislative Bill  
27 821, One Hundred Second Legislature, Second Session, 2012; (c)  
1 the department's assessment of the pilot project; and (d) any  
2 additional reports, surveys, information, and data provided to  
3 and requested by the committee. If the pilot project continues  
4 past April 1, 2013, the Before June 30, 2014, the department may  
5 extend the contract for the pilot project described in subsection  
6 (2) of this section. The lead agency shall also comply with the  
7 requirements of section 43-4204.~~

8 Sec. 2. If the pilot project described in section 68-1212  
9 is extended by the Department of Health and Human Services,  
10 the pilot project shall be evaluated by the same entity which  
11 conducted the evaluation required pursuant to section 43-4409. The  
12 purpose of such evaluation is to determine whether case management  
13 should be a duty of the department (1) performed by employees  
14 of the department and not subject to contract with a private  
15 contractor or (2) performed by a private entity pursuant to a  
16 contract with the department. The evaluation shall specifically

17 compare the performance of case management by a private entity  
18 under contract with the department in the eastern service area of  
19 the department as designated pursuant to section 81-3116 to the  
20 performance of employees of the department in all other services  
21 areas designated pursuant to such section. The department shall  
22 provide to the evaluator in a timely and cooperative manner  
23 all data and information collected by and available to the  
24 department on the performance of case management by employees  
25 of the department in such other services areas. The report of the  
26 evaluation shall be presented concurrently to the Health and Human  
27 Services Committee of the Legislature, the chief executive officer  
1 of the Department of Health and Human Services, and the Nebraska  
2 Families Collaborative, on or before December 31, 2014.  
3 Sec. 3. Original section 68-1212, Revised Statutes  
4 Cumulative Supplement, 2012, is repealed.  
5 Sec. 4. Since an emergency exists, this act takes effect  
6 when passed and approved according to law.

### NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

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

LB770  
LB877  
LB857  
LB933  
LB934

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Wednesday, January 29, 2014 1:30 p.m.

LB760  
LB814  
LB841

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

LB783  
LB794  
LB829

Friday, January 31, 2014 1:30 p.m.

LB809  
LB894

(Signed) Galen Hadley, Chairperson

**COMMITTEE REPORTS**  
Urban Affairs

**LEGISLATIVE BILL 679.** Placed on General File.  
**LEGISLATIVE BILL 802.** Placed on General File.  
**LEGISLATIVE BILL 803.** Placed on General File.

(Signed) Amanda McGill, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 417.** Introduced by Mello, 5; Nordquist, 7; Wightman, 36.

WHEREAS, Hispanic Heritage Month was started in 1988 by President Ronald Reagan after he expanded National Hispanic Heritage Week, first signed into law by President Lyndon Johnson in 1968, into a full 30 days; and

WHEREAS, Hispanic Heritage Month is observed from September 15 through October 15 and covers the independence days of Costa Rica, Nicaragua, Chile, Mexico, Honduras, and El Salvador, and includes Columbus Day which is known as Día de la Raza (Day of the Race) or Día de Las Americas (Day of the Americas) in Latin-American countries; and

WHEREAS, Hispanic Heritage Month is a celebration and commemoration of Latin-American history and culture honoring how Hispanic culture has dramatically impacted American society; and

WHEREAS, the Hispanic population has not historically been a large segment of the American population, but has grown over the past two decades along with Hispanic contributions to American culture; and

WHEREAS, Hispanic men and women play an integral role in American society, and it is vitally important that we honor and celebrate their contributions to our culture and to the State of Nebraska.

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

1. That the Legislature designates September 15 through October 15, 2014, as Hispanic Heritage Month in the State of Nebraska.

2. That during that time, Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the Hispanic men and women of Nebraska, past and present, who have worked tirelessly to overcome obstacles of language, culture, and tradition to positively impact American society and become an integral part of our local communities.

3. That Nebraskans are also encouraged to study Hispanic culture and history, recognize Hispanic contributions in their communities, and strive for appreciation and equality year-round in order to celebrate our past and brighten our future in the State of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 418.** Introduced by Seiler, 33.

WHEREAS, Morgan Nikkila has been named a 2013 Tribland Player of the Year for girls' volleyball; and

WHEREAS, Morgan, a student at Hastings St. Cecilia High School, amassed 37 kills to lead the Hawkettes to victory over Lutheran High Northeast in the first round of the 2013 state tournament, just one kill short of a Class C-2 record; and

WHEREAS, Morgan helped her team ultimately win the 2013 Class C-2 Girls' State Volleyball 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 Morgan Nikkila on being named a 2013 Tribland Player of the Year for girls' volleyball.

2. That a copy of this resolution be sent to Morgan Nikkila.

Laid over.

**LEGISLATIVE RESOLUTION 419.** Introduced by Seiler, 33.

WHEREAS, Seyler Monroe has been named a 2013 Tribland Player of the Year for six-man football; and

WHEREAS, Seyler, quarterback for the Silver Lake High School Mustangs, led his team to their first six-man state football championship in school history with an unbeaten season record; and

WHEREAS, Seyler rushed for 207 yards, scored three touchdown runs, and passed for another touchdown to help the Mustangs beat the Hyannis High School Longhorns by a score of 47-46; 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 Seyler Monroe on being named a 2013 Tribland Player of the Year for six-man football.

2. That a copy of this resolution be sent to Seyler Monroe.

Laid over.

**LEGISLATIVE RESOLUTION 420.** Introduced by Seiler, 33.

WHEREAS, Jordan Slough has been named a 2013 Tribland Player of the Year for 11-man football; and

WHEREAS, Jordan, a senior at Doniphan-Trumbull High School, led his Cardinals to victory in the 2013 Class C-2 State Football Championship over the Aquinas Catholic High School Monarchs; and

WHEREAS, Jordan had over 100 yards rushing in the championship game and finished the season with 2,123 yards rushing and 40 touchdowns to his credit; 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 Jordan Slough on being named a 2013 Tribland Player of the Year for 11-man football.
2. That a copy of this resolution be sent to Jordan Slough.

Laid over.

**LEGISLATIVE RESOLUTION 421CA.** Introduced by Lautenbaugh, 18.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 1, and repeal Article VII, sections 2 to 4:

XIII-1 The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except (1) for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid; ~~Provided, (2)~~ that if the Legislature determines by a three-fifths vote of the members elected thereto that ~~(1)~~ (a) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and ~~(2)~~ (b) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state

revenue derived from the use of such structures; ~~and provided further, (3)~~ that the Board of Regents of the University of Nebraska, ~~and the Board of Trustees of the Nebraska State Colleges, and the State Board of Education~~ may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.

Article VII, sections 2 to 4, of the Constitution of Nebraska are repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate the authority of the State Board of Education to issue revenue bonds and to eliminate other constitutional references to the State Department of Education, the State Board of Education, and the Commissioner of Education.

For

Against.

**LEGISLATIVE RESOLUTION 422.** Introduced by Campbell, 25; Gloor, 35.

WHEREAS, eleven of Nebraska's ninety-three counties have no primary care physicians; and

WHEREAS, those Nebraska counties with uninsured rates of 21% or greater exist only in rural areas; and

WHEREAS, Nebraska's future economic and fiscal success requires a healthy population, the availability of high-quality health care at lower costs, and greater efficiency in health care delivery; and

WHEREAS, successful transformation of Nebraska's health care system is essential to the state's economic well-being; and

WHEREAS, health care reform requires the transformation of health care delivery into a patient-centric, high-value enterprise; and

WHEREAS, the challenge of health care reform requires a new level of cooperation between all health care partner stakeholders and policymakers in Nebraska; and

WHEREAS, state government must provide clear leadership for health care system transformation efforts that results in transparency, trust, and full participation from all partner stakeholders; and

WHEREAS, as a result of Legislative Resolution 22 (LR22) passed during the One Hundred Third Legislature, First Session, the Health and Human Services Committee, in conjunction with the Banking, Commerce and Insurance Committee, held a conference on health care in Nebraska attended by 167 stakeholders from across the state; and

WHEREAS, the LR22 stakeholders conference examined what the Nebraska health care system should look like in fifteen years and what opportunities and challenges Nebraska patients, providers, and payers will face during the period of change over the next fifteen years. This examination resulted in dialogue on population health, personal health, health care worker education and care processes, and delivery of health care and health care costs in Nebraska; and

WHEREAS, LR22 initiated the discussion, but there is opportunity for continued partnership and leadership by the Legislature in the development of a vision for transformation of the Nebraska health care system.

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, in cooperation with the Banking, Commerce and Insurance Committee, be designated to develop policy recommendations towards transformation of Nebraska's health care system.

2. That in order to develop its policy recommendations, the Health and Human Services Committee, in cooperation with the Banking, Commerce and Insurance Committee, shall continue to bring together through information-gathering meetings and work groups partner stakeholders at all levels, including state and local governments, public and private insurers, health care delivery organizations, employers, specialty societies, consumer groups, patients, consumers, and all other interested parties, to work together with the shared objectives of controlling health care costs and improving health care quality.

3. That with input from partner stakeholders and in cooperation with the Banking, Commerce and Insurance Committee, the Health and Human Services Committee shall continue to:

a. Provide a comprehensive review of Nebraska's health care delivery, cost, and coverage demands;

b. Define opportunities for expansion of health care delivery to rural and medically underserved regions and patients through telemedicine, electronic home care devices, and Internet-based care;

c. Determine the role of team-based care including the patient-centered medical home, accountable care organizations, and introduction of additional health care providers to these medical teams;

d. Assess the opportunities for loan forgiveness for service of health care providers in designated underserved counties of Nebraska;

e. Engage additional stakeholders in dialogue, roundtable discussions, and public policy discourse;

f. Develop a framework for health care system transformation that meets public health, workforce, delivery, and budgetary responsibilities; and

g. Develop cooperative strategies and initiatives for the design, implementation, and accountability of services that improve care quality and value-based care while advancing the overall health of all Nebraskans.

4. That the Health and Human Services Committee will conduct additional public hearings and with the Banking, Commerce and Insurance Committee make recommendations relating to health care for all Nebraskans. The Health and Human Services Committee and the Banking, Commerce and Insurance Committee shall hold a joint hearing not later than November 14, 2014, to consider recommendations obtained pursuant to this resolution.

5. That the Health and Human Services Committee and the Banking, Commerce and Insurance Committee, along with any work groups created pursuant to this resolution, shall rely on information, data, and subject matter expertise from consultation with a wide range of entities, including the Division of Medicaid and Long-Term Care and the Division of Public Health of the Department of Health and Human Services, the Department of Insurance, and any other agencies the committees identify to provide collaboration with the committees, and any such work groups to attain the goals for health care system transformation.

6. That the funding of the activities of the Health and Human Services Committee under this resolution will be provided by existing appropriations for the committee from the Nebraska Health Care Cash Fund.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR422 was referred to the Reference Committee.

#### **RESOLUTION**

**LEGISLATIVE RESOLUTION 423CA.** Introduced by Nordquist, 7; B. Harr, 8; Mello, 5.

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be



taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; ~~and~~ (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year; and (9) the Legislature may provide that residential real property, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing residential real property which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of residential real property. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use

thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to classify residential real property as a separate class of property and to tax it differently than other real property so long as all residential real property is valued uniformly.

For

Against.

### **GENERAL FILE**

**LEGISLATIVE BILL 403.** Senator Kintner offered the following motion:

MO117

Reconsider the vote taken on FA177.

Pending.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Ashford and Nordquist asked unanimous consent to add their names as cointroducers to LB987. No objections. So ordered.

Senators Howard and Krist asked unanimous consent to add their names as cointroducers to LB936. No objections. So ordered.

Senators Hansen, Janssen, Murante, Nelson, and Schilz asked unanimous consent to add their names as cointroducers to LB952. No objections. So ordered.

Senator Garrett asked unanimous consent to add his name as cointroducer to LB740. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB1097. No objections. So ordered.

Senators Carlson, Larson, and Smith asked unanimous consent to add their names as cointroducers to LB952. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LB1035. No objections. So ordered.

**AMENDMENTS - Print in Journal**

Senator Schilz filed the following amendment to LB403:  
AM1672

- 1 1. On page 2, line 22, after "lighter" insert
- 2 "manufactured on or after the effective date of this act without a
- 3 child-proof safety feature".

Senator Kintner filed the following amendment to LB403:  
AM1670

- 1 1. On page 2, line 22, after "lighter" insert "unless
- 2 the manufacturer or retailer of the novelty lighter has attached
- 3 a warning label to the novelty lighter providing a warning to the
- 4 purchaser that the novelty lighter is not a toy and should not be
- 5 used by children.".

**VISITOR**

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

**ADJOURNMENT**

At 11:51 a.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Thursday, January 23, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**ELEVENTH DAY - JANUARY 23, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 23, 2014

**PRAYER**

The prayer was offered by Pastor Ray S. Wilke, Grace Lutheran Church, Norfolk.

**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 Coash, Conrad, Davis, and Harms who were excused; and Senators Ashford, Christensen, Dubas, Karpisek, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 286, line 21, strike "Health and Human Services" and insert "Appropriations".

Page 286, line 22, strike "Appropriations" and insert "Government, Military and Veterans Affairs".

The Journal for the ninth day was approved as corrected.

The Journal for the tenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB977	Nebraska Retirement Systems (referred)
LB986	Revenue
LB987	Revenue
LB988	Judiciary
LB989	Executive Board
LB990	Transportation and Telecommunications
LB991	Banking, Commerce and Insurance
LB992	Education

LB993 Banking, Commerce and Insurance  
 LB994 Health and Human Services  
 LB995 Revenue  
 LB996 Executive Board  
 LB997 Business and Labor  
 LB998 Judiciary  
 LB999 Judiciary  
 LB1000 Judiciary  
 LB1001 Judiciary  
 LB1002 Agriculture  
 LB1003 Natural Resources  
 LB1004 Appropriations  
 LB1005 Natural Resources  
 LB1006 Judiciary  
 LB1007 Judiciary  
 LB1008 Natural Resources  
 LB1009 Education  
 LB1010 Banking, Commerce and Insurance  
 LB1011 Urban Affairs  
 LB1012 Urban Affairs  
 LR414 Agriculture  
 LR416CA General Affairs

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 359.** Placed on Select File with amendment.  
ER119

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 68-1206, Revised Statutes Supplement,  
 4 2013, is amended to read:  
 5 68-1206 (1) The Department of Health and Human Services  
 6 shall administer the program of social services in this state.  
 7 The department may contract with other social agencies for the  
 8 purchase of social services at rates not to exceed those prevailing  
 9 in the state or the cost at which the department could provide  
 10 those services. The statutory maximum payments for the separate  
 11 program of aid to dependent children shall apply only to public  
 12 assistance grants and shall not apply to payments for social  
 13 services. As part of the provision of social services authorized  
 14 by section 68-1202, the department shall participate in the federal  
 15 child care assistance program under 42 U.S.C. 618, as such section  
 16 existed on January 1, 2013, and provide child care assistance to  
 17 families with incomes up to one hundred twenty-five percent of the  
 18 federal poverty level for FY2013-14 and one hundred thirty percent

19 of the federal poverty level for FY2014-15 and each fiscal year  
20 thereafter.

21 (2) As part of the provision of social services  
22 authorized by this section and section 68-1202, the department  
23 shall participate in the federal Child Care Subsidy program. In  
1 determining ongoing eligibility for this program, ten percent of  
2 a household's gross earned income shall be disregarded. Initial  
3 program eligibility standards shall not be impacted by the  
4 provisions of this subsection.

5 ~~(2)~~(3) In determining the rate or rates to be paid  
6 by the department for child care as defined in section 43-2605,  
7 the department shall adopt a fixed-rate schedule for the state  
8 or a fixed-rate schedule for an area of the state applicable to  
9 each child care program category of provider as defined in section  
10 71-1910 which may claim reimbursement for services provided by  
11 the federal Child Care Subsidy program, except that the department  
12 shall not pay a rate higher than that charged by an individual  
13 provider to that provider's private clients. The schedule may  
14 provide separate rates for care for infants, for children with  
15 special needs, including disabilities or technological dependence,  
16 or for other individual categories of children. The schedule may  
17 also provide tiered rates based upon a quality scale rating of step  
18 three or higher under the Step Up to Quality Child Care Act. The  
19 schedule shall be effective on October 1 of every year and shall be  
20 revised annually by the department.

21 Sec. 2. Original section 68-1206, Revised Statutes  
22 Supplement, 2013, is repealed.

23 2. On page 1, line 2, strike "Reissue Revised Statutes of  
24 Nebraska" and insert "Revised Statutes Supplement, 2013".

**LEGISLATIVE BILL 359A.** Placed on Select File with amendment.

ER120

1 1. On page 1, line 3, strike "First Session, 2013" and  
2 insert "Second Session, 2014".

**LEGISLATIVE BILL 13.** Placed on Select File with amendment.

ER121

1 1. On page 1, strike beginning with "to" in line 7  
2 through the first semicolon in line 9.

**LEGISLATIVE BILL 128.** Placed on Select File with amendment.

ER122

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 28-906, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 28-906 (1) A person commits the offense of obstructing a  
6 peace officer: ~~when,~~  
7 (a) By intentionally and knowingly removing a firearm

8 or weapon from a peace officer in uniform or a peace officer  
 9 displaying a badge of authority who is engaged in the performance  
 10 of his or her official duties; or

11 (b) When, by intentionally and knowingly using or  
 12 threatening to use violence, force, physical interference, or  
 13 obstacle, he or she intentionally and actually obstructs, impairs,  
 14 or hinders ~~(a)-(i)~~ the enforcement of the penal law or the  
 15 preservation of the peace by a peace officer or judge acting  
 16 lawfully under color of his or her official authority or ~~(b)-(ii)~~ a  
 17 police animal assisting a peace officer acting lawfully pursuant to  
 18 the peace officer's official authority.

19 (2) For purposes of this section, police animal means  
 20 a horse or dog owned or controlled by the State of Nebraska or  
 21 any county, city, or village for the purpose of assisting a peace  
 22 officer acting pursuant to his or her official authority.

23 (3) Obstructing a peace officer is a Class I misdemeanor.

1 Sec. 2. Original section 28-906, Revised Statutes  
 2 Cumulative Supplement, 2012, is repealed.  
 3 2. On page 1, strike beginning with "28-101" in line  
 4 1 through line 4 and insert "28-906, Revised Statutes Cumulative  
 5 Supplement, 2012; to change the offense of obstructing a peace  
 6 officer; and to repeal the original section."

**LEGISLATIVE BILL 399.** Placed on Select File with amendment.  
 ER123

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 60-6,232, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 60-6,232 (1) A rotating or flashing amber light or lights  
 6 shall be displayed on the roof of any motor vehicle being operated  
 7 by any rural mail carrier outside the corporate limits of any  
 8 municipality in this state on or near any highway in the process of  
 9 delivering mail.

10 (2) A rotating or flashing amber light or lights may be  
 11 displayed on ~~(1)-(a)~~ any vehicle of the Military Department while  
 12 on any state emergency mission, ~~(2)-(b)~~ any motor vehicle being  
 13 operated by any public utility, vehicle service, or towing service  
 14 or any publicly or privately owned construction or maintenance  
 15 vehicle while performing its duties on or near any highway, ~~(3)~~  
 16 (c) any motor vehicle being operated by any member of the Civil  
 17 Air Patrol, ~~(4)-(d)~~ any pilot vehicle escorting an overdimensional  
 18 load, ~~(5)-(e)~~ any vehicle while actually engaged in the moving  
 19 of houses, buildings, or other objects of extraordinary bulk,  
 20 including unbaled livestock forage as authorized by subdivision  
 21 (2)(f) of section 60-6,288, ~~(6)-(f)~~ any motor vehicle owned by or  
 22 operated on behalf of a railroad carrier that is stopped to load  
 23 or unload passengers, ~~(7)-(g)~~ any motor vehicle operated by or  
 1 for an emergency management worker as defined in section 81-829.39



2 or a storm spotter as defined in section 81-829.67 who is activated  
3 by a local emergency management organization, or (h) any motor  
4 vehicle operated by a volunteer member of a public safety or crime  
5 prevention organization which has been authorized to use such light  
6 or lights under such terms and conditions and within such area  
7 as determined by the county attorney of the county where the use  
8 occurs. Such volunteer members shall be registered and authorized  
9 by the county attorney in the county where the use occurs before  
10 they are allowed to display such lights.  
11 Sec. 2. Original section 60-6,232, Revised Statutes  
12 Cumulative Supplement, 2012, is repealed.

(Signed) John Murante, Chairperson

#### **COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 668.** Placed on General File.  
**LEGISLATIVE BILL 687.** Placed on General File.  
**LEGISLATIVE BILL 712.** Placed on General File.  
**LEGISLATIVE BILL 714.** Placed on General File.

(Signed) Mike Gloor, Chairperson

#### **NOTICE OF COMMITTEE HEARING**

Nebraska Retirement Systems

Room 1525

Thursday, January 30, 2014 12:00 p.m.

LB929  
LB918

(Signed) Jeremy Nordquist, Chairperson

#### **MESSAGES FROM THE GOVERNOR**

January 17, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed  
to the Nebraska Power Review Board:

Dennis E. Grennan, 1877 W. Calle Columbo, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 17, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the State Racing Commission:

Jeffrey Galyen, 3205 Golf View Drive, Norfolk, NE 68701  
Dennis Lee, 4610 S. 133 St., Suite 103, Omaha, NE 68137

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 17, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

Carol Lomicky, 14 Skyline Drive, Kearney, NE 68845

Also, contingent upon your approval, the following individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Regina "Gina" Frerichs, 374 S. Deer Creek Place, Columbus, NE 68601  
John Hogue, 440 West Eagle Street, Arlington, NE 68002

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 17, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

Mary Lauritzen, 1097 Highway 9, West Point, NE 68788  
William "Scott" Wilson, 7753 Hidden Valley Dr., Papillion, NE 68046

Contingent upon your approval, the following individuals are being appointed to the Coordinating Commission for Postsecondary Education:

Dwayne Probyn, 813 Western Hills Drive, Papillion, NE 68046  
Lori L. Warner, 514 W. 14 Street, South Sioux City, NE 68776

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**COMMUNICATION**

Received communication to Patrick J. O'Donnell, Clerk, from Joseph M. Acierno, MD, JD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the appointment of the following scientist to the Stem Cell Research Advisory Committee:

Dr. Joyce Bischoff

**GENERAL FILE**

**LEGISLATIVE BILL 656.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 657.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 658.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 659.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 403.** Senator Kintner asked unanimous consent to withdraw his motion, MO117, found on page 330, to reconsider the vote taken on FA177. No objections. So ordered.

Senator Schilz offered his amendment, AM1672, found on page 331.

The Schilz amendment was adopted with 31 ayes, 3 nays, 10 present and not voting, and 5 excused and not voting.

Senator Kintner offered his amendment, AM1670, found on page 331.

Senator Kintner withdrew his amendment.

Advanced to Enrollment and Review Initial with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 215.** Title read. Considered.

Committee AM156, found on page 607, First Session, 2013, was offered.

Senator Schilz offered his amendment, AM1631, found on page 264, to the committee amendment.

The Schilz amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 470.** Title read. Considered.

Committee AM444, found on page 607, First Session, 2013, was offered.

Senator Sullivan offered her amendment, AM1614, found on page 203, to the committee amendment.

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

The committee amendment, as amended, 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.

**RESOLUTION****LEGISLATIVE RESOLUTION 424.** Introduced by Lathrop, 12.

WHEREAS, Nikko Jenkins, a former inmate of the Department of Correctional Services, stands charged with three separate homicides, and each homicide is alleged to have occurred after Jenkins was released from the Department of Correctional Services on July 30, 2013; and

WHEREAS, the office of the Public Counsel (Ombudsman) released a report on January 6, 2014, which chronicled Jenkins' involvement with the Department of Correctional Services. The report detailed Jenkins' sentences, good time allowed, and multiple attempts to secure mental health treatment. The report also included various general impressions and observations regarding the segregation of inmates, the transition of inmates from incarceration to the community at large, the allowance of good time, mental health services for inmates, and the civil commitments of inmates; and

WHEREAS, the report was presented by the Ombudsman to Mike Kenney, director of the Department of Correctional Services, and to the deputy director for health services at the Department of Correctional Services to permit them an opportunity to submit comments to the report prior to its release. The response tendered by the Department of Correctional Services simply disputed the factual allegations of the report, and public remarks by Governor Dave Heineman impeached the veracity of the report by suggesting that the Ombudsman's office was "soft on crime"; and

WHEREAS, the circumstances of Jenkins' release has understandably generated intense public interest as evidenced by countless news stories concerning his release and the subsequent homicides, and the Ombudsman's report and the Governor's impeachment of the report have created confusion among the public regarding the circumstances of Jenkins' release and the policies and practices of the Department of Correctional Services that contributed to his early release; and

WHEREAS, the citizens of Nebraska have a right to know the details of Jenkins' incarceration, including his threats to kill upon release and his pleas for a mental health commitment, the details of his release, and the opportunities the Department of Correctional Services had to withhold or revoke good time and diminish, through mental health care, his dangerous propensities prior to his release; and

WHEREAS, the Legislature must fully understand the policies and procedures of the Department of Correctional Services, an agency within the executive branch of state government, in order to determine if those policies and procedures in any manner contributed to Jenkins' release into the community at large.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Department of Correctional Services Special Investigative Committee of the Legislature. The committee shall consist of five members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the circumstances of Nikko Jenkins' incarceration and release including, but not limited to, the following:

(a) Jenkins' criminal history and the sentences received for each conviction;

(b) Jenkins' juvenile justice and child welfare involvements;

(c) The history of Nebraska's good time laws and the policies or practices of the Department of Correctional Services administering how the good time laws and policies were applied to Jenkins' multiple sentences;

(d) The occasions when Jenkins, during his incarcerations, threatened to kill upon his release from the Department of Correctional Services and the department's response to each threat;

(e) Each occasion when Jenkins requested mental health treatment or commitment to the Lincoln Regional Center or similar placement and the department's response to each request;

(f) The extent to which Jenkins' release was related to prison overcrowding; and

(g) All communications by any state employee or elected official concerning Jenkins' release or regarding any of the matters listed in (a) through (f) above.

3. That the committee shall also study the following with respect to the Department of Correctional Services:

(a) The adequacy of programs designed to rehabilitate inmates;

(b) The funding history of programs designed to rehabilitate inmates;

(c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;

(d) The policies relating to the segregation of inmates;

(e) The transition of inmates from incarceration to the community at large;

(f) The administration of good time laws; and

(g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted, and the reasons if any recommendations were not adopted.

4. That the committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2014.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR424 was referred to the Reference Committee.

#### **NOTICE OF COMMITTEE HEARINGS**

Appropriations

Room 1003

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

LB848

LB678

LB974

(Signed) Heath Mello, Chairperson

## Natural Resources

Room 1525

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

Galen Frenzen - Nebraska Ethanol Board  
Paul Kenney - Nebraska Ethanol Board  
LB686  
LB710

Friday, January 31, 2014 1:30 p.m.

LB798  
LB965

(Signed) Tom Carlson, Chairperson

Judiciary

Room 1113

Friday, January 31, 2014 1:30 p.m.

LB939  
LB998  
LB921  
LB674

(Signed) Brad Ashford, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 76.** Title read. Considered.

Senator Nordquist offered his amendment, AM1640, found on page 244.

The Nordquist amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

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

**COMMITTEE REPORT**

Education

**LEGISLATIVE BILL 725.** Placed on General File.

(Signed) Kate Sullivan, Chairperson



**AMENDMENT - Print in Journal**

Senator Krist filed the following amendment to LB464:  
AM1674 is available in the Bill Room.

**NOTICE OF COMMITTEE HEARING**

Executive Board

Room 2102

Thursday, January 30, 2014 12:00 p.m.

LB763  
LB871  
LB917

(Signed) John Wightman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 371.** Title read. Considered.

Committee AM307, found on page 614, First Session, 2013, was offered.

Senator Mello offered his amendment, AM1591, found on page 113, to the committee amendment.

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

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 272.** Title read. Considered.

Committee AM433, found on page 618, First Session, 2013, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 514.** Title read. Considered.

Committee AM412, found on page 619, First Session, 2013, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 597.** Title read. Considered.

Committee AM346, found on page 648, First Session, 2013, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 513.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 313.** Title read. Considered.**SPEAKER ADAMS PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 404, 405, 406, and 407 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 404, 405, 406, and 407.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB1001 and LB1016. No objections. So ordered.

Senators Hansen and Krist asked unanimous consent to add their names as cointroducers to LB916. No objections. So ordered.

Senators Avery and Pirsch asked unanimous consent to add their names as cointroducers to LB371. No objections. So ordered.

Senator Ashford asked unanimous consent to add his name as cointroducer to LB1102. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB660 and LB887. No objections. So ordered.

Senator Scheer asked unanimous consent to add his name as cointroducer to LB952. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB470. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Captain Jeffrey Joseph, Commander of the USS Nebraska; and 10 members of the Nebraska Young Cattlemen from across the state.

The Doctor of the Day was Dr. Susan Keasling from Omaha.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, January 24, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWELFTH DAY - JANUARY 24, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 24, 2014

**PRAYER**

The prayer was offered by Pastor Bob Lawrence, South Auburn Church of Christ, York.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1013	Government, Military and Veterans Affairs
LB1014	Urban Affairs
LB1015	Judiciary
LB1016	Executive Board
LB1017	Health and Human Services
LB1018	Government, Military and Veterans Affairs
LB1019	Appropriations
LB1020	General Affairs
LB1021	Judiciary
LB1022	Judiciary
LB1023	Appropriations
LB1024	Government, Military and Veterans Affairs
LB1025	Revenue
LB1026	Appropriations
LB1027	Judiciary

LB1028	Judiciary
LB1029	Transportation and Telecommunications
LB1030	Judiciary
LB1031	Revenue
LB1032	Judiciary
LB1033	Appropriations
LB1034	Judiciary
LB1035	Judiciary
LB1036	Business and Labor
LB1037	Government, Military and Veterans Affairs
LB1038	Revenue
LB1039	Transportation and Telecommunications
LB1040	Natural Resources
LB1041	Nebraska Retirement Systems
LB1042	Nebraska Retirement Systems
LB1043	Revenue
LB1044	Judiciary
LB1045	Transportation and Telecommunications
LB1046	Appropriations
LB1047	Appropriations
LB1048	Government, Military and Veterans Affairs
LB1049	Judiciary
LB1050	Health and Human Services
LB1051	Appropriations
LB1052	General Affairs
LB1053	Revenue
LB1054	Health and Human Services
LB1055	Education
LB1056	Revenue
LB1057	Revenue
LB1058	Government, Military and Veterans Affairs
LB1059	Education
LB1060	Education
LB1061	Education
LB1062	Judiciary
LB1063	Judiciary
LB1064	Education
LB1065	Government, Military and Veterans Affairs
LB1066	Government, Military and Veterans Affairs
LB1067	Revenue
LB1068	Education
LB1069	Education
LB1070	Education
LB1071	Transportation and Telecommunications
LB1072	Health and Human Services
LB1073	Business and Labor
LB1074	Natural Resources
LB1075	Government, Military and Veterans Affairs
LB1076	Health and Human Services

LB1077 Education  
 LB1078 Health and Human Services  
 LB1079 Revenue  
 LB1080 Agriculture  
 LB1081 Education  
 LB1082 Transportation and Telecommunications  
 LB1083 Business and Labor  
 LB1084 Government, Military and Veterans Affairs  
 LB1085 Business and Labor  
 LB1086 Appropriations  
 LB1087 Revenue  
 LB1088 Health and Human Services  
 LB1089 Judiciary  
 LB1090 Business and Labor  
 LB1091 Appropriations  
 LB1092 Revenue  
 LB1093 Judiciary  
 LB1094 Appropriations  
 LB1095 Urban Affairs  
 LB1096 Urban Affairs  
 LB1097 Revenue  
 LB1098 Natural Resources  
 LB1099 Education  
 LB1100 Natural Resources  
 LB1101 Education  
 LB1102 Judiciary  
 LB1103 Education  
 LB1104 General Affairs  
 LB1105 Judiciary  
 LB1106 Education  
 LB1107 Health and Human Services  
 LB1108 Judiciary  
 LB1109 Judiciary  
 LB1110 Judiciary  
 LB1111 Natural Resources  
 LB1112 Natural Resources  
 LB1113 Natural Resources  
 LB1114 Appropriations  
 LB1115 Natural Resources  
 LR421CA Education  
 LR422 Health and Human Services  
 LR423CA Revenue

Frerichs, Regina "Gina" - Commission for the Deaf and Hard of Hearing -  
 Health and Human Services

Galyen, Jeffrey - State Racing Commission - General Affairs

Grennan, Dennis E. - Nebraska Power Review Board - Natural Resources

Hogue, John - Commission for the Deaf and Hard of Hearing - Health and  
 Human Services

Lauritzen, Mary - Coordinating Commission for Postsecondary Education - Education  
 Lee, Dennis - State Racing Commission - General Affairs  
 Lomicky, Carol - Commission for the Deaf and Hard of Hearing - Health and Human Services  
 Probyn, Dwayne - Coordinating Commission for Postsecondary Education - Education  
 Warner, Lori L. - Coordinating Commission for Postsecondary Education - Education  
 Wilson, William "Scott" - Coordinating Commission for Postsecondary Education - Education

(Signed) John Wightman, Chairperson  
 Executive Board

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 23, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Adair, Peggy  
 League of Women Voters of Greater Omaha  
 Brenner, Becki  
 ACLU Nebraska (Withdrawn 01/22/2014)  
 Goodman, Joshua  
 Pew Charitable Trusts, The  
 Hilton, Kevin  
 North Central States Regional Council of Carpenters  
 Jorgensen, Jennifer  
 Nebraska Association of School Boards  
 Kelley Governmental Relations, LLC  
 Wal-Mart Stores, Inc.  
 Kulesher Jarecke, Kate  
 Brain Injury Association of Nebraska  
 Mueller Robak  
 Nebraska Machinery Company  
 O'Hara Lindsay & Associates, Inc.  
 Nebraska Humanities Council  
 Peterson, Chris  
 American Coalition for Clean Coal Electricity  
 Radcliffe, Walter H. of Radcliffe and Associates  
 Kissel/E&S Associates, LLC  
 Wright, Lee  
 Farmers Group, Inc.  
 Zahradnik, Robert  
 Pew Charitable Trusts, The



**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**MESSAGES FROM THE GOVERNOR**

January 23, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Dennis W. Leonard, 3828 Rochdale Circle, Grand Island, NE 68803

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

January 17, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Information Technology Commission:

Dan Shundoff, 2611 Country Club Lane, Kearney, NE 68843

Also, contingent upon your approval, the following individuals are being appointed to the Nebraska Information Technology Commission:

Dorest Harvey, 5208 Woodlane Drive, Papillion, NE 68133

Walter Weir, 6900 Beaver Creek Lane, Lincoln, NE 68516  
Gerald (Gary) Warren, 1910 O Street, Aurora, NE 68818  
Randy Meininger, 3401 Avenue H, Scottsbluff, NE 69361

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

#### **COMMITTEE REPORT**

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Daryl L. Bohac - Adjutant General, Military Department

Aye: 7 Avery, Bloomfield, Garrett, Karpisek, Murante, Scheer, Wallman.  
Nay: 0. Absent: 1 Lautenbaugh. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 313.** Considered.

Senator Chambers offered the following motion:  
MO118  
Bracket.

Senator Krist offered the following motion:  
MO119  
Bracket until March 4, 2014.

The Krist motion to bracket prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

#### **ANNOUNCEMENT**

The Enrollment and Review Committee selected Senators Coash, Howard, McGill, Nordquist, Pirsch, and Scheer as Vice Chairpersons.

**NOTICE OF COMMITTEE HEARINGS**

Appropriations

Room 1524

Monday, February 3, 2014 1:30 p.m.

LB905

LB906

Agency 65 - Administrative Services, Department of

Agency 18 - Agriculture, Department of

Agency 19 - Banking, Department of

Agency 29 - Natural Resources, Department of

LB837

LB704

LB797

(Signed) Heath Mello, Chairperson

Business and Labor

Room 2102

Monday, February 3, 2014 1:30 p.m.

LB800

LB765

LB903

LB943

LB947

LB1085

(Signed) Steve Lathrop, Chairperson

Agriculture

Room 2102

Tuesday, February 4, 2014 1:30 p.m.

LB673

LB882

Tuesday, February 11, 2014 1:30 p.m.

LB696

LB768

LB846

(Signed) Ken Schilz, Chairperson

**COMMITTEE REPORTS**

## Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Robert P. Goodwin - Nebraska Oil and Gas Conservation Commission  
Tim Wistrom - Nebraska Oil and Gas Conservation Commission

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Chuck D. Haase - Nebraska Power Review Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Rick Morehouse - Nebraska Power Review Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Bischoff, Joyce - Stem Cell Research Advisory Committee - Health and Human Services  
Harvey, Dorest - Nebraska Information Technology Commission - Transportation and Telecommunications  
Leonard, Dennis W. - Public Employees Retirement Board - Nebraska Retirement Systems  
Meininger, Randy - Nebraska Information Technology Commission - Transportation and Telecommunications  
Shundoff, Dan - Nebraska Information Technology Commission - Transportation and Telecommunications  
Warren, Gerald (Gary) - Nebraska Information Technology Commission - Transportation and Telecommunications

Weir, Walter - Nebraska Information Technology Commission -  
Transportation and Telecommunications

LR424 Executive Board

(Signed) John Wightman, Chairperson  
Executive Board

**AMENDMENT - Print in Journal**

Senator Krist filed the following amendment to LB665:  
AM1704

- 1 1. Strike section 44.
- 2 2. On page 3, line 4, strike "37, and 44" and insert "and
- 3 37".
- 4 3. On page 28, line 10, strike "in accordance with the
- 5 act" and insert "by the licensee or under the licensee's control".
- 6 4. On page 29, strike lines 2 through 6.
- 7 5. Renumber the remaining sections accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 278.** Title read. Considered.

**SENATOR COASH PRESIDING**

Advanced to Enrollment and Review Initial with 27 ayes, 2 nays, 17 present  
and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 656.** Placed on Select File with amendment.  
ER124

- 1 1. On page 1, line 5, before the semicolon insert
- 2 "and Stenberg v. Omaha Exposition and Racing, Inc., 263 Neb. 991
- 3 (2002)".

**LEGISLATIVE BILL 657.** Placed on Select File.

**LEGISLATIVE BILL 658.** Placed on Select File.

**LEGISLATIVE BILL 659.** Placed on Select File.

(Signed) John Murante, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 588.** Title read. Considered.

Committee AM646, found on page 735, First Session, 2013, was offered.

Senator Watermeier offered his amendment, AM1576, found on page 142, to the committee amendment.

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

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 9 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.

**LEGISLATIVE BILL 96.** Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, February 3, 2014 1:30 p.m.

J. Richard Shoemaker - Nebraska Educational Telecommunications

Commission

Kenneth Bird - Nebraska Educational Telecommunications Commission

Frederik Ohles - Nebraska Educational Telecommunications Commission

LB692

LB703

LB835

LB729

Tuesday, February 4, 2014 1:30 p.m.

LB992

LB864

LB984

LB967

LB1069

(Signed) Kate Sullivan, Chairperson

Executive Board

Room 2102

Friday, January 31, 2014 12:00 p.m.

LB975  
LB989  
LB1016

Thursday, February 6, 2014 12:00 p.m.

LB720  
LB909  
LB996

Friday, February 7, 2014 12:00 p.m.

LB970  
LR397CA  
LB976

(Signed) John Wightman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Cook asked unanimous consent to add her name as cointroducer to LB916. No objections. So ordered.

Senators Coash and McGill asked unanimous consent to add their names as cointroducers to LR424. No objections. So ordered.

Senator Dubas asked unanimous consent to add her name as cointroducer to LB485. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB474. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Hansen, the Legislature adjourned until 10:00 a.m., Monday, January 27, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTEENTH DAY - JANUARY 27, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 27, 2014

**PRAYER**

The prayer was offered by Senator Johnson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Christensen and Garrett who were excused; and Senators Ashford, Campbell, Lautenbaugh, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 403.** Placed on Select File with amendment.  
ER125

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 28-101 Sections 28-101 to 28-1356 and section 2 of this
- 6 act shall be known and may be cited as the Nebraska Criminal Code.
- 7 Sec. 2. (1) For purposes of this section:
- 8 (a) Novelty lighter means a mechanical or electrical
- 9 device typically used for lighting cigarettes, cigars, or pipes
- 10 and (i) designed to resemble a cartoon character, a toy, a gun,
- 11 a watch, a musical instrument, a vehicle, an animal, a food or
- 12 beverage container, or a similar item, (ii) that plays musical
- 13 notes, (iii) that has flashing lights, or (iv) that has more than
- 14 one button or function; and
- 15 (b) Novelty lighter does not include:

- 16 (i) A lighter manufactured prior to January 1, 1980;  
 17 (ii) A lighter incapable of being fueled or lacking a  
 18 device necessary to produce combustion or a flame; or  
 19 (iii) A standard disposable or refillable lighter that is  
 20 printed or decorated with a logo, label, decal, artwork, or heat  
 21 shrinkable sleeve.  
 22 (2) It shall be unlawful to sell at retail, offer for  
 23 retail sale, or distribute for retail sale or promotion in this  
 1 state a novelty lighter manufactured on or after the effective date  
 2 of this act without a child-proof safety feature.  
 3 (3) Any person who violates this section shall be guilty  
 4 of a Class IV misdemeanor.  
 5 (4) This section does not apply to the transportation  
 6 of novelty lighters through the state or the storage of novelty  
 7 lighters in a warehouse or distribution center in this state that  
 8 is closed to the public for purposes of retail sales.  
 9 Sec. 3. Original section 28-101, Revised Statutes  
 10 Supplement, 2013, is repealed.  
 11 2. On page 1, line 2, strike "Cumulative" and strike  
 12 "2012" and insert "2013"; and in line 3 after "lighters" insert  
 13 "without a child-proof safety feature as prescribed".

**LEGISLATIVE BILL 215.** Placed on Select File.

**LEGISLATIVE BILL 470.** Placed on Select File with amendment.

ER126

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 13-504, Revised Statutes Supplement,  
 4 2013, is amended to read:  
 5 13-504 (1) Each governing body shall annually or  
 6 biennially prepare a proposed budget statement on forms prescribed  
 7 and furnished by the auditor. The proposed budget statement shall  
 8 be made available to the public by the political subdivision prior  
 9 to publication of the notice of the hearing on the proposed budget  
 10 statement pursuant to section 13-506. A proposed budget statement  
 11 shall contain the following information, except as provided by  
 12 state law:  
 13 (a) For the immediately preceding fiscal year or biennial  
 14 period, the revenue from all sources, including motor vehicle  
 15 taxes, other than revenue received from personal and real property  
 16 taxation, allocated to the funds and separately stated as to each  
 17 such source: The unencumbered cash balance at the beginning and end  
 18 of the year or biennial period; the amount received by taxation of  
 19 personal and real property; and the amount of actual expenditures;  
 20 (b) For the current fiscal year or biennial period,  
 21 actual and estimated revenue from all sources, including motor  
 22 vehicle taxes, allocated to the funds and separately stated as to  
 23 each such source: The actual unencumbered cash balance available

1 at the beginning of the year or biennial period; the amount  
2 received from personal and real property taxation; and the amount  
3 of actual and estimated expenditures, whichever is applicable. Such  
4 statement shall contain the cash reserve for each fiscal year or  
5 biennial period and shall note whether or not such reserve is  
6 encumbered. Such cash reserve projections shall be based upon the  
7 actual experience of prior years or biennial periods. The cash  
8 reserve shall not exceed fifty percent of the total budget adopted  
9 exclusive of capital outlay items;

10 (c) For the immediately ensuing fiscal year or biennial  
11 period, an estimate of revenue from all sources, including motor  
12 vehicle taxes, other than revenue to be received from taxation  
13 of personal and real property, separately stated as to each  
14 such source: The actual or estimated unencumbered cash balances,  
15 whichever is applicable, to be available at the beginning of the  
16 year or biennial period; the amounts proposed to be expended during  
17 the year or biennial period; and the amount of cash reserve, based  
18 on actual experience of prior years or biennial periods, which cash  
19 reserve shall not exceed fifty percent of the total budget adopted  
20 exclusive of capital outlay items;

21 (d) A statement setting out separately the amount sought  
22 to be raised from the levy of a tax on the taxable value of real  
23 property (i) for the purpose of paying the principal or interest on  
24 bonds issued by the governing body and (ii) for all other purposes;

25 (e) A uniform summary of the proposed budget statement,  
26 including each proprietary function fund included in a separate  
27 proprietary budget statement prepared pursuant to the Municipal  
1 Proprietary Function Act, and a grand total of all funds maintained  
2 by the governing body; ~~and~~

3 (f) For municipalities, a list of the proprietary  
4 functions which are not included in the budget statement. Such  
5 proprietary functions shall have a separate budget statement which  
6 is approved by the city council or village board as provided in the  
7 Municipal Proprietary Function Act; ~~and~~;

8 (g) For school districts and educational service units, a  
9 separate identification and description of all current and future  
10 costs to the school district or educational service unit which are  
11 reasonably anticipated as a result of any contract, and any adopted  
12 amendments thereto, for superintendent services to be rendered to  
13 such school district or administrator services to be rendered to  
14 such educational service unit.

15 (2) The actual or estimated unencumbered cash balance  
16 required to be included in the budget statement by this section  
17 shall include deposits and investments of the political subdivision  
18 as well as any funds held by the county treasurer for the political  
19 subdivision and shall be accurately stated on the proposed budget  
20 statement.

21 (3) The political subdivision shall correct any material  
22 errors in the budget statement detected by the auditor or by other

23 sources.

24 Sec. 2. Sections 2 to 6 of this act shall be known and  
25 may be cited as the Superintendent Pay Transparency Act.

26 Sec. 3. (1) Before the school board of any school  
27 district or the board of any educational service unit approves  
1 a proposed contract, or any proposed amendment to an existing  
2 contract, for future superintendent services to be rendered to  
3 such school district by the current superintendent or future  
4 administrator services to be rendered to such educational service  
5 unit by the current administrator, the board shall publish a copy  
6 of such proposed contract or amendment, and a reasonable estimate  
7 and description of all current and future costs to the school  
8 district or educational service unit if the proposed contract or  
9 amendment were to be approved, at least three days before the  
10 meeting of the board at which such proposed contract or amendment  
11 will be considered. Such publication shall also specify the date,  
12 time, and place of the public meeting at which the proposed  
13 contract or amendment will be considered. Electronic publication on  
14 the web site of the school district or educational service unit  
15 shall satisfy the requirement of this subsection if such electronic  
16 publication is prominently displayed and allows public access to  
17 the entire proposed contract or amendment.

18 (2) After the school board of any school district or  
19 the board of any educational service unit approves a contract  
20 for future superintendent services to be rendered to such school  
21 district by a new superintendent or future administrator services  
22 to be rendered to such educational service unit by a new  
23 administrator, the board shall publish a copy of such contract, and  
24 a reasonable estimate and description of all current and future  
25 costs to the school district or educational service unit that will  
26 be incurred as a result of such contract, within two days after  
27 the meeting of the board at which such contract was approved.  
1 Electronic publication on the web site of the school district or  
2 educational service unit shall satisfy the requirement of this  
3 subsection if such electronic publication is prominently displayed  
4 and allows public access to the entire contract.

5 Sec. 4. After approval of a contract, or any amendments  
6 thereto, for superintendent services or educational service unit  
7 administrator services, the approving board shall file a copy of  
8 such contract or amendment with the State Department of Education  
9 on or before the next succeeding August 1. The department shall  
10 have no duty to review such contracts or amendments but shall  
11 publicly post all such contracts or amendments received on the web  
12 site of the department.

13 Sec. 5. If the school board of any school district or the  
14 board of any educational service unit fails to timely file a copy  
15 of an approved contract, or contract amendment, for superintendent  
16 services or educational service unit administrator services with  
17 the State Department of Education as required in section 4 of

18 this act, the Commissioner of Education, after notice to the board  
 19 president and either the superintendent or educational service unit  
 20 administrator and an opportunity to be heard, shall direct that  
 21 any state aid granted pursuant to the Tax Equity and Educational  
 22 Opportunities Support Act to the school district or core services  
 23 and technology infrastructure funds granted pursuant to section  
 24 79-1241.03 to the educational service unit be withheld until such  
 25 time as the contract or amendment is received by the department.  
 26 In addition, the commissioner shall direct each county treasurer  
 27 of a county with territory in the school district or educational  
 1 service unit to withhold all money belonging to the school district  
 2 or educational service unit until such time as the commissioner  
 3 notifies such county treasurer of receipt of such contract or  
 4 amendment. Each such county treasurer shall withhold such money.  
 5 For school districts that are members of learning communities,  
 6 a determination of school money belonging to the school district  
 7 shall be based on the proportionate share of property tax receipts  
 8 allocated to the school district pursuant to section 79-1073 in  
 9 addition to the other property tax receipts belonging to the school  
 10 district. If the board does not comply with this section prior  
 11 to October 1 following the school fiscal year for which the state  
 12 aid or core services and technology infrastructure funding was  
 13 calculated, the funds shall revert to the General Fund. The amount  
 14 of any reverted funds shall be included in data provided to the  
 15 Governor, the Appropriations Committee of the Legislature, and the  
 16 Education Committee of the Legislature in accordance with section  
 17 79-1031.

18 Sec. 6. All amendments to a contract for superintendent  
 19 services or educational service unit administrator services shall  
 20 be subject to the Superintendent Pay Transparency Act, including,  
 21 but not limited to, amendments involving salary increases or  
 22 benefit changes.

23 Sec. 7. This act becomes operative on July 1, 2014.

24 Sec. 8. Original section 13-504, Revised Statutes  
 25 Supplement, 2013, is repealed.

26 Sec. 9. Since an emergency exists, this act takes effect  
 27 when passed and approved according to law.

1 2. On page 1, strike beginning with "Reissue" in line  
 2 1 through "Nebraska" in line 2 and insert "Revised Statutes  
 3 Supplement, 2013".

**LEGISLATIVE BILL 76.** Placed on Select File with amendment.  
 ER127

1 1. On page 5, line 15, strike the second "and".

**LEGISLATIVE BILL 371.** Placed on Select File with amendment.  
 ER128

1 1. On page 1, line 2, after "Act" insert "; and to  
 2 declare an emergency".

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Banking, Commerce and Insurance

Room 1507

Monday, February 3, 2014 1:30 p.m.

LB749  
LB751  
LB810  
LB1010

Tuesday, February 4, 2014 1:30 p.m.

LB750  
LB753  
LB774  
LB734

Monday, February 10, 2014 1:30 p.m.

LB876  
LB716  
LB849  
LB971

Tuesday, February 11, 2014 1:30 p.m.

LB735  
LB860  
LB875  
LB993

Tuesday, February 18, 2014 1:30 p.m.

LB831  
LB858  
LB883  
LB953  
LB926

Monday, February 24, 2014 1:30 p.m.

LB880  
LB991  
LB886  
LB900

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 3, 2014 1:30 p.m.

LB698  
LB981  
LB982  
LB983

(Signed) Annette Dubas, Chairperson

Appropriations

Room 1524

Tuesday, February 4, 2014 1:30 p.m.

Agency 69 - Arts Council, Nebraska  
Agency 54 - Historical Society, Nebraska State  
Agency 33 - Game and Parks Commission  
LB873  
LB874  
LB1033

Room 1003

Wednesday, February 5, 2014 1:30 p.m.

Agency 47 - Educational Telecommunications Commission, Nebraska  
Agency 48 - Coordinating Commission for Postsecondary Education  
Agency 13 - Education, Department of  
LB944  
LB969  
LB1026

Thursday, February 6, 2014 1:30 p.m.

Agency 14 - Public Service Commission  
Agency 41 - State Real Estate Commission  
Agency 85 - Public Employees Retirement Board, Nebraska  
Agency 50 - Nebraska State College System  
Agency 51 - University of Nebraska System  
LB764  
LB1051

(Signed) Heath Mello, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1008	Agriculture (rereferred)

(Signed) John Wightman, Chairperson  
Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 144.** Title read. Considered.

Senator Scheer offered the following amendment:

FA182

On page 2, line 20, after the word "village" add "Natural Resources Districts".

Senator Scheer withdrew his amendment.

Senator Davis offered the following amendment:

FA183

Strike Section 2b and insert the following language:

The candidate was a candidate for a publicly elected office and the candidate lost the election as a result of a determination pursuant to 32-1122 in the case of a tie vote

**SPEAKER ADAMS PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 408, 409, 410, and 412 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 408, 409, 410, and 412.



**COMMITTEE REPORT**

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mohamed F. Dahab - Environmental Quality Council  
John Edward Dilsaver - Environmental Quality Council

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 391.** Placed on General File.  
**LEGISLATIVE BILL 494.** Placed on General File.  
**LEGISLATIVE BILL 844.** Placed on General File.

(Signed) Tom Carlson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

General Affairs

Room 1510

Monday, February 3, 2014 1:30 p.m.

LB863  
LB866  
LB888  
LB899  
LB1104

(Signed) Russ Karpisek, Chairperson

Urban Affairs

Room 1510

Tuesday, February 4, 2014 1:30 p.m.

LB1011  
LB1012  
LB1095  
LB1096

Tuesday, February 11, 2014 1:30 p.m.

LB1014  
LB823

(Signed) Amanda McGill, Chairperson

**AMENDMENTS - Print in Journal**Senator Chambers filed the following amendments to LB382:

FA178

Page 2, in line 3, strike, "Each political" and insert "The Republican"; in line 6 strike "conventions" and insert "convention"; in line 10 strike "A political party" and insert "Such".

FA179

Page 2, in line 13 beginning with "the", strike through "it" in line 16.

FA180

Page 2, in line 12, place a period after "election" and strike the following language through the period in line 13.

FA181

Page 3, in line 4 strike "3" and insert "4"; on pages 2, 3, 4 reinstate all stricken matter.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Kintner asked unanimous consent to add his name as cointroducer to LB832. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB748. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LB814. No objections. So ordered.

**VISITORS**

Visitor to the Chamber was Brian Schlote from the Plainview Fire Department.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTEENTH DAY - JANUARY 28, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 28, 2014

**PRAYER**

The prayer was offered by Pastor Chip Winter, Christ Lutheran Church, Norfolk.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Christensen, Conrad, Harms, Karpisek, Lautenbaugh, Mello, Murante, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 272.** Placed on Select File with amendment.  
ER129

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 46-1101, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 46-1101 Sections 46-1101 to 46-1148 and section 3 of this
- 6 act shall be known and may be cited as the Nebraska Chemigation
- 7 Act.
- 8 Sec. 2. Section 46-1103, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 46-1103 For purposes of the Nebraska Chemigation Act,
- 11 unless the context otherwise requires, the definitions found in
- 12 sections 46-1104 to 46-1116 and section 3 of this act shall apply.
- 13 Sec. 3. Working day shall mean Monday through Friday but
- 14 shall not include Saturday, Sunday, or a federal or state holiday.

15 In computing two working days, the day of receipt of the permit is  
16 not included and the last day of the two working days is included.

17 Sec. 4. Section 46-1119, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 46-1119 (1) A person may file an application with the  
20 district for an emergency permit on forms provided by the district.  
21 The district shall review each emergency application and approve  
22 or deny the application within ~~forty-eight hours~~ two working days  
23 after the application is filed. An emergency application shall be  
1 approved and a permit issued by the district if the irrigation  
2 distribution system complies with the equipment requirements of  
3 section 46-1127 and the applicator has been certified under  
4 sections 46-1128 and 46-1129. If the district has not denied  
5 an emergency permit within ~~forty-eight hours~~ two working days, it  
6 shall be deemed approved. Such permit shall be valid for a period  
7 of forty-five days from the date of issuance.

8 ~~(2) The application for an emergency permit shall be~~  
9 ~~accompanied by a fee of one hundred dollars payable to the~~  
10 ~~district. Ninety dollars of the fee shall be retained by the~~  
11 ~~district, and ten dollars shall be paid by the district to the~~  
12 ~~department. The application shall contain the same information as~~  
13 ~~required in section 46-1120.~~

14 (2) The application for an emergency permit shall be  
15 accompanied by a fee as established in 46-1121 not to exceed  
16 five hundred dollars payable to the district. For each permit,  
17 ten dollars shall be paid by the district to the department.  
18 The application shall contain the same information as required in  
19 section 46-1120.

20 (3) Any holder of an emergency permit or an applicator  
21 applying chemicals pursuant thereto who violates any of the  
22 provisions of this section shall have such permit automatically  
23 revoked without a hearing and shall be guilty of a Class II  
24 misdemeanor.

25 Sec. 5. Section 46-1121, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 46-1121 ~~(1) The fee for initial application for a permit~~  
1 ~~or special permit shall be thirty dollars payable to the district.~~  
2 ~~Twenty-five dollars of the fee shall be retained by the district~~  
3 ~~and five dollars paid by the district to the department.~~

4 ~~The annual fee for renewal of a permit or special permit~~  
5 ~~shall be ten dollars paid to the district. Two dollars of the~~  
6 ~~annual fee shall be paid by the district to the department.~~

7 (1) To aid in defraying the cost of administration  
8 of the Nebraska Chemigation Act, the district shall collect an  
9 initial application fee for a permit, a special permit fee,  
10 an annual renewal fee, and an emergency permit fee. The fees  
11 shall be established by the district and shall be sufficient to  
12 cover the ongoing administrative costs and the costs of annual  
13 inspection programs by the district and department. The fees

14 collected pursuant to this section shall be established by the  
 15 district in the amount necessary to pay reasonable costs of  
 16 administering the permit program pursuant to the act. The fee for  
 17 a permit and special permit shall not exceed one hundred fifty  
 18 dollars. The fee for a renewal permit shall not exceed one hundred  
 19 dollars. The fees for an emergency permit under section 46-1119  
 20 shall not exceed five hundred dollars. The district shall adopt and  
 21 promulgate rules and regulations establishing a fee schedule to be  
 22 paid to the district by a person or persons applying for a permit  
 23 to operate a chemigation system.

24 (2) The fee for initial application for a permit or  
 25 special permit shall be payable to the district. For each permit,  
 26 five dollars shall be paid by the district to the department.

27 (3) The annual fee for renewal of a permit or special  
 1 permit shall be payable to the district. For each permit, two  
 2 dollars of the annual fee shall be paid by the district to the  
 3 department.

4 (4) All fees shall be used by the district and the  
 5 department to administer the Nebraska Chemigation Act. The  
 6 department's fee shall be credited to the Chemigation Costs Fund  
 7 which is hereby created. All fees collected by the department  
 8 pursuant to the act shall be remitted to the State Treasurer for  
 9 credit to the fund. Transfers may be made from the fund to the  
 10 General Fund at the direction of the Legislature. Any money in the  
 11 Chemigation Costs Fund available for investment shall be invested  
 12 by the state investment officer pursuant to the Nebraska Capital  
 13 Expansion Act and the Nebraska State Funds Investment Act.

14 ~~(2)~~(5) All permits issued pursuant to sections 46-1117  
 15 and 46-1117.01 shall be annual permits and shall expire each year  
 16 on June 1. A permit may be renewed each year upon payment of  
 17 the annual renewal fee and completion of a form provided by the  
 18 district which lists the names of all chemicals used in chemigation  
 19 the previous year. Once a permit has expired, it shall not be  
 20 reinstated without meeting all of the requirements for a new permit  
 21 including an inspection and payment of the initial application fee.

22 Sec. 6. Original sections 46-1101, 46-1103, 46-1119, and  
 23 46-1121, Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 514.** Placed on Select File with amendment.  
 ER130

1 1. Strike original section 4 and insert the following new  
 2 section:

3 Sec. 4. Section 81-15,151, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 81-15,151 (1)(a) The Wastewater Treatment Facilities  
 6 Construction Loan Fund is hereby created. The fund shall be  
 7 held as a trust fund for the purposes and uses described in the  
 8 Wastewater Treatment Facilities Construction Assistance Act.

9 (b) The fund shall consist of federal capitalization

10 grants, state matching appropriations, repayments of principal and  
 11 interest on loans, and other money designated for the fund. The  
 12 ~~Director of Environmental Quality~~ director may make loans from the  
 13 fund pursuant to the act and may use up to four percent of all  
 14 federal capitalization grant awards to the fund for the reasonable  
 15 cost of administering the fund and conducting activities under  
 16 Title VI of the federal Clean Water Act. The state investment  
 17 officer shall invest any money in the fund available for investment  
 18 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 19 State Funds Investment Act, except that (i) amounts designated  
 20 by the director for use in the linked deposit program shall be  
 21 deposited with eligible financial institutions by the director and  
 22 (ii) any bond proceeds in the fund shall be invested in accordance  
 23 with the terms of the documents under which the bonds are issued.

1 The state investment officer may direct that the bond proceeds  
 2 shall be deposited with the bond trustee for investment. Investment  
 3 earnings shall be credited to the fund.

4 (c) The department may create or direct the creation  
 5 of accounts within the fund as the department determines to be  
 6 appropriate and useful in administering the fund and in providing  
 7 for the security, investment, and repayment of bonds.

8 (d) The fund and the assets thereof may be used, to  
 9 the extent permitted by the Clean Water Act, as amended, and  
 10 the regulations adopted and promulgated pursuant to such act,  
 11 (i) to pay or to secure the payment of bonds and the interest  
 12 thereon, except that amounts deposited into the fund from state  
 13 appropriations and the earnings on such appropriations may not be  
 14 used to pay or to secure the payment of bonds or the interest  
 15 thereon, (ii) to deposit as provided by the linked deposit program,  
 16 and (iii) to buy or refinance the debt obligation of municipalities  
 17 for wastewater treatment works if the debt was incurred and  
 18 construction was begun after March 7, 1985. Eligibility and terms  
 19 of such refinancing shall be in accordance with the Wastewater  
 20 Treatment Facilities Construction Assistance Act.

21 ~~Prior to December 31, 1996, money or obligations from the~~  
 22 ~~Petroleum Release Remedial Action Cash Fund may be transferred to~~  
 23 ~~or deposited in the Wastewater Treatment Facilities Construction~~  
 24 ~~Loan Fund as designated by the Director of Environmental Quality.~~  
 25 ~~Prior to December 31, 1996, the fund and the assets thereof,~~  
 26 ~~including federal capitalization grants, not otherwise pledged for~~  
 27 ~~inconsistent purposes may be, to the extent permitted by the Clean~~  
 1 ~~Water Act, as amended, and the regulations adopted and promulgated~~  
 2 ~~pursuant to such act, in whole or in part transferred to or~~  
 3 ~~invested in obligations of the Petroleum Release Remedial Action~~  
 4 ~~Cash Fund at the direction of the director in a manner consistent~~  
 5 ~~with section 66-1519.01.~~

6 (2)(a) There is hereby created the Construction  
 7 Administration Fund. Any funds available for administering loans  
 8 or fees collected pursuant to the Wastewater Treatment Facilities



9 Construction Assistance Act shall be deposited in such fund. The  
 10 fund shall be administered by the department for the purposes  
 11 of the act. The state investment officer shall invest any money  
 12 in the fund available for investment pursuant to the Nebraska  
 13 Capital Expansion Act and the Nebraska State Funds Investment Act.  
 14 Investment earnings shall be credited to the fund.

15 (b) ~~The fund Construction Administration Fund~~ and assets  
 16 thereof may be used, to the extent permitted by the Clean Water  
 17 Act and the regulations adopted and promulgated pursuant to such  
 18 act, to fund subdivisions ~~(9), (10), and (11), (12), and (13)~~  
 19 of section 81-15,153. The annual obligation of the state pursuant  
 20 to subdivisions ~~(9) and (11) and (13)~~ of such section shall not  
 21 exceed sixty-five percent of the revenue from administrative fees  
 22 collected pursuant to this section in the prior fiscal year.

23 (c) The director may transfer any money in the  
 24 Construction Administration Fund to the Wastewater Treatment  
 25 Facilities Construction Loan Fund to meet the nonfederal match  
 26 requirements of any applicable federal capitalization grants or to  
 27 meet the purposes of subdivision ~~(9)-(11)~~ of section 81-15,153.

1 2. On page 1, line 5, after the semicolon insert  
 2 "to state findings; to define terms; to eliminate obsolete  
 3 provisions;".

**LEGISLATIVE BILL 597.** Placed on Select File.

**LEGISLATIVE BILL 513.** Placed on Select File.

**LEGISLATIVE BILL 278.** Placed on Select File.

**LEGISLATIVE BILL 588.** Placed on Select File with amendment.

ER131

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 23-2529, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 23-2529 ~~Veterans preference shall be granted to all~~  
 6 ~~applicants who are otherwise eligible for employment and who~~  
 7 ~~request such preference on their applications. In order to receive~~  
 8 ~~preference, the veteran must submit a copy of his or her discharge~~  
 9 ~~papers and, for disability credit, proof from the United States~~  
 10 ~~Department of Veterans Affairs that the disability is at least ten~~  
 11 ~~percent. To the passing score of veteran candidates, ten points~~  
 12 ~~shall be added for a disabled veteran and five points for all other~~  
 13 ~~veterans.~~

14 Veterans preference shall be given in accordance with  
 15 sections 48-225 to 48-231.

16 Sec. 2. Section 48-225, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 48-225 ~~As used in For purposes of~~ sections 48-225 to  
 19 48-231; ~~unless the context otherwise requires:~~

20 (1) Veteran means

21 (a) ~~A~~ any person who served full-time duty with military  
22 pay and allowances in the armed forces of the United States,  
23 except for training or for determining physical fitness, and  
1 was discharged or otherwise separated with a characterization of  
2 honorable or general (under honorable conditions); or

3 (b) The spouse of a veteran who has a one hundred percent  
4 permanent disability as determined by the United States Department  
5 of Veterans Affairs;

6 (2) Full-time duty means duty during time of war or  
7 during a period recognized by the United States Department of  
8 Veterans Affairs as qualifying for veterans benefits administered  
9 by the department and that such duty from January 31, 1955, to  
10 February 28, 1961, exceeded one hundred eighty days unless lesser  
11 duty was the result of a service-connected or service-aggravated  
12 disability;

13 (3) Disabled veteran means an individual who has served  
14 on active duty in the armed forces of the United States, has  
15 been discharged or otherwise separated with a characterization  
16 of honorable or general (under honorable conditions) therefrom,  
17 and has established the present existence of a service-connected  
18 disability or is receiving compensation, disability retirement  
19 benefits, or pension because of a public statute administered by  
20 the United States Department of Veterans Affairs or a military  
21 department; and

22 (4) Preference eligible means any veteran as defined in  
23 this section.

24 Sec. 3. Section 48-227, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 48-227 (1) Veterans who obtain passing scores on all  
27 parts or phases of an examination or numerical scoring shall have  
1 five percent added to their passing score if a claim for such  
2 preference is made on the application. An additional five percent  
3 shall be added to the passing score or numerical scoring of any  
4 disabled veteran.

5 (2) When no examination or numerical scoring is used, the  
6 preference shall be given to the qualifying veteran if two or more  
7 equally qualified candidates are being considered for the position.

8 (3) All notices of positions of employment available for  
9 veterans preference and all applications for such positions by  
10 the state or its governmental subdivisions shall state that the  
11 position is subject to a veterans preference.

12 (4) A veteran desiring to use a veterans preference  
13 shall provide the hiring authority with a copy of the veteran's  
14 Department of Defense Form 214, also known as the DD Form 214.  
15 A spouse of a veteran desiring to use a veterans preference  
16 shall provide the hiring authority with a copy of the veteran's  
17 Department of Defense Form 214, a copy of the veteran's disability  
18 verification from the United States Department of Veterans Affairs  
19 demonstrating a one hundred percent permanent disability rating.

20 and proof of marriage to the veteran. Any marriage claimed for  
 21 veteran preference must be valid under Nebraska law.  
 22 (5) Within thirty days after filling a position, veterans  
 23 who have applied and are not hired shall be notified by regular  
 24 mail, electronic mail, telephone call, or personal service that  
 25 they have not been hired. Such notice also shall advise the veteran  
 26 of any administrative appeal available.

27 Sec. 4. This act becomes operative on January 1, 2015.

1 Sec. 5. Original sections 23-2529, 48-225, and 48-227,

2 Reissue Revised Statutes of Nebraska, are repealed.

3 2. On page 1, strike lines 2 through 6 and insert "and

4 48-227, Reissue Revised Statutes of Nebraska; to change employment

5 preference provisions; to provide an operative date; and to repeal

6 the original sections."

**LEGISLATIVE BILL 96.** Placed on Select File with amendment.

ER132

1 1. On page 2, line 22, strike "2013" and insert "2014".

2 2. On page 3, line 3, strike "2013" and insert "2014".

(Signed) John Murante, Chairperson

### **COMMITTEE REPORT**

Revenue

**LEGISLATIVE BILL 681.** Placed on General File.

(Signed) Galen Hadley, Chairperson

### **NOTICE OF COMMITTEE HEARING**

Transportation and Telecommunications

Room 1113

Tuesday, February 4, 2014 1:30 p.m.

LB701

LB727

LB816

LB910

(Signed) Annette Dubas, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 144.** Senator Davis renewed his amendment, FA183, found on page 368.

Senator Chambers offered the following motion:

MO120

Bracket until April 17, 2014.

**SENATOR GLOOR PRESIDING**

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

The Chambers motion to bracket failed with 13 ayes, 20 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Davis withdrew his amendment.

Senator Brasch moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Brasch requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 28:

Avery	Coash	Harms	McCoy	Sullivan
Bloomfield	Crawford	Janssen	Murante	Wallman
Bolz	Garrett	Johnson	Nelson	Watermeier
Brasch	Gloor	Kintner	Pirsch	Wightman
Carlson	Hadley	Larson	Schilz	
Christensen	Hansen	Lautenbaugh	Seiler	

Voting in the negative, 6:

Chambers	Cook	Kolowski
Conrad	Karpisek	Schumacher

Present and not voting, 13:

Adams	Davis	Harr, B.	Lathrop	Nordquist
Ashford	Dubas	Howard	McGill	
Campbell	Haar, K.	Krist	Mello	

Excused and not voting, 2:

Scheer Smith

Advanced to Enrollment and Review Initial with 28 ayes, 6 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Revenue

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

**LEGISLATIVE BILL 150.** Placed on General File with amendment.

AM1711

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 14-2138, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 14-2138 The metropolitan utilities district shall pay to
- 6 the city of the metropolitan class a sum equivalent to two percent
- 7 of the annual gross revenue derived from all retail sales of water
- 8 and gas sold by such district within such city, except that until
- 9 January 1, 2020, retail sales of gas shall not include the retail
- 10 sale of natural gas used as vehicular fuel. Such sum shall be paid
- 11 on a quarterly basis, the last quarterly payment to be made not
- 12 later than the thirtieth day of January of the next succeeding
- 13 year, except that annual payments to such city shall not be less
- 14 than five hundred thousand dollars. Such city shall not levy or
- 15 collect any license, occupation, or excise tax upon or from such
- 16 district. All payments provided by this section shall be allocated
- 17 by the district among the several utilities operated by it upon
- 18 such basis as the district shall determine.
- 19 Sec. 2. Section 14-2139, Reissue Revised Statutes of
- 20 Nebraska, is amended to read:
- 21 14-2139 A metropolitan utilities district shall pay to
- 22 every city or village of any class, other than metropolitan, in
- 23 which such district sells water or gas, or both, at retail, a sum
- 1 equivalent to two percent of the annual gross revenue derived from
- 2 all retail sales of water or gas, or both, sold by such district
- 3 within the city or village, except that until January 1, 2020,
- 4 retail sales of gas shall not include the retail sale of natural
- 5 gas used as vehicular fuel. Such sums shall be paid not later
- 6 than the thirtieth day of January of the next succeeding year.
- 7 Such cities or villages shall not levy or collect any license,
- 8 occupation, or excise tax upon or from such district. All payments
- 9 provided by this section shall be allocated by the district among
- 10 the several utilities operated by it upon such basis as the
- 11 district shall determine.
- 12 Sec. 3. Section 66-6,102, Reissue Revised Statutes of

13 Nebraska, is amended to read:

14 66-6,102 Gallon equivalent means: ~~the~~

15 (1) For compressed natural gas, the amount of any  
 16 ~~nonliquid compressed fuel compressed natural gas~~ that is deemed  
 17 to be the energy equivalent of a gallon of gasoline according to  
 18 the National Institute of Standards and Technology Handbook 130  
 19 entitled Uniform Regulation for the Method of Sale of Commodities,  
 20 ~~Regulation, Paragraph 2.27.1.3; or;~~

21 (2) For liquefied natural gas, the amount of liquefied  
 22 natural gas that is deemed to be the energy equivalent of a gallon  
 23 of diesel fuel at diesel fuel's lower heating value of one hundred  
 24 twenty-eight thousand seven hundred British thermal units, which  
 25 amount shall be equal to six and six-hundredths pounds of liquefied  
 26 natural gas.

27 Sec. 4. Section 77-2704.13, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 77-2704.13 Sales and use taxes shall not be imposed on  
 3 the gross receipts from the sale, lease, or rental of and the  
 4 storage, use, or other consumption in this state of:

5 (1) Sales and purchases of electricity, coal, gas, fuel  
 6 oil, diesel fuel, tractor fuel, propane, gasoline, coke, nuclear  
 7 fuel, butane, wood as fuel, and corn as fuel when more than fifty  
 8 percent of the amount purchased is for use directly in irrigation  
 9 or farming;

10 (2) Sales and purchases of such energy sources or fuels  
 11 ~~made before April 1, 1993, or after March 31, 1994,~~ when more  
 12 than fifty percent of the amount purchased is for use directly  
 13 in processing, manufacturing, or refining, in the generation of  
 14 electricity, in the compression of natural gas for retail sale  
 15 as a vehicle fuel, or by any hospital; and ~~The state tax paid~~  
 16 ~~on purchases of such energy sources or fuels during the period~~  
 17 ~~beginning April 1, 1993, and ending March 31, 1994, shall not~~  
 18 ~~exceed one hundred thousand dollars for any one location when more~~  
 19 ~~than fifty percent of the amount purchased is for use directly~~  
 20 ~~in processing, manufacturing, or refining or by any hospital. All~~  
 21 ~~purchases of such energy sources or fuels for use in the generation~~  
 22 ~~of electricity during the period beginning April 1, 1993, and~~  
 23 ~~ending March 31, 1994, shall be taxable. Any taxpayer who has paid~~  
 24 ~~the limit of state tax on such energy sources or fuels at one~~  
 25 ~~location shall be exempt on all other qualifying purchases at such~~  
 26 ~~location. Such taxpayer shall be entitled to a refund of any amount~~  
 27 ~~of state or local option tax paid on an energy source or fuel~~  
 1 ~~exempt under this subdivision. A refund shall be made pursuant to~~  
 2 ~~section 77-2708; and~~

3 (3) Sales and purchases of water used for irrigation of  
 4 agricultural lands and manufacturing purposes.

5 Sec. 5. This act becomes operative on January 1, 2015.

6 Sec. 6. Original sections 14-2138, 14-2139, 66-6,102, and  
 7 77-2704.13, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Galen Hadley, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 2102

Tuesday, February 4, 2014 1:30 p.m.

LB1008

(Signed) Ken Schilz, Chairperson

Health and Human Services

Room 1510

Wednesday, February 5, 2014 1:30 p.m.

LB854  
LB1076  
LB994

Thursday, February 6, 2014 1:30 p.m.

LB898  
LB1088  
LB1050

Wednesday, February 12, 2014 1:30 p.m.

LB1072  
LB1078  
LB1017

Wednesday, February 19, 2014 1:30 p.m.

LB1054  
LB1107  
LB852

Friday, February 21, 2014 1:30 p.m.

LR422

(Signed) Kathy Campbell, Chairperson

Urban Affairs

Room 1510

Tuesday, February 4, 2014 1:30 p.m.

LB1095 (cancel)

Tuesday, February 11, 2014 1:30 p.m.

LB1095

(Signed) Amanda McGill, Chairperson

Judiciary

Room 1113

Wednesday, February 5, 2014 1:30 p.m.

LB677

LR399

AM1674 - LB464

(Signed) Brad Ashford, Chairperson

Executive Board

Room 2102

Monday, February 10, 2014 12:00 p.m.

LR400

LR424

(Signed) John Wightman, Chairperson

### **COMMITTEE REPORTS**

Revenue

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Nancy Salmon - Tax Equalization and Review Commission

Aye: 8 Hadley, Hansen, B. Harr, Janssen, McCoy, Pirsch, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.



The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kim Conroy - Tax Commissioner, Department of Revenue

Aye: 8 Hadley, Hansen, B. Harr, Janssen, McCoy, Pirsch, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Galen Hadley, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 425.** Introduced by Avery, 28.

WHEREAS, Troop 16 of the Boy Scouts of America in Lincoln, Nebraska, will celebrate its 100th anniversary on April 25, 2014; and

WHEREAS, on May 19, 1914, Southview Christian Church at 22nd & South Streets in Lincoln took out a charter to sponsor Boy Scout Troop 16; and

WHEREAS, the sponsorship of Troop 16 by Southview Christian Church represents the longest consecutive charter in the Cornhusker Council of the Boy Scouts of America; and

WHEREAS, the Cornhusker Council provides scouting services to over 11,000 youth in southeast Nebraska, including the counties of Lancaster, Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Jefferson, Thayer, Saline, Fillmore, Seward, York, Polk, and Butler; and

WHEREAS, Troop 16 has a rather unique record in that there have only been ten scoutmasters since original inception: Bruce Yoho, Ward Betzer, Howard Wilbur, Kenneth Alles, Barney McLaughlin, Jim Hedrick, John Mahaney, John Salistean, Eric Schoen, and Ron Souliere; and

WHEREAS, Troop 16 has produced more than sixty Eagle Scouts which is the highest rank attainable in the Boy Scouts. The title is held for life, thus giving rise to the saying: "Once an Eagle, always an Eagle"; and

WHEREAS, the mission of the Boy Scouts of America is to prepare young boys to make ethical and moral choices in their lifetimes by instilling in them the values of the scout oath and law; and

WHEREAS, the mission of Troop 16 is to offer responsible fun and adventure, instill lifetime values, develop ethical character, provide training in citizenship, service, and leadership, and serve America's communities and families through its quality, value-based program; and

WHEREAS, Troop 16 has produced many young men who have demonstrated charisma, personal integrity, and high moral and ethical character and who have become community and business leaders 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 Southview Christian Church and Boy Scout Troop 16 of Lincoln on the celebration of the 100th anniversary of Troop 16.

2. That a copy of this resolution be sent to Southview Christian Church and Boy Scout Troop 16.

Laid over.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 687A.** Introduced by Christensen, 44.

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.

**LEGISLATIVE BILL 725A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 725, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

### **GENERAL FILE**

**LEGISLATIVE BILL 382.** Title read. Considered.

Senator Chambers offered his amendment, FA178, found on page 370.

**SENATOR WATERMEIER PRESIDING**

**SPEAKER ADAMS PRESIDING**

Pending.

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

Senator K. Haar filed the following amendment to LB382:  
AM1700

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 32-710, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 32-710 Each political party shall hold a state
- 6 postprimary convention biennially on a date to be fixed by the
- 7 state central committee but not later than September 1. Candidates
- 8 for elective offices may be nominated at such conventions pursuant
- 9 to section 32-627 or 32-721. Such nominations shall be certified

10 to the Secretary of State by the chairperson and secretary of the  
11 convention. The certificates shall have the same force and effect  
12 as nominations in primary elections. A political party may not  
13 nominate a candidate at the convention for an office for which  
14 the party did not nominate a candidate at the primary election  
15 except as provided for new political parties in section 32-621. The  
16 convention shall formulate and promulgate a state platform, select  
17 a state central committee, select electors for President and Vice  
18 President of the United States, and transact the business which is  
19 properly before it. One presidential elector shall be chosen from  
20 each ~~congressional public service commissioner district, and two~~  
21 ~~presidential electors shall be chosen at large.~~ The officers of the  
22 convention shall certify the names of the electors to the Governor  
23 and Secretary of State.

1 Sec. 2. Section 32-714, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 32-714 The Governor shall provide each presidential  
4 elector with a list of all the electors. If any elector is absent  
5 or if there is a deficiency in the proper number of electors, those  
6 present shall elect from the citizens of the state so many persons  
7 as will supply the deficiency and immediately issue a certificate  
8 of election, signed by those present or a majority of them, to the  
9 person or persons so chosen. In case of failure to elect by 3 p.m.  
10 of such day, the Governor shall fill the vacancies by appointment.  
11 After all vacancies are filled, the college of electors shall  
12 proceed with the election of a President of the United States and  
13 a Vice President of the United States and certify their votes in  
14 conformity with the Constitution and laws of the United States.  
15 ~~Each at large presidential elector shall cast his or her ballot~~  
16 ~~for the presidential and vice presidential candidates who received~~  
17 ~~the highest number of votes in the state. Each congressional~~  
18 ~~district presidential elector shall cast his or her ballot for~~  
19 ~~the presidential and vice-presidential candidates who received the~~  
20 ~~highest number of votes in his or her congressional district.~~

21 Sec. 3. Section 32-1038, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 32-1038 (1) The board of state canvassers shall authorize  
24 the Secretary of State to open the abstracts of votes from the  
25 various counties and prepare an abstract stating the number of  
26 ballots cast for each office, the names of all the persons voted  
27 for, for what office they respectively received the votes, and  
1 the number of votes each received. The abstract shall be signed  
2 by the members of the board and shall have the seal of the state  
3 affixed by the Secretary of State. The canvass of the votes for  
4 candidates for President and Vice President of the United States  
5 and the return thereof shall be a canvass and return of the votes  
6 cast for the presidential electors of the same party or group of  
7 petitioners respectively, and the certificate of such election made  
8 by the Governor shall be in accord with such return. ~~Receipt by~~

9 ~~the presidential electors of a party or a group of petitioners~~  
 10 ~~of the highest number of votes statewide shall constitute election~~  
 11 ~~of the two at large presidential electors of that party or group~~  
 12 ~~of petitioners. Receipt by the presidential electors of a party~~  
 13 ~~or a group of petitioners of the highest number of votes in a~~  
 14 ~~congressional public service commissioner district shall constitute~~  
 15 ~~election of the congressional district presidential elector of that~~  
 16 ~~party or group of petitioners.~~

17 (2) The board of state canvassers shall determine from  
 18 the completed abstract the names of those candidates who have been  
 19 nominated or elected. If any two or more persons are returned  
 20 with an equal and the highest number of votes, the board of state  
 21 canvassers shall decide by lot which of such persons is elected  
 22 except for officers elected to the executive branch. The board of  
 23 state canvassers shall also declare those measures carried which  
 24 have received the required percentage of votes as provided by law.

25 Sec. 4. Original sections 32-714 and 32-1038, Reissue  
 26 Revised Statutes of Nebraska, and section 32-710, Revised Statutes  
 27 Cumulative Supplement, 2012, are repealed.

Senator K. Haar filed the following amendment to LB382:  
 AM1701

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 32-710, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 32-710 Each political party shall hold a state  
 6 postprimary convention biennially on a date to be fixed by the  
 7 state central committee but not later than September 1. Candidates  
 8 for elective offices may be nominated at such conventions pursuant  
 9 to section 32-627 or 32-721. Such nominations shall be certified  
 10 to the Secretary of State by the chairperson and secretary of the  
 11 convention. The certificates shall have the same force and effect  
 12 as nominations in primary elections. A political party may not  
 13 nominate a candidate at the convention for an office for which  
 14 the party did not nominate a candidate at the primary election  
 15 except as provided for new political parties in section 32-621. The  
 16 convention shall formulate and promulgate a state platform, select  
 17 a state central committee, select electors for President and Vice  
 18 President of the United States, and transact the business which is  
 19 properly before it. ~~One presidential elector shall be chosen from~~  
 20 ~~each congressional district, and two~~ Five presidential electors  
 21 shall be chosen at large. The officers of the convention shall  
 22 certify the names of the electors to the Governor and Secretary  
 23 of State.

1 Sec. 2. Section 32-714, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:  
 3 32-714 The Governor shall provide each presidential  
 4 elector with a list of all the electors. If any elector is

5 absent or if there is a deficiency in the proper number of  
 6 electors, those present shall elect from the citizens of the state  
 7 so many persons as will supply the deficiency and immediately issue  
 8 a certificate of election, signed by those present or a majority  
 9 of them, to the person or persons so chosen. In case of failure to  
 10 elect by 3 p.m. of such day, the Governor shall fill the vacancies  
 11 by appointment. After all vacancies are filled, the college of  
 12 electors shall proceed with the election of a President of the  
 13 United States and a Vice President of the United States and certify  
 14 their votes in conformity with the Constitution and laws of the  
 15 United States. ~~Each at large presidential elector shall cast his~~  
 16 ~~or her ballot for the presidential and vice presidential candidates~~  
 17 ~~who received the highest number of votes in the state. Each~~  
 18 ~~congressional district presidential elector shall cast his or her~~  
 19 ~~ballot for the presidential and vice presidential candidates who~~  
 20 ~~received the highest number of votes in his or her congressional~~  
 21 ~~district. The presidential electors shall be divided among nominees~~  
 22 for President of the United States by multiplying the number of  
 23 presidential electors by the percentage of the statewide popular  
 24 vote received by a nominee for President of the United States and  
 25 rounding up to the nearest whole number, subject to the following:

26 (1) If the total number of presidential electors  
 27 allocated to all candidates is greater than the number of available  
 1 electors, the number of presidential electors allocated to the  
 2 nominee with the smallest percentage of the statewide popular vote  
 3 shall be reduced by one; and

4 (2) If necessary, the process in subdivision (1) of this  
 5 section shall be repeated, starting with the nominee for President  
 6 of the United States who finished next to last in the statewide  
 7 popular vote and ending with the nominee for President of the  
 8 United States who finished second in the statewide popular vote.

9 Sec. 3. Section 32-1038, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 32-1038 (1) The board of state canvassers shall authorize  
 12 the Secretary of State to open the abstracts of votes from the  
 13 various counties and prepare an abstract stating the number of  
 14 ballots cast for each office, the names of all the persons voted  
 15 for, for what office they respectively received the votes, and  
 16 the number of votes each received. The abstract shall be signed  
 17 by the members of the board and shall have the seal of the  
 18 state affixed by the Secretary of State. The canvass of the votes  
 19 for candidates for President and Vice President of the United  
 20 States and the return thereof shall be a canvass and return of  
 21 the votes cast for the presidential electors of the same party  
 22 or group of petitioners respectively, and the certificate of  
 23 such election made by the Governor shall be in accord with such  
 24 return. ~~Receipt by the presidential electors of a party or a group~~  
 25 ~~of petitioners of the highest number of votes statewide shall~~  
 26 ~~constitute election of the two at large presidential electors of~~

27 ~~that party or group of petitioners. Receipt by the presidential~~  
 1 ~~electors of a party or a group of petitioners of the highest number~~  
 2 ~~of votes in a congressional district shall constitute election of~~  
 3 ~~the congressional district presidential elector of that party or~~  
 4 ~~group of petitioners.~~  
 5 (2) The board of state canvassers shall determine from  
 6 the completed abstract the names of those candidates who have been  
 7 nominated or elected. If any two or more persons are returned  
 8 with an equal and the highest number of votes, the board of state  
 9 canvassers shall decide by lot which of such persons is elected  
 10 except for officers elected to the executive branch. The board of  
 11 state canvassers shall also declare those measures carried which  
 12 have received the required percentage of votes as provided by law.  
 13 Sec. 4. Original sections 32-714 and 32-1038, Reissue  
 14 Revised Statutes of Nebraska, and section 32-710, Revised Statutes  
 15 Cumulative Supplement, 2012, are repealed.

Senator Schilz filed the following amendment to LB942:  
 AM1721

- 1 1. On page 2, lines 5, 14 and 15, and 21, strike "beef or
- 2 dairy"; and in lines 6 and 7 strike "or milk or dairy products".

### RESOLUTION

**LEGISLATIVE RESOLUTION 426.** Introduced by Sullivan, 41; Carlson, 38; Dubas, 34; K. Haar, 21; Hansen, 42; Wallman, 30; Wightman, 36.

WHEREAS, the first two components of the land grant mission, teaching and research, were created by the federal Morrill Act in 1862 and the federal Hatch Act of 1887; and

WHEREAS, the development of the integrated land grant mission of teaching, research, and extension grew out of a need to secure and expand the economic, social, and environmental resources of the young and growing nation; and

WHEREAS, the Smith-Lever Act, also known as the Agriculture Extension Act, was passed by Congress in 1914 and provided for vocational education in the areas of agriculture and home economics for individuals not attending college; and

WHEREAS, Congress also passed the Smith-Lever Act in an effort to support the troops abroad and conserve resources at home while extending the philosophy of farmers' cooperative demonstration work; and

WHEREAS, the Smith-Lever Act established cooperative agriculture extension at the county, state, and federal levels for the purpose of sharing useful and practical information with the American homemaker and farmer, and solidified an educational partnership between the United States Department of Agriculture and the land grant universities in creating the Cooperative Extension System; and

WHEREAS, on May 8, 2014, the University of Nebraska-Lincoln Extension, a component of the Cooperative Extension System, will celebrate 100 years of elevating youth, families, farms, and communities in Nebraska; and

WHEREAS, to celebrate 100 years of service, University of Nebraska-Lincoln Extension is planning 100 celebrations across Nebraska in 2014 at each county extension office and research center, and at every campus in the University of Nebraska system; and

WHEREAS, festivities will begin on February 6, 2014, at the annual extension meeting in Lincoln and will conclude on August 30, 2014, at the Nebraska State Fair in Grand Island.

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

1. That the Legislature recognizes May 8, 2014, as the 100th anniversary of passage of the federal Smith-Lever Act, and congratulates University of Nebraska-Lincoln Extension on its 100 years of service to Nebraska.

2. That the Legislature acknowledges the wide range of services that University of Nebraska-Lincoln Extension provides to Nebraska youth, families, farms, and communities throughout the state, and appreciates the great work of Extension professionals and volunteers across Nebraska and their contributions to the lives and livelihoods of Nebraskans.

3. That a copy of this resolution be sent to University of Nebraska-Lincoln Extension.

Laid over.

#### **CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senators Conrad and Bolz have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Conrad asked unanimous consent to add her name as cointroducer to LB1085. No objections. So ordered.

Senators Lautenbaugh, Murante, and Schilz asked unanimous consent to add their names as cointroducers to LB382. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Michael McCabe, Director of Midwestern Region Council of State Governments; and John Surman from Eagle.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTEENTH DAY - JANUARY 29, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 29, 2014

**PRAYER**

The prayer was offered by Captain Robert Duskin, Salvation Army Church, Norfolk.

**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 Christensen, Conrad, Karpisek, Kintner, Larson, Lautenbaugh, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 5, 2014 1:30 p.m.

LB946  
LB1048  
LB746

Thursday, February 6, 2014 1:30 p.m.

LB1018  
LB825  
LB937

Friday, February 7, 2014 1:30 p.m.

LB919  
LB845  
LB817

(Signed) Bill Avery, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 382.** Senator Chambers renewed his amendment, FA178, found on page 370 and considered on page 386.

Senator Johnson moved the previous question. The question is, "Shall the debate now close?" The motion failed with 17 ayes, 6 nays, and 26 not voting.

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 amendment.

Voting in the affirmative, 8:

Ashford	Conrad	Haar, K.	Lathrop
Avery	Cook	Johnson	Watermeier

Voting in the negative, 22:

Adams	Gloor	Karpisek	Nelson	Smith
Brasch	Hadley	Kintner	Pirsch	Wightman
Carlson	Hansen	McCoy	Scheer	
Christensen	Harms	McGill	Schilz	
Garrett	Janssen	Murante	Seiler	

Present and not voting, 17:

Bloomfield	Coash	Harr, B.	Mello	Wallman
Bolz	Crawford	Howard	Nordquist	
Campbell	Davis	Kolowski	Schumacher	
Chambers	Dubas	Krist	Sullivan	

Excused and not voting, 2:

Larson	Lautenbaugh
--------	-------------

The Chambers amendment lost with 8 ayes, 22 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

### RESOLUTION

**LEGISLATIVE RESOLUTION 427.** Introduced by Carlson, 38; Christensen, 44; Davis, 43; Dubas, 34; Janssen, 15; Johnson, 23; Larson, 40; Schilz, 47; Sullivan, 41; Wallman, 30.

WHEREAS, in accordance with the federal Energy Policy Act of 2005, the United States has demonstrated its commitment to the long-term policy of increasing the production of clean renewable fuels according to the federal Renewable Fuel Standard (RFS) by enabling the increased domestic production and use of renewable fuels, which include renewable biofuels such as ethanol, biodiesel, cellulosic, and advanced biofuels; and

WHEREAS, the RFS provides the foundation for reducing dependence on foreign sources of oil, decreasing the price of transportation fuels, reducing transportation fuel emissions, increasing rural incomes, encouraging the development and expansion of new advanced biofuels, and consequently promoting economic growth; and

WHEREAS, the RFS assists in bringing new technologies to farmers and consumers, and points the United States in the direction of energy independence; and

WHEREAS, international turmoil has repeatedly caused increased oil price spikes and increased transportation costs for consumers, including increased costs attributable to the transportation of food and other goods; and

WHEREAS, the United States Environmental Protection Agency (EPA) is responsible for establishing and implementing the RFS, including the requirement that certain volumes of various types of biofuels be blended in transportation fuels each year; and

WHEREAS, the EPA recently proposed reducing the volume levels for ethanol and biodiesel in the RFS, in direct conflict with the federal statute; and

WHEREAS, the EPA proposal is projected to cause job losses in the biofuels sector and related job sectors, reduce the price of corn below the cost of production, cause a negative economic effect on Midwest farm families and on agribusinesses, substantially reduce long-term investment in biofuels infrastructure, reduce investments in further energy innovation for ethanol, biodiesel, advanced biofuels, and cellulosic biofuels, and harm rural economies; and

WHEREAS, biofuels reduce greenhouse gas emissions, and the Nebraska biofuels industry adds over \$5 billion to Nebraska's economy annually and generates more than \$276 million annually in labor income impacts; and

WHEREAS, more than 46,000 Nebraska farmers and ranchers support their families and reinvigorate rural communities through innovative and high-tech agricultural production.

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

1. That the Legislature urges the United States Government to renew its commitment to farmers, lower fuel prices, and the environment by supporting a robust and sustainable Renewable Fuel Standard and use all efforts to meet the highest possible renewable fuel volume requirements set forth in the current Renewable Fuel Standard in order to ensure that our nation diversifies its energy portfolio.

2. That a copy of this resolution be sent to President Barack Obama, United States Environmental Protection Agency Administrator Gina McCarthy, United States Secretary of Agriculture Tom Vilsack, and to each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR427 was referred to the Reference Committee.

#### **COMMITTEE REPORTS**

General Affairs

**LEGISLATIVE BILL 680.** Placed on General File.

(Signed) Russ Karpisek, Chairperson

Transportation and Telecommunications

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

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

**LEGISLATIVE BILL 776.** Placed on General File.

**LEGISLATIVE BILL 777.** Placed on General File with amendment.

AM1645

- 1 1. On page 16, lines 10 and 14, strike "duplicate", show
- 2 as stricken, and insert "replacement".

(Signed) Annette Dubas, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Thursday, February 6, 2014 1:30 p.m.

LB785  
LB1007  
LB907  
LB999

Friday, February 7, 2014 1:30 p.m.

LB821  
LB881  
LB878  
LB964

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Wednesday, February 5, 2014 1:30 p.m.

LB986  
LB987  
LB995

Thursday, February 6, 2014 1:30 p.m.

LB761  
LB850  
LB912  
LB1087

Friday, February 7, 2014 1:30 p.m.

LB670  
LB813  
LB913  
LB1038

(Signed) Galen Hadley, Chairperson

## Natural Resources

Room 1525

Wednesday, February 5, 2014 1:30 p.m.

LB683

LB767

Thursday, February 6, 2014 1:30 p.m.

Rex Fisher - Game and Parks Commission

LB896

LB1074

Friday, February 7, 2014 1:30 p.m.

Dennis E. Grennan - Nebraska Power Review Board

LB856

(Signed) Tom Carlson, Chairperson

**COMMITTEE REPORT**

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ronald Books - State Highway Commission

Jerome Fagerland - State Highway Commission

Doug Leafgreen - State Highway Commission

E.J. Militti Jr. - State Highway Commission

Aye: 7 Brasch, Dubas, Hadley, McCoy, Murante, Smith, Watermeier.

Nay: 0. Absent: 1 Janssen. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

**AMENDMENTS - Print in Journal**Senator Mello filed the following amendment to LB371:

AM1710

(Amendments to Standing Committee amendments, AM307)

- 1 1. On page 2, line 19, before "fiscal" insert "most
- 2 recent" and strike "on" and insert "prior to".

Senator Mello filed the following amendment to LB56:

AM1686

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-615, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 32-615 ~~Any~~ (1) Except as otherwise provided in subsection
- 6 (2) of this section, any candidate engaged in or pursuing a
- 7 write-in campaign shall file a notarized affidavit of his or her
- 8 intent together with the receipt for any filing fee with the filing
- 9 officer as provided in section 32-608 no earlier than December 1
- 10 and no later than ten days prior to the election.
- 11 (2) For any county office elected pursuant to sections
- 12 32-517 to 32-529 which is subject to subdivision (1)(b) of section
- 13 32-811, a candidate may engage in or pursue a write-in campaign if
- 14 he or she files a notarized affidavit of his or her intent together
- 15 with the receipt for the filing fee with the filing officer as
- 16 provided in section 32-608 on or before March 3 of the year of
- 17 the statewide primary election. If such an affidavit is filed as
- 18 prescribed, the election commissioner or county clerk shall place
- 19 that county office on the statewide primary election ballot with
- 20 the names of the candidate properly filed for the nomination of the
- 21 applicable political party and a line for write-in candidates.
- 22 (3) A candidate who has been defeated as a candidate in
- 23 the primary election or defeated as a write-in candidate in the
- 1 primary election shall not be eligible as a write-in candidate for
- 2 the same office in the general election unless a vacancy on the
- 3 ballot exists pursuant to section 32-625.
- 4 (4) A candidate who files a notarized affidavit shall be
- 5 entitled to all write-in votes for the candidate even if only the
- 6 last name of the candidate has been written if such last name is
- 7 reasonably close to the proper spelling.
- 8 Sec. 2. Section 32-811, Revised Statutes Cumulative
- 9 Supplement, 2012, is amended to read:
- 10 32-811 (1)(a) If the names of candidates properly filed
- 11 for nomination at the primary election for directors of natural
- 12 resources districts, directors of public power districts, members
- 13 of airport authority boards elected pursuant to sections 32-547 to
- 14 32-549, members of the boards of governors of community college
- 15 areas, members of the boards of Class III or Class V school
- 16 districts which nominate candidates at a primary election, and
- 17 officers of cities of the first or second class and cities having
- 18 a city manager plan of government do not exceed two candidates for
- 19 each position to be filled, any such candidates shall be declared
- 20 nominated and their names shall not appear on any primary election
- 21 ballots.
- 22 (b) If the number of candidates properly filed for the
- 23 nomination of a political party at the primary election for any
- 24 county officer elected pursuant to sections 32-517 to 32-529 does

25 not exceed the number of candidates to be nominated by that party  
26 for that office, any such properly filed candidates shall be  
27 declared nominated and their names shall not appear on any primary  
1 election ballots.

2 (c) The official abstract of votes kept by the county or  
3 state shall show the names of such candidates with the statement  
4 Nominated Without Opposition. The election commissioner or county  
5 clerk shall place the names of such automatically nominated  
6 candidates on the general election ballot as provided in section  
7 32-814 or 32-815.

8 (2) Candidates shall not appear on the ballot in the  
9 primary election for the offices listed in subsection (2) of  
10 section 32-606.

11 (3) If the number of candidates for delegates to a county  
12 or national political party convention are the same in number or  
13 less than the number of candidates to be elected, the names shall  
14 not appear on the primary election ballot and those so filed shall  
15 receive a certificate of election.

16 Sec. 3. Section 32-815, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 32-815 (1) The names of candidates for each partisan  
19 elective office shall be arranged on the ballot of the general  
20 election so that the political party polling the highest number of  
21 votes at the last general election for Governor will have the name  
22 of its nominee immediately beneath the name of the office for which  
23 the candidate was nominated, the political party polling the second  
24 highest number of votes will have the second place, the political  
25 party having the third highest number of votes will have the third  
26 place, and continuing with the political parties in descending  
27 order of number of votes, leaving those candidates whose names  
1 appear upon the ballot by petition to appear beneath all other  
2 candidates placed there by nomination. For each office for which  
3 there are more candidates than vacancies and there are two or more  
4 nominees of the same political party, the election commissioner  
5 or county clerk shall rotate the names of such candidates on the  
6 official ballot. In printing the ballots for the various election  
7 districts, the positions of the names shall be changed in each  
8 office division for each election district. In making the change of  
9 position, the printer shall take the line of type at the head of  
10 each division and place it at the bottom of that division, shoving  
11 up the column so that the name that was second shall be first after  
12 the change.

13 (2) The name of the person receiving the highest number  
14 of votes at a primary election as the candidate of a political  
15 party for an office shall be placed on the official ballot except  
16 as otherwise provided in the Election Act. ~~No~~ Except as provided  
17 in section 32-811 for automatically nominated candidates, no person  
18 shall be certified as a candidate of any political party for such  
19 office by the Secretary of State, election commissioner, or county



20 clerk unless the person receives a number of votes at least equal  
 21 to five percent of the total ballots cast at the primary election  
 22 by registered voters affiliated with that political party in the  
 23 district which the office serves and meets the requirements for the  
 24 office.

25 Sec. 4. Original section 32-815, Reissue Revised Statutes  
 26 of Nebraska, and sections 32-615 and 32-811, Revised Statutes  
 27 Cumulative Supplement, 2012, are repealed.

Senator Ashford filed the following amendment to LB464:  
 AM1734

(Amendments to AM1674)

1 1. Insert the following new sections:  
 2 Sec. 28. Section 79-527.01, Revised Statutes Supplement,  
 3 2013, is amended to read:  
 4 79-527.01 (1)(a) ~~The Truancy Intervention Task Force~~  
 5 Council on Student Attendance is created. The ~~task force~~ council  
 6 shall consist of:  
 7 (i) A member of a school board in any class of school  
 8 district to be appointed by the Governor;  
 9 (ii) Two parents of children attending school in this  
 10 state to be appointed by the Governor;  
 11 (iii) A superintendent of a school district to be  
 12 appointed by the Governor;  
 13 ~~(iv) The probation administrator or his or her~~  
 14 ~~designee;~~  
 15 ~~(v) The Commissioner of Education or his or her~~  
 16 ~~designee; and~~  
 17 ~~(vi) The chief executive officer of the Department of~~  
 18 ~~Health and Human Services or his or her designee.~~  
 19 (b)(i) The members of the council appointed by the  
 20 Governor shall serve six-year terms, except that of the members  
 21 first appointed pursuant to subdivisions (1)(a)(i) through (iii)  
 22 of this subsection, one shall serve an initial two-year term,  
 1 one shall serve an initial four-year term, and one shall serve  
 2 an initial six-year term from January 1 next succeeding their  
 3 appointments. Thereafter, all members shall serve six-year terms. A  
 4 member may be reappointed at the expiration of his or her term. Any  
 5 vacancy occurring otherwise than by expiration of a term shall be  
 6 filled for the balance of the unexpired term in the same manner as  
 7 the original appointment.  
 8 (ii) No member shall serve beyond the time when he or  
 9 she holds the office, employment, or status by reason of which he  
 10 or she was initially eligible for appointment. Any member of the  
 11 council appointed by the Governor may be removed from the council  
 12 for cause upon notice and an opportunity to be heard at a public  
 13 hearing. One of the causes for removal shall be absence from three  
 14 regularly scheduled meetings of the council during any six-month  
 15 period when the member has failed to advise the council in advance

16 of such meeting that he or she will be absent and stating a reason  
17 for the absence.

18 (iii) The chairperson of the council shall be designated  
19 by the Governor to serve as chairperson at the pleasure of the  
20 Governor. The chairperson shall be the chief executive officer of  
21 the council but may delegate such of his or her duties to other  
22 members of the council as may be authorized by the council.

23 (iv) Notwithstanding any provision of law, ordinance, or  
24 charter provision to the contrary, membership on the council shall  
25 not disqualify any member from holding any other public office or  
26 employment or cause the forfeiture of such office.

27 (v) The members of the council shall serve on the council  
1 without any additional compensation, but they shall be entitled to  
2 receive reimbursement for any actual expenses incurred as necessary  
3 incident to such service as provided in sections 81-1174 to  
4 81-1177.

5 (vi) Four members of the council shall constitute a  
6 quorum for the transaction of any business or the exercise of any  
7 power of the council. The council shall have the power to act by a  
8 majority of the members present at any meeting at which a quorum is  
9 in attendance.

10 (vii) All appointments for members of the council added  
11 by subdivisions (1)(a)(i) through (iii) of this subsection shall be  
12 made not later than thirty days after the effective date of this  
13 act.

14 ~~(2) The task force council shall: study~~

15 ~~(a) Study and evaluate the data contained in the reports~~  
16 ~~required by subsection (2) of section 79-527; and shall develop~~

17 ~~(b) Develop recommendations to reduce incidents of~~  
18 ~~excessive absenteeism;:~~

19 ~~(c) Consider whether school district policies and~~  
20 ~~practices for addressing truancy and absenteeism are operational~~  
21 ~~and effectively working to address truancy and make recommendations~~  
22 ~~for improvements where necessary; and~~

23 ~~(d) Review all school district policies developed under~~  
24 ~~subsection (2) of section 79-209 and make specific recommendations~~  
25 ~~for school district policy improvement.~~

26 ~~The task force council may contact a school district or~~  
27 ~~a county attorney for additional information in order to carry~~  
1 ~~out its duties under this section. The task force shall report~~  
2 ~~electronically to the Legislature on or before October 1 of each~~  
3 ~~year.~~

4 (3) It is the intent of the Legislature to appropriate  
5 two million dollars to the State Department of Education for  
6 the purposes of funding grants to school districts in order to  
7 reduce absenteeism and truancy in Nebraska. The grants shall be  
8 used solely to develop, implement, and fund programs regarding  
9 absenteeism and truancy in order to foster school attendance. The  
10 department shall promulgate rules and regulations to implement the

11 grant application and distribution process by December 15, 2014.

12 (4) The council shall report on its activities  
 13 electronically to the Legislature on or before October 1 of each  
 14 year.

15 Sec. 29. Section 79-2121, Revised Statutes Cumulative  
 16 Supplement, 2012, is amended to read:

17 79-2121 The superintendents of any school districts that  
 18 are members of a learning community shall develop and participate  
 19 in a plan by August 1, 2011, to reduce excessive absenteeism  
 20 including a process to share information regarding at-risk  
 21 youth with the goal of improving educational outcomes, providing  
 22 effective interventions that impact risk factors, and reducing  
 23 unnecessary penetration deeper into the juvenile justice system.  
 24 For purposes of this section, at-risk youth means children who are  
 25 under the supervision of the Office of Probation Administration,  
 26 are committed to the care, custody, or supervision of the  
 27 Department of Health and Human Services, are otherwise involved in  
 1 the juvenile justice system, or have been absent from school for  
 2 more than five days per quarter or the hourly equivalent except  
 3 when excused by school authorities or when ~~a documented~~ an illness  
 4 makes attendance impossible or impracticable.

5 2. On page 61, line 20; and page 63, line 10, strike  
 6 "documented" and show as stricken.

7 3. On page 63, line 10, after "illness" insert ", as  
 8 determined by school district policy."; and in line 12 strike  
 9 "may", show as stricken, and insert "shall not".

10 4. Renumber the remaining sections and correct the  
 11 repealer accordingly.

#### GENERAL FILE

**LEGISLATIVE BILL 382.** Senator Chambers offered the following  
 motion:

MO121

Reconsider the vote taken on FA178.

Senator Chambers moved for a call of the house. The motion prevailed with  
 32 ayes, 1 nay, and 16 not voting.

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

Voting in the affirmative, 7:

Ashford	Chambers	Cook	Wallman
Avery	Conrad	Dubas	

Voting in the negative, 26:

Adams	Coash	Harms	Murante	Smith
Bloomfield	Garrett	Janssen	Nelson	Wightman
Bolz	Gloor	Karpisek	Pirsch	
Brasch	Haar, K.	Kintner	Scheer	
Carlson	Hadley	Larson	Schilz	
Christensen	Hansen	McCoy	Seiler	

Present and not voting, 13:

Campbell	Harr, B.	Krist	Mello	Sullivan
Crawford	Howard	Lathrop	Nordquist	
Davis	Kolowski	McGill	Schumacher	

Excused and not voting, 3:

Johnson      Lautenbaugh      Watermeier

The Chambers motion to reconsider failed with 7 ayes, 26 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA179, found on page 370.

Pending.

#### **COMMITTEE REPORT** Enrollment and Review

**LEGISLATIVE BILL 144.** Placed on Select File.

(Signed) John Murante, Chairperson

#### **MOTION - Print in Journal**

Senator Mello filed the following motion to LB1024:  
MO122  
Withdraw bill.

#### **RESOLUTION**

**LEGISLATIVE RESOLUTION 428.** Introduced by Kolowski, 31.

WHEREAS, Joseph Zach, a senior at Omaha Skutt Catholic High School, has been selected as a Nebraska delegate to the United States Senate Youth Program; and

WHEREAS, the program was established in 1962 and brings outstanding high school students who are interested in pursuing careers in public service to Washington, D.C., for a week-long educational event; and

WHEREAS, two students from each state, the District of Columbia, and the Department of Defense Education Activity will meet with the President, congressional leaders, and a Supreme Court justice; and

WHEREAS, each student selected as a delegate for the program receives a \$5,000 college scholarship and must demonstrate outstanding leadership abilities, a commitment to volunteer work, and rank academically in the top one percent in his or her state; and

WHEREAS, Joseph is also a candidate for chairperson of the Student Advisory Council (SAC) which is comprised of high school students from various high schools in Legislative District 31. The mission of the SAC is to educate students about local government, inform students about issues in their community, give students a voice in the political process, and foster leadership and civic involvement; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievement 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 Joseph Zach for being chosen as a Nebraska delegate to the United States Senate Youth Program, and extends him best wishes for continued academic success and civic involvement.

2. That a copy of this resolution be sent to Joseph Zach.

Laid over.

### **NOTICE OF COMMITTEE HEARINGS**

Nebraska Retirement Systems

Room 1525

Thursday, February 6, 2014 12:00 p.m.

Janis N. Elliott - Public Employees Retirement Board  
LB977

Wednesday, February 12, 2014 12:00 p.m.

LB1041

LB1042

(Signed) Jeremy Nordquist, Chairperson

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

Senator Larson filed the following amendment to LB597:

AM1747

- 1 1. Insert the following section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

4 2. In the Standing Committee amendment, AM346, on page  
5 1, line 3, strike "A" and insert "With the consent of the county  
6 board of the county within which the real estate is located, a";  
7 and in line 7 after the period insert "County board approval is not  
8 required for leases having a term of less than ninety days.".

Senator Hadley filed the following amendment to LB986:  
AM1750 is available in the Bill Room.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB855. No objections. So ordered.

Senators Campbell and Gloor asked unanimous consent to add their names as cointroducers to LB1092. No objections. So ordered.

#### **VISITORS**

Visitor to the Chamber was Senator Bolz's mother, Pam Eisenhower, from Sterling.

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

#### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTEENTH DAY - JANUARY 30, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 30, 2014

**PRAYER**

The prayer was offered by Pastor Jim Kiningham, Fellowship Bible Church, Newman Grove.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Krist who was excused; and Senators Ashford, Conrad, Cook, Janssen, Karpisek, Kintner, Lautenbaugh, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 688.** Placed on General File.  
**LEGISLATIVE BILL 700.** Placed on General File.  
**LEGISLATIVE BILL 715.** Placed on General File.  
**LEGISLATIVE BILL 717.** Placed on General File.  
**LEGISLATIVE BILL 755.** Placed on General File.  
**LEGISLATIVE BILL 788.** Placed on General File.  
**LEGISLATIVE BILL 815.** Placed on General File.

(Signed) Mike Gloor, Chairperson

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 415, 417, 418, 419, and 420 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 415, 417, 418, 419, and 420.

**MOTIONS - Approve Appointments**

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 354:

Military Department  
Daryl L. Bohac, Adjutant General

Voting in the affirmative, 28:

Avery	Coash	Hadley	McCoy	Smith
Bloomfield	Crawford	Hansen	McGill	Sullivan
Brasch	Davis	Harms	Mello	Wallman
Carlson	Garrett	Johnson	Nelson	Wightman
Chambers	Gloor	Larson	Pirsch	
Christensen	Haar, K.	Lathrop	Schumacher	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Dubas	Kolowski	Scheer
Bolz	Harr, B.	Murante	Seiler
Campbell	Howard	Nordquist	Watermeier

Excused and not voting, 9:

Ashford	Cook	Karpisek	Krist	Schilz
Conrad	Janssen	Kintner	Lautenbaugh	

The appointment was confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Oil and Gas Conservation Commission  
Robert P. Goodwin  
Tim Wistrom



Voting in the affirmative, 31:

Avery	Crawford	Harr, B.	Mello	Sullivan
Bloomfield	Davis	Johnson	Nelson	Wallman
Bolz	Garrett	Kolowski	Nordquist	Wightman
Brasch	Gloor	Larson	Pirsch	
Campbell	Hadley	Lathrop	Schumacher	
Carlson	Hansen	McCoy	Seiler	
Christensen	Harms	McGill	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Coash	Haar, K.	Murante	Watermeier
Chambers	Dubas	Howard	Scheer	

Excused and not voting, 9:

Ashford	Cook	Karpisek	Krist	Schilz
Conrad	Janssen	Kintner	Lautenbaugh	

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Power Review Board  
Chuck D. Haase

Voting in the affirmative, 29:

Avery	Chambers	Hadley	McGill	Schumacher
Bloomfield	Christensen	Hansen	Murante	Smith
Bolz	Davis	Harms	Nelson	Sullivan
Brasch	Dubas	Johnson	Nordquist	Wallman
Campbell	Garrett	Kolowski	Pirsch	Wightman
Carlson	Gloor	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Haar, K.	Larson	Scheer
Coash	Harr, B.	Lathrop	Seiler
Crawford	Howard	Mello	Watermeier

Excused and not voting, 8:

Ashford	Cook	Karpisek	Krist
Conrad	Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Power Review Board  
Rick Morehouse

Voting in the affirmative, 27:

Avery	Davis	Harms	McGill	Schumacher
Bolz	Dubas	Harr, B.	Murante	Smith
Brasch	Garrett	Johnson	Nelson	Wightman
Campbell	Gloor	Kolowski	Nordquist	
Carlson	Hadley	Lathrop	Pirsch	
Christensen	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Coash	Howard	Scheer	Wallman
Bloomfield	Crawford	Larson	Seiler	Watermeier
Chambers	Haar, K.	Mello	Sullivan	

Excused and not voting, 8:

Ashford	Cook	Karpisek	Krist
Conrad	Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 369:

Environmental Quality Council  
Mohamed F. Dahab  
John Edward Dilsaver

Voting in the affirmative, 31:

Avery	Davis	Harr, B.	Nelson	Sullivan
Bloomfield	Dubas	Johnson	Nordquist	Wallman
Brasch	Garrett	Kolowski	Pirsch	Wightman
Campbell	Gloor	Lathrop	Schilz	
Carlson	Hadley	McCoy	Schumacher	
Chambers	Hansen	McGill	Seiler	
Christensen	Harms	Murante	Smith	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Coash	Howard	Scheer
Ashford	Crawford	Larson	Watermeier
Bolz	Haar, K.	Mello	

Excused and not voting, 7:

Conrad	Janssen	Kintner	Lautenbaugh
Cook	Karpisek	Krist	

The appointments were confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Hadley moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 384:

Tax Equalization and Review Commission  
Nancy Salmon

Voting in the affirmative, 31:

Adams	Christensen	Hansen	Murante	Sullivan
Avery	Conrad	Harms	Nelson	Wallman
Bloomfield	Davis	Johnson	Nordquist	Wightman
Brasch	Dubas	Kolowski	Pirsch	
Campbell	Garrett	Lathrop	Schumacher	
Carlson	Gloor	McCoy	Seiler	
Chambers	Hadley	McGill	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Crawford	Howard	Scheer
Bolz	Haar, K.	Larson	Schilz
Coash	Harr, B.	Mello	Watermeier

Excused and not voting, 6:

Cook	Karpisek	Krist
Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Hadley moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 385:

Department of Revenue  
Kim Conroy, Tax Commissioner

Voting in the affirmative, 30:

Adams	Chambers	Hadley	McCoy	Schilz
Avery	Christensen	Hansen	McGill	Schumacher
Bloomfield	Conrad	Harms	Murante	Seiler
Brasch	Dubas	Johnson	Nelson	Smith
Campbell	Garrett	Kolowski	Nordquist	Sullivan
Carlson	Gloor	Lathrop	Pirsch	Wallman

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Crawford	Harr, B.	Mello	Wightman
Bolz	Davis	Howard	Scheer	
Coash	Haar, K.	Larson	Watermeier	

Excused and not voting, 6:

Cook	Karpisek	Krist
Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

#### **MOTION - Withdraw LB1024**

Senator Mello offered his motion, MO122, found on page 404, to withdraw LB1024.

The Mello motion to withdraw the bill prevailed with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 656.** ER124, found on page 357, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 657.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 658.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 659.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 174.** Senator McGill offered the following motion:  
MO123  
Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM1765.

The McGill motion to suspend the rules prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator McGill offered the following amendment:  
AM1765

1 1. Insert the following new section:  
2 Section 1. Section 14-415, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 14-415 The city, in addition to other remedies, may  
5 institute any appropriate action or proceedings to prevent  
6 an unlawful erection, construction, reconstruction, alteration,  
7 conversion, maintenance, or use of any building or structure  
8 in violation of any ordinance or regulations enacted or issued  
9 pursuant to sections 14-401 to 14-418, to restrain, correct,  
10 or abate such violation, to prevent the occupancy of ~~said the~~  
11 building, structure, or land, or to prevent any illegal act,  
12 conduct, business, or use in or about such premises. ~~Said The~~  
13 ordinance or regulations shall be enforced by the city as it  
14 may provide. In addition to and not in restriction of any other  
15 powers, the city may cause any building, structure, place, or  
16 premises to be inspected and examined and to order in writing the  
17 remedying of any condition found to exist therein or thereat in  
18 violation of any provision of the ordinance or regulations made  
19 under authority of ~~said such~~ sections. The owner, general agent,  
20 lessee, or tenant of a building or premises or of any part of  
21 such building or premises; where a violation of any provision of  
22 ~~said the ordinance or regulations~~ has been committed or shall  
23 exist; or the general agent, architect, builder, contractor, or  
1 any other person who commits, takes part, or assists in any such  
2 violation or who maintains any building or premises in which  
3 any such violation shall exist; shall be guilty of a Class IV  
4 misdemeanor ~~punishable by a fine of not less than ten dollars and~~  
5 ~~not more than one hundred dollars for each and every day that such~~  
6 ~~violation continues.~~ for a first or second violation and a Class  
7 II misdemeanor for a third or subsequent violation, if the third  
8 or subsequent violation is committed within two years after the

9 commission of the prior violation.  
 10 2. Renumber the remaining sections and correct the  
 11 repealer accordingly.

The McGill amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 446.** ER116, found on page 279, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 33.** ER118, found on page 285, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 56.** Senator Mello offered his amendment, AM1686, found on page 399.

The Mello amendment was adopted with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 403.** ER125, found on page 361, was adopted.

Senator Seiler offered the following amendment:

AM1769

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 28-101, Revised Statutes Supplement,  
 4 2013, is amended to read:  
 5 28-101 Sections 28-101 to 28-1356 and section 2 of this  
 6 act shall be known and may be cited as the Nebraska Criminal Code.  
 7 Sec. 2. (1) For purposes of this section:  
 8 (a) Novelty lighter means a mechanical or electrical  
 9 device that is typically used for lighting cigarettes, cigars, or  
 10 pipes, that has only one button or function, and that (i) is  
 11 designed to resemble a cartoon character, a toy, a gun, a watch,  
 12 a musical instrument, a vehicle, an animal, a food or beverage  
 13 container, or a similar item, (ii) plays musical notes, or (iii)  
 14 has flashing lights; and  
 15 (b) Novelty lighter does not include:  
 16 (i) A lighter manufactured prior to January 1, 1980;  
 17 (ii) A lighter incapable of being fueled or lacking a  
 18 device necessary to produce combustion or a flame; or  
 19 (iii) A standard disposable or refillable lighter that is

20 printed or decorated with a logo, label, decal, artwork, or heat  
21 shrinkable sleeve.  
22 (2) It shall be unlawful to sell at retail, offer for  
23 retail sale, or distribute for retail sale or promotion in this  
1 state a novelty lighter manufactured on or after the effective date  
2 of this act without a child safety feature.  
3 (3) Any person who violates this section shall be guilty  
4 of a Class IV misdemeanor.  
5 (4) This section does not apply to the transportation  
6 of novelty lighters through the state or the storage of novelty  
7 lighters in a warehouse or distribution center in this state that  
8 is closed to the public for purposes of retail sales.  
9 Sec. 3. Original section 28-101, Revised Statutes  
10 Supplement, 2013, is repealed.

The Seiler amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 215.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 470.** ER126, found on page 362, was adopted.

Senator Carlson offered the following motion:  
MO125  
Bracket until April 15, 2014.

**SENATOR MCGILL PRESIDING**

Senator Carlson withdrew his motion to bracket.

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

Senator Carlson requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 3:

Hadley            Krist            Watermeier

Advanced to Enrollment and Review for Engrossment with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 76.** ER127, found on page 365, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 371.** ER128, found on page 365, was adopted.

Senator Mello offered his amendment, AM1710, found on page 398.

The Mello amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 272.** ER129, found on page 373, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 514.** ER130, found on page 375, was adopted.

Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 597.** Senator Larson offered his amendment, AM1747, found on page 405.

The Larson amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 513.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 278.** Considered.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 429.** Introduced by Mello, 5; Ashford, 20; Davis, 43; K. Haar, 21; Howard, 9; Kolowski, 31; McGill, 26; Nordquist, 7; Seiler, 33; Smith, 14; Sullivan, 41.

WHEREAS, the month of January is National Mentoring Month; and

WHEREAS, National Mentoring Month is an opportunity to raise public awareness of the importance of mentoring, recognize the dedicated individuals who serve as mentors, and encourage more citizens to help build a brighter future for Nebraska's youth through mentoring; and

WHEREAS, mentors build character, encourage success, boost confidence and life expectations, and inspire young people to do their best by serving as friends, role models, teachers, and sources of stability and support for a child during a critical time in that child's life; and

WHEREAS, research shows that mentoring has beneficial long-term effects on youth by increasing their academic engagement and decreasing the likelihood of substance abuse and other risky behavior; and

WHEREAS, mentoring is a proven, effective strategy that helps children and young adults by matching them with a caring, responsible adult who can provide guidance and direction and build their self-confidence; and

WHEREAS, residents of Nebraska are making a profound difference in the lives of young people by serving as mentors and are supported by many private and public sector organizations that offer mentoring opportunities for youth; and

WHEREAS, mentoring strengthens Nebraska's economic and social well-being by helping young people fulfill their potential while helping maintain healthy families and promoting more vibrant communities; and

WHEREAS, thousands of Nebraska's children are in need of a caring adult mentor in their lives, and closing the mentoring gap will take more investment, partnerships, and volunteers ready to make a difference in a child's life; and

WHEREAS, the citizens of Nebraska recognize that our collective success depends on helping every child succeed in school and reach his or her full

potential in life, and that young people need a solid foundation of support that will help them become well-educated, confident, and productive citizens.

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

1. That the Legislature designates January 2014 as National Mentoring Month in Nebraska.
2. That the Legislature recognizes and appreciates the work of mentors who teach, inspire, and guide young people to reach for their dreams.
3. That Nebraskans are encouraged to come together to commemorate and celebrate National Mentoring Month so that in every corner of Nebraska, mentors will push our next generation to shape their ambitions, set a positive course, and achieve their boundless potential.

Laid over.

**LEGISLATIVE RESOLUTION 430.** Introduced by Kintner, 2.

WHEREAS, Brock Milius of Plattsmouth, 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, Brock 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, Brock, 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 Brock Milius on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brock Milius.

Laid over.

**LEGISLATIVE RESOLUTION 431.** Introduced by Kintner, 2.

WHEREAS, the Louisville-Weeping Water baseball team won the 2013 Class C Junior Legion State Tournament with a 5-0 victory over Shelton-Gibbon; and

WHEREAS, the Louisville-Weeping Water Lions outscored their opponents 33-1 during the tournament to win their first state title and finished the season with a 26-5-1 record; 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 Louisville-Weeping Water baseball team on a successful season and for winning the 2013 Class C Junior Legion State Tournament.

2. That a copy of this resolution be sent to the Louisville-Weeping Water Lions baseball team and to coaches Monty Dagaanaar and Gary Dillon.

Laid over.

**MOTIONS - Print in Journal**

Senator Chambers filed the following motion to LB399:

MO124

Bracket until April 17, 2014.

Senator Davis filed the following motion to LB1079:

MO126

Withdraw bill.

Senator Schumacher filed the following motion to LB278:

MO127

Bracket until April 17, 2014.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Ashford, K. Haar, Lathrop, and Mello asked unanimous consent to add their names as cointroducers to LB754. No objections. So ordered.

Senators Conrad and Nordquist asked unanimous consent to add their names as cointroducers to LB834. No objections. So ordered.

Senator Kintner asked unanimous consent to add his name as cointroducer to LB1097. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB691. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB691. No objections. So ordered.

Senators Conrad and Nordquist asked unanimous consent to add their names as cointroducers to LB947. No objections. So ordered.

### **VISITORS**

Visitor to the Chamber was Beckie Cromer from Falls City.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, January 31, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTEENTH DAY - JANUARY 31, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 31, 2014

**PRAYER**

The prayer was offered by Senator Bolz.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cook, Hadley, Harms, Mello, and Nordquist who were excused; and Senators Avery, Kintner, Lautenbaugh, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Health and Human Services

Room 1510

Friday, February 7, 2014 1:30 p.m.

Becky Rieken - Commission for the Blind and Visually Impaired  
Paul L. Salansky Jr. - State Board of Health  
Jeromy Warner - State Board of Health  
Trisha Crandall - Nebraska Child Abuse Prevention Fund Board  
Lisa L. Knoche - Nebraska Child Abuse Prevention Fund Board  
Brandon Verzal - Nebraska Child Abuse Prevention Fund Board  
Donald L. Harmon - Board of Emergency Medical Services  
Community Services Block Grant Program

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT**

## Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Galen Frenzen - Nebraska Ethanol Board  
Paul Kenney - Nebraska Ethanol Board

Aye: 7 Brasch, Carlson, Dubas, Johnson, Kolowski, Schilz, Smith. Nay: 0.  
Absent: 1 K. Haar. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 30, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Heartland Strategy Group, LLC  
Nebraska Coalition of Agricultural Manufacturers  
Kelley & Jerram, PC, LLO  
BRIXCO, INC.  
Kissel/E&S Associates, LLC  
Nebraska State Historical Society Foundation  
Kubat, Rick  
Metropolitan Utilities District  
Levy, David C.  
Sandhills Wind Energy, LLC  
Otto, James A.  
Nebraska Winery and Grape Growers Association (NWGGA)  
Otto, Richard J. dba Advocacy-Legislation-Leadership  
Nebraska Winery and Grape Growers Association (NWGGA)  
Pappas, James E.  
Independent Cattlemen of Nebraska (ICON)  
UNO Chapter of the AAUP  
Peterson, Alan E.  
Media of Nebraska, Inc.  
Reandean, Noah  
Accreditation Association for Ambulatory Health Care

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**MOTION - Withdraw LB1079**

Senator Davis offered his motion, MO126, found on page 419, to withdraw LB1079.

The Davis motion to withdraw the bill prevailed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

**MOTION - Approve Appointments**

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 398:

State Highway Commission

Ronald Books  
 Jerome Fagerland  
 Doug Leafgreen  
 E.J. Militti Jr.

Voting in the affirmative, 33:

Adams	Christensen	Hansen	Lathrop	Seiler
Bloomfield	Conrad	Harr, B.	McCoy	Sullivan
Bolz	Crawford	Janssen	McGill	Wallman
Brasch	Davis	Johnson	Murante	Watermeier
Campbell	Dubas	Kolowski	Pirsch	Wightman
Carlson	Garrett	Krist	Scheer	
Chambers	Gloor	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Haar, K.	Nelson
Coash	Howard	Smith

Excused and not voting, 10:

Avery	Hadley	Karpisek	Lautenbaugh	Nordquist
Cook	Harms	Kintner	Mello	Schilz

The appointments were confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**MOTION - Suspend Rules**

Senator Ashford offered the following motion to LB464:  
MO129

Suspend the rules, Rule 3, Sec. 14, to permit the Judiciary Committee to schedule a public hearing on AM1734.

The Ashford motion to suspend the rules prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Wednesday, February 5, 2014 1:30 p.m.

AM1734 to LB464

(Signed) Brad Ashford, Chairperson

**AMENDMENTS - Print in Journal**

Senator Sullivan filed the following amendment to LB967:  
AM1712

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 79-1007.20, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 79-1007.20 (1) School districts may apply to the
- 5 department for a student growth adjustment, on a form prescribed
- 6 by the department, on or before October 15 of the school fiscal
- 7 year immediately preceding the school fiscal year for which aid
- 8 is being calculated. Such form shall require an estimate of the
- 9 average daily membership for the school fiscal year for which aid
- 10 is being calculated, the estimated student growth calculated by
- 11 subtracting the fall membership of the current school fiscal year
- 12 from the estimated average daily membership for the school fiscal
- 13 year for which aid is being calculated, and evidence supporting
- 14 the estimates. On or before the immediately following December
- 15 1, the department shall approve the estimated student growth,
- 16 approve a modified student growth, or deny the application based
- 17 on the requirements of this section, the evidence submitted on the
- 18 application, and any other information provided by the department.
- 19 The state board shall establish procedures for appeal of decisions
- 20 of the department to the state board for final determination.
- 21 (2) The student growth adjustment for each approved
- 22 district shall equal the sum of the product of the school
- 23 district's basic funding per formula student multiplied by the
- 1 difference of the approved student growth minus the greater of



2 twenty-five students or one percent of the fall membership for the  
 3 school fiscal year immediately preceding the school fiscal year for  
 4 which aid is being calculated plus the product of fifty percent of  
 5 the school district's basic funding per formula student multiplied  
 6 by the greater of twenty-five students or one percent of the fall  
 7 membership for the school fiscal year immediately preceding the  
 8 school fiscal year for which aid is being calculated.

9 ~~(3) For school fiscal year 2011-12 and each school fiscal~~  
 10 ~~year thereafter, the~~ The department shall calculate a student  
 11 growth adjustment correction for each district that received a  
 12 student growth adjustment for aid distributed in the most recently  
 13 available complete data year. Such student growth correction shall  
 14 equal the product of the difference of the ~~average daily membership~~  
 15 ~~for such school fiscal year minus the estimated average daily~~  
 16 ~~membership~~ actual student growth for such school fiscal year minus  
 17 the estimated student growth for such school fiscal year used to  
 18 calculate the student growth adjustment for such school fiscal  
 19 year multiplied by the school district's basic funding per formula  
 20 student used in the final calculation of aid pursuant to section  
 21 79-1065 for such school fiscal year, except that the absolute value  
 22 of a negative correction shall not exceed the original adjustment.  
 23 2. Renumber the remaining sections and amend the repealer  
 24 accordingly.

Senator Sullivan filed the following amendment to LB725:  
 AM1683

1 1. Insert the following new section:  
 2 Section 1. Section 79-1007.20, Revised Statutes  
 3 Supplement, 2013, is amended to read:  
 4 79-1007.20 (1) School districts may apply to the  
 5 department for a student growth adjustment, on a form prescribed  
 6 by the department, on or before October 15 of the school fiscal  
 7 year immediately preceding the school fiscal year for which aid  
 8 is being calculated. Such form shall require an estimate of the  
 9 average daily membership for the school fiscal year for which aid  
 10 is being calculated, the estimated student growth calculated by  
 11 subtracting the fall membership of the current school fiscal year  
 12 from the estimated average daily membership for the school fiscal  
 13 year for which aid is being calculated, and evidence supporting  
 14 the estimates. On or before the immediately following December  
 15 1, the department shall approve the estimated student growth,  
 16 approve a modified student growth, or deny the application based  
 17 on the requirements of this section, the evidence submitted on the  
 18 application, and any other information provided by the department.  
 19 The state board shall establish procedures for appeal of decisions  
 20 of the department to the state board for final determination.  
 21 (2) The student growth adjustment for each approved  
 22 district shall equal the sum of the product of the school  
 23 district's basic funding per formula student multiplied by the

1 difference of the approved student growth minus the greater of  
 2 twenty-five students or one percent of the fall membership for the  
 3 school fiscal year immediately preceding the school fiscal year for  
 4 which aid is being calculated plus the product of fifty percent of  
 5 the school district's basic funding per formula student multiplied  
 6 by the greater of twenty-five students or one percent of the fall  
 7 membership for the school fiscal year immediately preceding the  
 8 school fiscal year for which aid is being calculated.

9 (3) ~~For school fiscal year 2011-12 and each school fiscal~~  
 10 ~~year thereafter, the~~ The department shall calculate a student  
 11 growth adjustment correction for each district that received a  
 12 student growth adjustment for aid distributed in the most recently  
 13 available complete data year. Such student growth correction shall  
 14 equal the product of the difference of the ~~average daily membership~~  
 15 ~~for such school fiscal year minus the estimated average daily~~  
 16 ~~membership~~ actual student growth for such school fiscal year minus  
 17 the estimated student growth for such school fiscal year used to  
 18 calculate the student growth adjustment for such school fiscal  
 19 year multiplied by the school district's basic funding per formula  
 20 student used in the final calculation of aid pursuant to section  
 21 79-1065 for such school fiscal year, except that the absolute value  
 22 of a negative correction shall not exceed the original adjustment.  
 23 2. Renumber the remaining sections and amend the repealer  
 24 accordingly.

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
 LR427      Agriculture

(Signed) John Wightman, Chairperson  
 Executive Board

#### SELECT FILE

**LEGISLATIVE BILL 278.** Senator Schumacher offered his motion,  
 MO127, found on page 419, to bracket until April 17, 2014.

Senator Schumacher withdrew his motion to bracket.

Senator Chambers offered the following amendment:

FA184

On page 3, in lines 8 and 9, strike new matter and reinstate stricken matter.

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

The Chambers amendment was adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

## SENATOR COASH PRESIDING

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

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

**LEGISLATIVE BILL 772.** Placed on General File.

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

**LEGISLATIVE BILL 744.** Placed on General File with amendment.

AM1757

- 1 1. On page 2, line 11, after the period insert "For
- 2 administrative and budgetary purposes only, the commission shall be
- 3 housed within the Nebraska State Historical Society.".
- 4 2. On page 3, line 2, after the period insert "The
- 5 commission is empowered to expend any appropriations authorized by
- 6 the Legislature to carry out the purposes of this act.".

(Signed) Bill Avery, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1510

Tuesday, February 18, 2014 1:30 p.m.

LB942  
LB1080  
LB941

Tuesday, February 25, 2014 1:30 p.m.

LB1002  
LR413  
LR414

(Signed) Ken Schilz, Chairperson

Business and Labor

Room 2102

Monday, February 10, 2014 1:30 p.m.

LB951  
LB731  
LB793  
LB961  
LB997  
LB1083

Monday, February 24, 2014 1:30 p.m.

LB949  
LB950  
LB955  
LB1090  
LB1036  
LB1073  
Joel Carlson - Commission of Industrial Relations

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 33.** Placed on Final Reading.**LEGISLATIVE BILL 56.** Placed on Final Reading.

ST38

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

1. On page 1, the matter beginning with "section" in line 2 through line 6 has been struck and "sections 32-615 and 32-811, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to write-in candidates; to provide for automatic nomination of certain county officers; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 76.** Placed on Final Reading.**LEGISLATIVE BILL 174.** Placed on Final Reading.

ST37

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

1. On page 1, the matter beginning with the first occurrence of "the" in line 1 through line 5 has been struck and "cities of the metropolitan class; to amend sections 14-415 and 60-6,304, Reissue Revised Statutes of Nebraska;

to change a penalty for violation of building ordinances or regulations; to change provisions relating to load contents and spillage under the Nebraska Rules of the Road; to provide a penalty; to harmonize provisions; and to repeal the original sections." inserted.

2. On page 3, line 15, "section" has been struck and "sections 14-415 and" inserted; and in line 16 "is" has been struck and "are" inserted.

**LEGISLATIVE BILL 215.** Placed on Final Reading.

ST41

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

1. On page 1, line 4, "Promotion" has been struck and "Improvement" inserted.

**LEGISLATIVE BILL 371.** Placed on Final Reading.

**LEGISLATIVE BILL 403.** Placed on Final Reading.

ST40

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

1. In the E & R amendments, ER125, on page 2, line 13, "child-proof" has been struck and "child" inserted.

**LEGISLATIVE BILL 446.** Placed on Final Reading.

**LEGISLATIVE BILL 470.** Placed on Final Reading.

**LEGISLATIVE BILL 656.** Placed on Final Reading.

ST39

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

1. In the E and R amendments, ER124, on page 1, line 2, a comma has been inserted before the first "and".

2. On page 1, line 5, a comma has been inserted after "Corp.".

3. On page 3, line 20, the second stricken comma has been reinstated.

4. On page 8, line 2, "sections" has been struck, shown as stricken, and "section" inserted; in line 8 the comma has been struck; and in line 18 the comma has been struck and shown as stricken.

**LEGISLATIVE BILL 657.** Placed on Final Reading.

**LEGISLATIVE BILL 658.** Placed on Final Reading.

**LEGISLATIVE BILL 659.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 278.** Senator Chambers offered the following amendment:

FA185

On page 3, in lines 2 and 11, reinstate the stricken matter and strike the new matter.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Adams	Coash	Hansen	Karpisek	McGill
Ashford	Conrad	Harr, B.	Kolowski	Schumacher
Campbell	Davis	Howard	Krist	Sullivan
Chambers	Haar, K.	Johnson	Lathrop	Wallman

Voting in the negative, 15:

Avery	Carlson	Kintner	Murante	Schilz
Bloomfield	Christensen	Lautenbaugh	Nelson	Seiler
Brasch	Garrett	McCoy	Pirsch	Smith

Present and not voting, 3:

Crawford	Dubas	Gloor
----------	-------	-------

Excused and not voting, 11:

Bolz	Harms	Mello	Watermeier
Cook	Janssen	Nordquist	Wightman
Hadley	Larson	Scheer	

The Chambers amendment lost with 20 ayes, 15 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA188

Page 3, in line 3 strike "three hundred" and insert "one hundred fifty"; in line 4 strike "one thousand" and insert "five hundred", and in line 5 strike "eight" and insert "four".

Pending.

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, February 10, 2014 1:00 p.m.

Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges  
Mary Lauritzen - Coordinating Commission for Postsecondary Education  
William "Scott" Wilson - Coordinating Commission for Postsecondary Education  
Dwayne Probyn - Coordinating Commission for Postsecondary Education  
Lori L. Warner - Coordinating Commission for Postsecondary Education  
LB1103  
LB1077  
LB779  
LB1055  
LB1061

Tuesday, February 11, 2014 1:30 p.m.

LR421CA  
LB1059  
LB865  
LB1101  
LB1068  
LB1070

(Signed) Kate Sullivan, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 432.** Introduced by Dubas, 34.

WHEREAS, Cody Myers of Columbus, 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, Cody 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, Cody, 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 Cody Myers on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Cody Myers.

Laid over.

#### **MOTION - Print in Journal**

Senator Krist filed the following motion to LB13:

MO128

Bracket until April 10, 2014.

#### **AMENDMENT - Print in Journal**

Senator Lautenbaugh filed the following amendment to LB399:

FA186

Amend ER123

On page 2, line 7, after the words "county attorney" insert new language "or his or her designee".

#### **CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senator Mello has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Conrad asked unanimous consent to add her name as cointroducer to LB773, LB1056, and LB661. No objections. So ordered.

Senator Garrett asked unanimous consent to add his name as cointroducer to LB433. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Jamshed Merchant, Consul General, from Canada; and Senator Wightman's granddaughter, Emalie, and Trent Hollis from Omaha.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.



**ADJOURNMENT**

At 12:04 p.m., on a motion by Speaker Adams, the Legislature adjourned until 10:00 a.m., Monday, February 3, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTEENTH DAY - FEBRUARY 3, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 3, 2014

**PRAYER**

The prayer was offered by Pastor Michael McDonald, Cornerstone Community Church, Fairbury.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**ANNOUNCEMENTS**

Senator Bloomfield designates LB393 as his priority bill.

Senator Adams designates LB438 as his priority bill.

Senator Campbell designates LB887 as her priority bill.

Senator Christensen designates LB390 as his priority bill.

Senator Chambers designates LB671 as his priority bill.

The Education Committee designates LB725 as its priority bill.

Senator Sullivan designates LB1103 as her priority bill.

The General Affairs Committee designates LR41CA as its priority resolution.

Senator Smith designates LB1097 as his priority bill.

Senator Conrad designates LB485 as her priority bill.

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Monday, February 10, 2014 1:30 p.m.

LB1029  
LB1039  
LB1082

(Signed) Annette Dubas, Chairperson

**MOTION - Print in Journal**

Senator Crawford filed the following motion to LB1102:  
MO130  
Withdraw bill.

**SELECT FILE**

**LEGISLATIVE BILL 278.** Senator Chambers withdrew his amendment, FA188, found on page 430.

Senator Chambers offered the following amendment:  
FA189

On page 3, in lines 2, lines 8 and 9, 10, 11 strike all new matter and reinstate all stricken matter.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 13.** ER121, found on page 335, was adopted.

Senator Krist offered the following motion:  
MO131

Unanimous consent to bracket until April 10, 2014.

No objections. So ordered.

**LEGISLATIVE BILL 399.** ER123, found on page 336, was adopted.

Senator Chambers offered his motion, MO124, found on page 419, to bracket until April 17, 2014.

**SPEAKER ADAMS PRESIDING**

**PRESIDENT HEIDEMANN PRESIDING**

Pending.

**ANNOUNCEMENTS**

Senator Johnson designates LB191 as his priority bill.

Senator Carlson designates LB1098 as his priority bill.

Senator Gloor designates LB935 as his priority bill.

Senator Ashford designates LB464 as his priority bill.

**NOTICE OF COMMITTEE HEARINGS**

Appropriations

Room 1524

Monday, February 10, 2014 1:30 p.m.

Agency 25 - Health and Human Services

LB689

LB827

LB889

LB936

Tuesday, February 11, 2014 1:30 p.m.

Agency 5 - Supreme Court

Agency 46 - Correctional Services, Department of

Agency 64 - State Patrol, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal  
Justice

(Signed) John Harms, Vice Chairperson

## General Affairs

Room 1510

Monday, February 10, 2014 1:30 p.m.

George Morrissey - State Electrical Board  
Stanley Elsasser - State Electrical Board  
Candy Henning - Nebraska Arts Council  
Mark Laughlin - Nebraska Arts Council  
Melissa Marvin - Nebraska Arts Council  
Edward F. Hoffman - Nebraska Commission on Problem Gambling  
LB914  
LB948  
LB1020  
LB1052  
LR416CA

(Signed) Russ Karpisek, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 272.** Placed on Final Reading.  
**LEGISLATIVE BILL 513.** Placed on Final Reading.  
**LEGISLATIVE BILL 514.** Placed on Final Reading.  
**LEGISLATIVE BILL 597.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Bloomfield, Davis, Hansen, Wallman, Watermeier, and Wightman asked unanimous consent to add their names as cointroducers to LB698. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Jodi Delozier from Lincoln; and 38 FCCLA students from across the state.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINETEENTH DAY - FEBRUARY 4, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 4, 2014

**PRAYER**

The prayer was offered by Senator Avery.

**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 Senator Mello who was excused; and Senators Conrad and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 54.** Placed on General File with amendment.  
AM1566

- 1 1. Strike original section 4 and insert the following new
- 2 section:
- 3 Sec. 4. Section 38-124, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-124 (1)(a) Any credential holder's advertisement for
- 6 health care services shall identify the type of credential held
- 7 by the credential holder pursuant to the definitions, titles,
- 8 and abbreviations authorized under the practice act applicable to
- 9 his or her credential or the examination designations required
- 10 for a credential under the practice act applicable to his or
- 11 her credential. The advertisement shall not include deceptive
- 12 or misleading information and shall not include any affirmative
- 13 communication or representation that misstates, falsely describes,
- 14 or falsely represents the skills, training, expertise, education,
- 15 board certification, or credential of the credential holder.

16 (b) Such credential holder shall use only the licensure  
 17 titles or abbreviations authorized by the practice act applicable  
 18 to his or her credential, examination designations required for  
 19 a credential under the practice act applicable to his or her  
 20 credential, or the title authorized by the practice act applicable  
 21 to his or her credential for students in training.

22 (2) Every person credentialed under the Uniform  
 23 Credentialing Act shall make ~~the person's~~ his or her current  
 1 credential available upon request. The department, with the  
 2 recommendation of the appropriate board, if any, shall determine  
 3 how a consumer will be able to identify ~~a credential holder. The~~  
 4 ~~method of identification shall be clear and easily accessed and~~  
 5 ~~used by the consumer. All signs, announcements, stationery, and~~  
 6 ~~advertisements of persons credentialed under the act shall identify~~  
 7 the profession or business for which the credential is held.

8 (3) A credential holder who fails to comply with this  
 9 section may be subject to disciplinary action under the Uniform  
 10 Credentialing Act.

**LEGISLATIVE BILL 711.** Placed on General File with amendment.  
 AM1752

1 1. On page 3, lines 1 and 11, after "owners" insert "or  
 2 alleged owner or owners"; in lines 13 and 15 before "date" insert  
 3 "mailing"; and in line 14 after "request" insert "for a hearing".

(Signed) Kathy Campbell, Chairperson

#### ANNOUNCEMENT

The Education Committee designates LB967 as its priority bill.

#### MOTION - Withdraw LB1102

Senator Crawford offered her motion, MO130, found on page 436, to withdraw LB1102.

The Crawford motion to withdraw the bill prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 399.** Senator Chambers renewed his motion, MO124, found on page 419 and considered on page 437, to bracket until April 17, 2014.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.



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

Voting in the affirmative, 16:

Adams	Campbell	Haar, K.	McGill
Ashford	Chambers	Harr, B.	Schumacher
Avery	Cook	Kolowski	Sullivan
Bolz	Crawford	Lathrop	Wallman

Voting in the negative, 24:

Bloomfield	Garrett	Johnson	Murante	Schilz
Brasch	Gloor	Karpisek	Nelson	Seiler
Carlson	Hadley	Kintner	Nordquist	Smith
Christensen	Hansen	Lautenbaugh	Pirsch	Wightman
Coash	Harms	McCoy	Scheer	

Present and not voting, 4:

Davis	Dubas	Howard	Krist
-------	-------	--------	-------

Excused and not voting, 5:

Conrad	Janssen	Larson	Mello	Watermeier
--------	---------	--------	-------	------------

The Chambers motion to bracket failed with 16 ayes, 24 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 278.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Natural Resources

Room 1525

Wednesday, February 12, 2014 1:30 p.m.

Richard R. Bell - Game and Parks Commission  
LB1040  
LB1115

Thursday, February 13, 2014 1:30 p.m.

LB818  
LB1100

Wednesday, February 19, 2014 1:30 p.m.

LB840  
LB959

Thursday, February 20, 2014 1:30 p.m.

Mark Spurgin - Game and Parks Commission  
LB985  
LB1111

Friday, February 21, 2014 1:30 p.m.

LB1003

Wednesday, February 26, 2014 1:30 p.m.

LB1005  
LB1098

Thursday, February 27, 2014 1:30 p.m.

LB1112  
LB1113

(Signed) Tom Carlson, Chairperson

Judiciary

Room 1113

Wednesday, February 12, 2014 1:30 p.m.

LB664  
LB1022  
LB1001  
LB832

Thursday, February 13, 2014 1:30 p.m.

LB870  
LB1063  
LB1093  
LB1021  
LB1028

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Wednesday, February 12, 2014 1:30 p.m.

LB691  
LB787  
LB897  
LB1092

Thursday, February 13, 2014 1:30 p.m.

LB721  
LB902  
LB1056  
LB1097

(Signed) Galen Hadley, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 433.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this resolution is to study the issues surrounding the production, possession, and use of hemp oil in Nebraska for the purposes of treating epileptic seizures in patients not adequately treated by medical therapies approved by the federal Food and Drug Administration. The study shall include, but not be limited to, an examination of the following:

- (1) A review of state and federal policies related to the production, possession, and use of hemp oil;
- (2) Current research on use of hemp oil to treat epileptic seizures and potential side effects from its use;
- (3) A review of quality control standards in the production of hemp oil; and
- (4) Liability and licensing issues faced by physicians who suggest or recommend hemp oil as a treatment option for patients with epilepsy.

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

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

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 399.** Senator Lautenbaugh offered his amendment, FA186, found on page 432.

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, FA186, found on page 432, and replace it with his substitute amendment, FA191. No objections. So ordered.

FA191

Amend ER123

Insert new language "or his or her designee" on page 2, line 7 and line 9 after "county attorney".

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, FA191, found in this day's Journal, and replace it with his substitute amendment, FA192. No objections. So ordered.

FA192

Amend ER123

Strike all words after "by" on page 2, line 7, through "lights" on line 10, and insert "the sheriff or police department having jurisdiction where the use occurs."

Senator Lautenbaugh offered the following motion:

MO132

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 32:

Adams	Crawford	Harms	McCoy	Seiler
Avery	Davis	Janssen	Murante	Smith
Bloomfield	Dubas	Johnson	Nelson	Watermeier
Brasch	Garrett	Karpisek	Nordquist	Wightman
Carlson	Gloor	Kintner	Pirsch	
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 12:

Ashford	Chambers	Haar, K.	Lathrop
Bolz	Conrad	Harr, B.	McGill
Campbell	Cook	Kolowski	Sullivan

Present and not voting, 4:

Howard        Krist            Schumacher    Wallman

Excused and not voting, 1:

Mello

The Lautenbaugh motion to invoke cloture failed with 32 ayes, 12 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 588.** ER131, found on page 377, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 96.** ER132, found on page 379, was adopted.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 859.** Placed on General File.

**LEGISLATIVE BILL 869.** Placed on General File.

**LEGISLATIVE BILL 790.** Placed on General File with amendment.  
AM1667

- 1     1. Insert the following new section:
- 2        Sec. 2. To facilitate improved quality of employees
- 3 providing child welfare services, the Department of Health and
- 4 Human Services, in collaboration with social work education
- 5 programs at Nebraska's public colleges and universities, shall
- 6 establish a program to provide stipends for undergraduate and
- 7 graduate social work students enrolled in such colleges and
- 8 universities who are committed to working in the field of child
- 9 welfare services. Funds available under Title IV-E of the federal
- 10 Social Security Act, as such act existed on January 1, 2014,
- 11 shall be used to pay for such stipends. The department and the
- 12 governing boards of such colleges and universities shall develop an
- 13 application process for eligible students and, based on the amount
- 14 of funds available, shall determine the amount of such stipend
- 15 to be awarded to each eligible student. The department and the
- 16 governing boards may adopt and promulgate rules and regulations to
- 17 carry out this section.
- 18     2. On page 2, strike beginning with line 8 through "the"

19 in line 10 and insert "department or one or more organizations  
20 under contract with the department. The".

**LEGISLATIVE BILL 843.** Indefinitely postponed.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 718.** Placed on General File with amendment.  
AM1724

- 1 1. On page 7, line 12, after "emergency" insert "by the
- 2 Governor or the President of the United States"; and in line 14
- 3 after the second "to" insert "state funds or".

**LEGISLATIVE BILL 719.** Placed on General File with amendment.  
AM1787

- 1 1. On page 3, line 6, after the period insert "The
- 2 chairperson of the executive board or committee staff member of the
- 3 executive board shall refer each written report received pursuant
- 4 to this subsection for review (a) to the chairperson of the
- 5 standing committee of the Legislature which has subject matter
- 6 jurisdiction over the issue involved in the rule or regulation or
- 7 which has traditionally handled the issue and (b) if practicable,
- 8 to the member of the Legislature who was the primary sponsor of a
- 9 legislative bill that granted the agency the rulemaking authority
- 10 if the member is still serving or, if the legislative bill was
- 11 amended to include the rulemaking authority, to the member of
- 12 the Legislature who was the primary sponsor of the amendment that
- 13 granted rulemaking authority if the member is still serving.".

(Signed) Bill Avery, Chairperson

Education

**LEGISLATIVE BILL 740.** Placed on General File with amendment.  
AM1723

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 Section 1. (1) A person who is a veteran as defined
- 4 in section 80-401.01 and has been off active duty for two years
- 5 or less or who is a spouse or dependent of such a veteran who
- 6 enrolls in a public college or university in this state shall be
- 7 considered a resident student notwithstanding the provisions of
- 8 section 85-502 if the person is (a) registered to vote in Nebraska
- 9 and (b) demonstrates objective evidence of intent to be a resident
- 10 of Nebraska.
- 11 (2) A person who is a spouse or dependent of such a
- 12 veteran and who is younger than eighteen years of age is not

13 required to comply with subdivision (1)(a) of this section until he  
 14 or she attains eighteen years of age.

15 (3) This section does not apply to a veteran who  
 16 qualifies for benefits pursuant to 38 U.S.C. 3317, as such section  
 17 existed on January 1, 2014. This subsection does not affect  
 18 the applicability of this section with respect to the spouse or  
 19 dependent of such a veteran.

20 (4) For purposes of this section, objective evidence of  
 21 intent to be a resident of Nebraska includes either a Nebraska  
 22 driver's license or state identification card or a Nebraska motor  
 23 vehicle registration.

**LEGISLATIVE BILL 872.** Placed on General File with amendment.  
 AM1714

1 1. On page 2, strike beginning with "assuring" in line 6  
 2 through "of" in line 7 and insert "providing leadership and support  
 3 for"; in line 7 after "public" insert ", private, denominational,  
 4 and parochial"; strike beginning with "The" in line 7 through the  
 5 period in line 9; in line 13 after "Education" insert "relating to  
 6 accreditation of schools"; and strike beginning with "For" in line  
 7 14 through line 17 and insert "School districts shall provide the  
 8 state school security director with the safety and security plans  
 9 of the school district and any other security information requested  
 10 by the director, but any plans or information submitted by a school  
 11 district may be withheld by the department pursuant to subdivision  
 12 (8) of section 84-712.05;".

13 2. On page 3, line 3, strike "training program" and  
 14 insert "tools and training programs"; and in line 5 strike  
 15 "students" and insert "staff, students,".

(Signed) Kate Sullivan, Chairperson

#### ANNOUNCEMENT

Senator Crawford designates LB740 as her priority bill.

#### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB399:

FA190

Amend ER123

Page 2, line 4 after "vehicle" insert "lawfully".

Senator Coash filed the following amendment to LB503:

AM1805 is available in the Bill Room.

Senator Hadley filed the following amendment to LB474:

AM1815

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 14-109, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 14-109 (1)(a) The city council shall have power to tax  
 6 for revenue, license, and regulate any person within the limits  
 7 of the city by ordinance except as otherwise provided in this  
 8 section. Such tax may include both a tax for revenue and license.  
 9 The city council may raise revenue by levying and collecting a  
 10 tax on any occupation or business within the limits of the city.  
 11 After the effective date of this act, any occupation tax imposed  
 12 pursuant to this section shall make a reasonable classification of  
 13 businesses, users of space, or kinds of transactions for purposes  
 14 of imposing such tax, except that no occupation tax shall be  
 15 imposed on any transaction which is subject to tax under section  
 16 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602,  
 17 or 77-4008. The occupation tax shall be imposed in the manner  
 18 provided in section 18-1208, except that section 18-1208 does not  
 19 apply to an occupation tax subject to section 86-704. All such  
 20 taxes shall be uniform in respect to the class upon which they are  
 21 imposed. All scientific and literary lectures and entertainments  
 22 shall be exempt from taxation, as well as concerts and all other  
 23 musical entertainments given exclusively by the citizens of the  
 1 city. It shall be the duty of the city clerk to deliver to the city  
 2 treasurer the certified copy of the ordinance levying such tax, and  
 3 the city clerk shall append thereto a warrant requiring the city  
 4 treasurer to collect such tax.  
 5 (b) For purposes of this subsection, limits of the city  
 6 does not include the extraterritorial zoning jurisdiction of such  
 7 city.  
 8 (2)(a) Except as otherwise provided in subdivision (c)  
 9 of this subsection, the city council shall also have power to  
 10 require any individual whose primary residence or person who owns  
 11 a place of business which is within the limits of the city and  
 12 that owns and operates a motor vehicle within such limits to  
 13 annually register such motor vehicle in such manner as may be  
 14 provided and to require such person to pay an annual motor vehicle  
 15 fee therefor and to require the payment of such fee upon the  
 16 change of ownership of such vehicle. All such fees which may be  
 17 provided for under this subsection shall be credited to a separate  
 18 fund of the city, thereby created, to be used exclusively for  
 19 constructing, repairing, maintaining, or improving streets, roads,  
 20 alleys, public ways, or parts thereof or for the amortization of  
 21 bonded indebtedness when created for such purposes.  
 22 (b) No motor vehicle fee shall be required under this  
 23 subsection if (i) a vehicle is used or stored but temporarily in  
 24 such city for a period of six months or less in a twelve-month



25 period, (ii) an individual does not have a primary residence or  
26 a person does not own a place of business within the limits of  
27 the city and does not own and operate a motor vehicle within the  
1 limits of the city, or (iii) an individual is a full-time student  
2 attending a postsecondary institution within the limits of the city  
3 and the motor vehicle's situs under the Motor Vehicle Certificate  
4 of Title Act is different from the place at which he or she is  
5 attending such institution.

6 (c) After December 31, 2012, no motor vehicle fee shall  
7 be required of any individual whose primary residence is or person  
8 who owns a place of business within the extraterritorial zoning  
9 jurisdiction of such city.

10 (d) For purposes of this subsection, limits of the city  
11 includes the extraterritorial zoning jurisdiction of such city.

12 (3) For purposes of this section, person includes  
13 bodies corporate, societies, communities, the public generally,  
14 individuals, partnerships, limited liability companies, joint-stock  
15 companies, cooperatives, and associations. Person does not  
16 include any federal, state, or local government or any political  
17 subdivision thereof.

18 Sec. 2. Section 15-202, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 15-202 A city of the primary class shall have power to  
21 levy taxes for general revenue purposes on all property within  
22 the corporate limits of the city taxable according to the laws of  
23 Nebraska and to levy an occupation tax on public service property  
24 or corporations in such amounts as may be proper and necessary, in  
25 the judgment of the mayor and council, for purposes of revenue.  
26 All such taxes shall be uniform with respect to the class upon  
27 which they are imposed. The occupation tax may be based upon a  
1 certain percentage of the gross receipts of such public service  
2 corporation or upon such other basis as may be determined upon  
3 by the mayor and council. After the effective date of this act,  
4 any occupation tax imposed pursuant to this section shall make a  
5 reasonable classification of businesses, users of space, or kinds  
6 of transactions for purposes of imposing such tax, except that  
7 no occupation tax shall be imposed on any transaction which is  
8 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
9 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax ~~and~~  
10 shall be imposed in the manner provided in section 18-1208, except  
11 that section 18-1208 does not apply to an occupation tax subject to  
12 section 86-704.

13 Sec. 3. Section 15-203, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 15-203 A city of the primary class shall have power to  
16 raise revenue by levying and collecting a license or occupation tax  
17 on any person, partnership, limited liability company, corporation,  
18 or business within the limits of the city and regulate the same  
19 by ordinance except as otherwise provided in this section and

20 in section 15-212. After the effective date of this act, any  
 21 occupation tax imposed pursuant to this section shall make a  
 22 reasonable classification of businesses, users of space, or kinds  
 23 of transactions for purposes of imposing such tax, except that no  
 24 occupation tax shall be imposed on any transaction which is subject  
 25 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
 26 66-4,146, 77-2602, or 77-4008. The occupation tax shall be imposed  
 27 in the manner provided in section 18-1208, except that section  
 1 18-1208 does not apply to an occupation tax subject to section  
 2 86-704. All such taxes shall be uniform in respect to the class  
 3 upon which they are imposed. All scientific and literary lectures  
 4 and entertainments shall be exempt from such taxation as well as  
 5 concerts and all other musical entertainments given exclusively by  
 6 the citizens of the city.

7 Sec. 4. Section 16-205, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 16-205 A city of the first class may raise revenue  
 10 by levying and collecting a license or occupation tax on any  
 11 person, partnership, limited liability company, corporation, or  
 12 business within the limits of the city and ~~to~~ may regulate the  
 13 same by ordinance. After the effective date of this act, any  
 14 occupation tax imposed pursuant to this section shall make a  
 15 reasonable classification of businesses, users of space, or kinds  
 16 of transactions for purposes of imposing such tax, except that no  
 17 occupation tax shall be imposed on any transaction which is subject  
 18 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
 19 66-4,146, 77-2602, or 77-4008. The occupation tax shall be imposed  
 20 in the manner provided in section 18-1208, except that section  
 21 18-1208 does not apply to an occupation tax subject to section  
 22 86-704. All such taxes shall be uniform in respect to the class  
 23 upon which they are imposed. All scientific and literary lectures  
 24 and entertainments shall be exempt from such taxation as well as  
 25 concerts and all other musical entertainments given exclusively by  
 26 the citizens of the city.

27 Sec. 5. Section 17-525, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 17-525 Second-class cities and villages shall have power  
 3 to raise revenue by levying and collecting a license tax on any  
 4 occupation or business within the limits of the city or village,  
 5 and regulate the same by ordinance. After the effective date of  
 6 this act, any occupation tax imposed pursuant to this section shall  
 7 make a reasonable classification of businesses, users of space, or  
 8 kinds of transactions for purposes of imposing such tax, except  
 9 that no occupation tax shall be imposed on any transaction which is  
 10 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
 11 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax shall  
 12 be imposed in the manner provided in section 18-1208, except that  
 13 section 18-1208 does not apply to an occupation tax subject to  
 14 section 86-704. All such taxes shall be uniform in respect to the

15 classes upon which they are imposed. All scientific and literary  
16 lectures and entertainments shall be exempt from such taxation, as  
17 well as concerts and other musical entertainments given exclusively  
18 by the citizens of the city or village.  
19 Sec. 6. Original sections 14-109, 15-202, 15-203, 16-205,  
20 and 17-525, Reissue Revised Statutes of Nebraska, are repealed.

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Tuesday, February 11, 2014 1:30 p.m.

LB795  
LB990

(Signed) Annette Dubas, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Coash asked unanimous consent to add his name as cointroducer to LB1010 and LB850. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB48. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 28 NSEA members from across the state.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Brasch, the Legislature adjourned until 10:30 a.m., Wednesday, February 5, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTIETH DAY - FEBRUARY 5, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 5, 2014

**PRAYER**

The prayer was offered by Pastor Phil Harris, Crossroads Wesleyan Church, Imperial.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:30 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Davis and Mello who were excused; and Senators Conrad, Karpisek, Kolowski, Lautenbaugh, Murante, Pirsch, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 96.** Placed on Final Reading.

**LEGISLATIVE BILL 588.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 5, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Motor Vehicle Industry Licensing Board:

Dean Cerny, 3053 41st Avenue, Columbus, NE 68601  
Donald Hansen, 2528 N. 161 Terrace, Omaha, NE 68116  
Angela Quinn, 3405 N. 143 Circle, Omaha, NE 68164

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 494A.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 494, One Hundred Third Legislature, Second Session, 2014.

### **NOTICE OF COMMITTEE HEARING** Nebraska Retirement Systems

Room 1525

Tuesday, February 18, 2014 9:00 a.m.

Gail Werner-Robertson - Nebraska Investment Council  
Dennis W. Leonard - Public Employees Retirement Board

(Signed) Jeremy Nordquist, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 382.** Senator Janssen offered the following motion:  
MO134  
Unanimous consent to bracket until April 17, 2014.

No objections. So ordered.

### **ANNOUNCEMENT**

The Chair announced today is Senator Dubas' birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 725.** Title read. Considered.

Senator Sullivan offered her amendment, AM1683, found on page 425.

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

The Sullivan amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORTS**

Education

**LEGISLATIVE BILL 692.** Placed on General File.

**LEGISLATIVE BILL 781.** Placed on General File.

(Signed) Kate Sullivan, Chairperson

Urban Affairs

**LEGISLATIVE BILL 791.** Placed on General File.

(Signed) Amanda McGill, Chairperson

**MOTION - Print in Journal**

Senator B. Harr filed the following motion to LB1075:

MO135

Withdraw bill.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Cerny, Dean - Nebraska Motor Vehicle Industry Licensing Board -  
Transportation and Telecommunications

Hansen, Donald - Nebraska Motor Vehicle Industry Licensing Board -  
Transportation and Telecommunications

Quinn, Angela - Nebraska Motor Vehicle Industry Licensing Board -  
Transportation and Telecommunications

(Signed) John Wightman, Chairperson  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Wednesday, February 12, 2014 1:30 p.m.

AM1805 to LB503

(Signed) Brad Ashford, Chairperson

Appropriations

Room 1003

Wednesday, February 12, 2014 1:30 p.m.

Agency 3 - Legislative Council

Agency 10 - Auditor of Public Accounts

Agency 11 - Attorney General

Agency 12 - State Treasurer

Agency 16 - Revenue, Department of

Agency 91 - Nebraska Tourism Commission

(Signed) John Harms, Vice Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 12, 2014 1:30 p.m.

John L. Grimes - State Emergency Response Commission

Benjamin Salo - State Emergency Response Commission

LB1037

LB1058

LB1084

LB945

Thursday, February 13, 2014 1:30 p.m.

LB737

LB805

LB935

Wednesday, February 19, 2014 1:30 p.m.

Andrew Loudon - Nebraska Accountability and Disclosure Commission

LB980



LB773  
LB1013

Thursday, February 20, 2014 1:30 p.m.

Sherry Blaha - State Emergency Response Commission  
LB1065  
LB1066

Friday, February 21, 2014 1:30 p.m.

LR393CA  
LR395  
LR411CA

(Signed) Bill Avery, Chairperson

Education

Room 1525

Tuesday, February 18, 2014 1:30 p.m.

LB1106  
LB826  
LB754  
LB1064  
LB842

(Signed) Kate Sullivan, Chairperson

**AMENDMENTS - Print in Journal**

Senator Sullivan filed the following amendment to LB725A:  
AM1800

- 1 1. On page 2, line 1, strike "\$35,693,469" and insert
- 2 "\$32,929,695".

Senator Lathrop filed the following amendment to LB393:

FA193

Amend AM640

Strike new language in sections 2 and 3 and renumber sections.

Senator Lathrop filed the following amendment to LB393:

AM1813

(Amendments to Standing Committee amendments, AM640)

- 1 1. On page 2, strike lines 3 through 7 and insert "an
- 2 eye protection device of a type approved by the Department of Motor
- 3 Vehicles.".

Senator Kintner filed the following amendment to LB909:  
AM1819

- 1 1. On page 2, line 20, strike "bills" and insert "state
- 2 or federal statute".

Senator Lautenbaugh filed the following amendment to LR41CA:  
AM1788

(Amendments to E & R amendments, ER27)

- 1 1. On page 3, line 18, after the period insert "The
- 2 Legislature shall appropriate the proceeds of parimutuel wagering
- 3 through the parimutuel tax for the costs of regulation of
- 4 parimutuel wagering and any remaining proceeds for property tax
- 5 relief and education."; and in line 26 after "enclosure" insert ",
- 6 and to require appropriation of parimutuel taxes for regulation of
- 7 parimutuel wagering, for property tax relief, and for education".

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Kintner asked unanimous consent to add his name as cointroducer to LB96 and LB813. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Johnny Jones, Christopher Stockdale, Tori Kitcheyan, and Marisa Cummings from Winnebago; and 10 volunteers for the Nebraska Library Association from across the state.

#### **ADJOURNMENT**

At 12:23 p.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIRST DAY - FEBRUARY 6, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 6, 2014

**PRAYER**

The prayer was offered by Senator Scheer.

**ROLL CALL**

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

The roll was called and all members were present except Senator Davis who was excused; and Senators Ashford, Campbell, Christensen, Conrad, Karpisek, Lautenbaugh, Murante, Nordquist, and Schumacher who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 749.** Placed on General File.

**LEGISLATIVE BILL 753.** Placed on General File.

**LEGISLATIVE BILL 774.** Placed on General File.

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 698.** Placed on General File.

**LEGISLATIVE BILL 736.** Placed on General File with amendment.

AM1811

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 76-2330, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 76-2330 The center shall:

- 5 (1) Maintain adequate records documenting compliance with  
 6 the requirements of the One-Call Notification System Act, including  
 7 records of all telephone calls and records of all ~~location-locate~~  
 8 requests for the preceding five years which will be made available  
 9 and printed upon request of an operator or excavator;
- 10 (2) Provide the notification service during normal  
 11 working hours at a minimum; and
- 12 (3) Provide procedures for emergency notification for  
 13 calls received at other than normal working hours.
- 14 2. On page 2, line 5, strike the new matter and insert  
 15 "submitting a locate request using a method provided by the  
 16 center."; and in line 10 after "Original" strike "section 76-2322"  
 17 and insert "sections 76-2322 and 76-2330"; and in line 11 strike  
 18 "is" and insert "are".
- 19 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 982.** Placed on General File with amendment.  
 AM1791

- 1 1. Strike the original sections and insert the following  
 2 new sections:
- 3 Section 1. Section 60-103, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:
- 5 60-103 All-terrain vehicle means any motorized  
 6 off-highway device which (1) is fifty inches or less in width, (2)  
 7 has a dry weight of ~~nine-twelve~~ hundred pounds or less, (3) travels  
 8 on three or more ~~low-pressure-nonhighway~~ tires, and (4) is designed  
 9 for operator use only with no passengers or is specifically  
 10 designed by the original manufacturer for the operator and one  
 11 passenger. ~~(5) has a seat or saddle designed to be straddled by~~  
 12 ~~the operator, and (6) has handlebars or any other steering assembly~~  
 13 ~~for steering control.~~
- 14 Sec. 2. Section 60-135.01, Revised Statutes Supplement,  
 15 2013, is amended to read:
- 16 60-135.01 (1) Utility-type vehicle means any motorized  
 17 off-highway device which (a) is ~~not less than forty-eight inches~~  
 18 ~~nor more than seventy-four inches in width or less~~, (b) is not more  
 19 than one hundred eighty inches, including the bumper, in length,  
 20 (c) has a dry weight of ~~not less than nine hundred pounds nor~~  
 21 ~~more than two thousand pounds or less~~, and (d) travels on four or  
 22 more ~~low-pressure-nonhighway~~ tires, ~~and (e) is equipped with a~~  
 23 ~~steering wheel and bench or bucket type seating designed for at~~  
 1 ~~least two people to sit side by side.~~
- 2 (2) Utility-type vehicle does not include all-terrain  
 3 vehicles, golf car vehicles, or low-speed vehicles.
- 4 Sec. 3. Section 60-305, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:
- 6 60-305 All-terrain vehicle means any motorized  
 7 off-highway vehicle which (1) is fifty inches or less in width,  
 8 (2) has a dry weight of ~~nine-twelve~~ hundred pounds or less,

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

20 Sec. 4. Section 60-358.01, Revised Statutes Supplement,  
 21 2013, is amended to read:

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

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

11 Sec. 5. Section 60-6,355, Revised Statutes Supplement,  
 12 2013, is amended to read:

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

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

24 (b)(i) Utility-type vehicle means any motorized  
 25 off-highway vehicle which (A) is ~~not less than forty eight inches~~  
 26 ~~nor more than seventy-four inches~~ in width or less, (B) is not  
 27 more than one hundred eighty inches, including the bumper, in  
 1 length, (C) has a dry weight of ~~not less than nine hundred pounds~~  
 2 ~~nor more than two thousand pounds or less~~, (D) travels on four  
 3 or more ~~low pressure nonhighway~~ tires, ~~;~~ and (E) is equipped with

4 ~~a steering wheel and bench or bucket type seating designed for at~~  
5 ~~least two people to sit side by side.~~

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

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

15 Sec. 6. Original sections 60-103 and 60-305, Reissue  
16 Revised Statutes of Nebraska, and sections 60-135.01, 60-358.01,  
17 and 60-6,355, Revised Statutes Supplement, 2013, are repealed.

(Signed) Annette Dubas, Chairperson

### ANNOUNCEMENT

The Nebraska Retirement Systems Committee designates LB759 and LB1042 as its priority bills.

### NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

Thursday, February 13, 2014 1:30 p.m.

LB666  
LB738  
LB891  
LB904  
LB1004

Room 1524

Tuesday, February 18, 2014 1:30 p.m.

LB1091  
LB1094  
LB1086  
LB669  
LB940  
LB1046

Room 1003

Wednesday, February 19, 2014 8:30 a.m.

LB1023  
 LB1047  
 LB1114  
 LB1019

(Signed) Heath Mello, Chairperson

**MOTION - Approve Appointments**

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 422:

Nebraska Ethanol Board  
 Galen Frenzen  
 Paul Kenney

Voting in the affirmative, 28:

Adams	Crawford	Harr, B.	Lathrop	Seiler
Avery	Dubas	Howard	McGill	Smith
Bloomfield	Gloor	Janssen	Mello	Sullivan
Brasch	Haar, K.	Johnson	Nelson	Wallman
Carlson	Hansen	Kintner	Pirsch	
Coash	Harms	Kolowski	Schilz	

Voting in the negative, 0.

Present and not voting, 11:

Bolz	Garrett	Larson	Watermeier
Chambers	Hadley	McCoy	Wightman
Cook	Krist	Scheer	

Excused and not voting, 10:

Ashford	Christensen	Davis	Lautenbaugh	Nordquist
Campbell	Conrad	Karpisek	Murante	Schumacher

The appointments were confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**ANNOUNCEMENT**

The Chair announced today is Senator Adams' and Senator Wallman's birthdays.

**MOTION - Withdraw LB1075**

Senator B. Harr offered his motion, MO135, found on page 455, to withdraw LB1075.

Senator B. Harr withdrew his motion to withdraw the bill.

**ANNOUNCEMENT**

Senator Harms designates LB807 as his priority bill.

**COMMITTEE REPORTS**

Judiciary

**LEGISLATIVE BILL 674.** Placed on General File.

**LEGISLATIVE BILL 752.** Placed on General File.

**LEGISLATIVE BILL 920.** Placed on General File with amendment. AM1781 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 434.** Introduced by Christensen, 44.

WHEREAS, Alexander Thuernagle of Aurora, 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, Alexander 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, Alexander, 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 Alexander Thuernagle on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Alexander Thuernagle.

Laid over.

**LEGISLATIVE RESOLUTION 435.** Introduced by Christensen, 44.

WHEREAS, Korey Krutsinger of Imperial, 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, Korey 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, Korey, 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 Korey Krutsinger on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Korey Krutsinger.

Laid over.

**AMENDMENT - Print in Journal**

Senator Larson filed the following amendment to LB56:  
AM1835

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 1, line 6, strike "and"; and in line 7 after
- 5 "sections" insert "; and to declare an emergency".

**GENERAL FILE**

**LEGISLATIVE BILL 725A.** Title read. Considered.

**SENATOR KRIST PRESIDING**

Senator Sullivan offered her amendment, AM1800, found on page 457.

The Sullivan amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

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

**LEGISLATIVE BILL 393.** Title read. Considered.

Committee AM640, found on page 810, First Session, 2013, was offered.

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

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM1838

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-6,279, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,279 ~~A-(1)~~ A person shall not operate a motorcycle or
- 6 moped on any highway in this state unless such person is wearing
- 7 eye protection.
- 8 (2) Except as otherwise provided in subsection (3) of
- 9 this section, a person shall not operate or be a passenger on a
- 10 motorcycle or moped on any highway in this state unless such person
- 11 is wearing a protective helmet of the type and design manufactured
- 12 for use by operators of such vehicles and unless such helmet is
- 13 secured properly on his or her head with a chin strap while the
- 14 vehicle is in motion. All such protective helmets shall be designed
- 15 to reduce injuries to the user resulting from head impacts and
- 16 shall be designed to protect the user by remaining on the user's
- 17 head, deflecting blows, resisting penetration, and spreading the
- 18 force of impact. Each such helmet shall consist of lining, padding,
- 19 and chin strap and shall meet or exceed the standards established
- 20 in the United States Department of Transportation's Federal Motor
- 21 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
- 22 helmets.
- 23 (3) A person who is at least twenty-one years of age is
- 1 exempt from subsection (2) of this section.

2     (4) For purposes of this section, eye protection means  
 3     glasses that cover the orbital region of a person's face, a  
 4     protective face shield attached to a protective helmet, goggles,  
 5     or a windshield on the motorcycle or moped that protects the  
 6     operator's and passenger's horizontal line of vision in all  
 7     operating positions.

8     Sec. 2. Original section 60-6,279, Reissue Revised  
 9     Statutes of Nebraska, is repealed.

The second committee amendment is as follows:

AM1839

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

3     Section 1. Section 60-6,307, Reissue Revised Statutes of  
 4     Nebraska, is amended to read:

5     60-6,307 (1) Any person who operates a motorcycle shall  
 6     ride only upon a permanent and regular seat attached to the  
 7     motorcycle. A person operating a motorcycle shall not carry any  
 8     other person nor shall any other person ride on a motorcycle unless  
 9     such motorcycle is designed to carry more than one person, in which  
 10    event a passenger may ride upon the permanent and regular seat, if  
 11    designed for two persons, or upon another seat firmly attached to  
 12    the motorcycle to the rear or side of the operator. No person shall  
 13    operate a motorcycle on a highway in this state with a passenger  
 14    who is less than forty-eight inches tall unless the passenger is  
 15    sixteen years of age or older.

16    (2) A person shall ride upon a motorcycle only while  
 17    sitting astride the seat, facing forward.

18    (3) No person shall operate a motorcycle while carrying  
 19    any package, bundle, or other article which prevents him or her  
 20    from keeping both hands on the handlebars.

21    (4) No operator shall carry any person, nor shall any  
 22    person ride, in a position that interferes with the operation or  
 23    control of the motorcycle or the view of the operator.

1     (5) Any motorcycle which carries a passenger, other than  
 2     in a sidecar or enclosed cab, shall be equipped with footrests for  
 3     such passenger.

4     (6) No person shall operate any motorcycle with  
 5     handlebars more than fifteen inches above the mounting point of the  
 6     handlebars.

7     Sec. 2. Original section 60-6,307, Reissue Revised  
 8     Statutes of Nebraska, is repealed.

The first committee amendment, AM1838, found in this day's Journal, was offered.

Senator Lathrop offered his amendment, AM1813, found on page 457, to the first committee amendment.

**SENATOR COASH PRESIDING**

Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 371A.** Introduced by Mello, 5.

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

**COMMITTEE REPORTS**

Urban Affairs

**LEGISLATIVE BILL 702.** Placed on General File with amendment.

AM1738

- 1 1. On page 5, line 15, strike "city of the second class"
- 2 and insert "village".

**LEGISLATIVE BILL 801.** Placed on General File with amendment.

AM1842

- 1 1. On page 2, line 19; and page 4, line 8, after "five"
- 2 insert "business".

(Signed) Amanda McGill, Chairperson

**ANNOUNCEMENT**

Senator Scheer designates LB682 as his priority bill.

**AMENDMENT - Print in Journal**

Senator Lathrop filed the following amendment to LB393:

FA195

Amend AM1838

1. On page 1, line 5, strike "(1)"; in lines 8 and 9 strike the new matter and insert "A"; and strike line 23.
2. On page 2, strike lines 1 through 7.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Ashford, Chambers, Conrad, Cook, Nordquist, and Schumacher asked unanimous consent to add their names as cointroducers to LB1075. No objections. So ordered.

Senators Bolz, Dubas, Howard, Karpisek, Lathrop, and McGill asked unanimous consent to add their names as cointroducers to LB1075. No objections. So ordered.

Senator Watermeier asked unanimous consent to add his name as cointroducer to LB785. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB551. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Hadley's wife, Marilyn, his sister and brother-in-law, Jane and Tom Gwin, and Terri and Jerry Rubin, from Denver, CO; and 27 fourth-grade students and teachers from Jackson Elementary, Omaha.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, February 7, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SECOND DAY - FEBRUARY 7, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 7, 2014

**PRAYER**

The prayer was offered by Senator Dubas.

**ROLL CALL**

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

The roll was called and all members were present except Senators Davis, Krist, and Seiler who were excused; and Senators Ashford, Garrett, Lautenbaugh, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-first day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 725.** Placed on Select File with amendment.  
ER133

- 1 1. On page 1, strike beginning with "section" in line
- 2 2 through line 5 and insert "sections 79-1007.20 and 79-1015.01,
- 3 Revised Statutes Supplement, 2013; to change provisions relating to
- 4 a student growth adjustment correction and local effort rate yield;
- 5 to repeal the original sections; and to declare an emergency."
- 6 2. On page 4, line 4, strike "section" and insert
- 7 "sections 79-1007.20 and"; and in line 5 strike "is" and insert
- 8 "are".

**LEGISLATIVE BILL 725A.** Placed on Select File with amendment.  
ER134

- 1 1. On page 2, line 3, after "appropriated" insert an
- 2 underscored comma.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**  
Nebraska Retirement Systems**LEGISLATIVE BILL 977.** Placed on General File.

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Janis N. Elliott - Public Employees Retirement Board

Aye: 5 Conrad, Karpisek, Kolowski, Mello, Nordquist. Nay: 0. Absent: 1 Davis. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 6, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Brod, Laura  
National Popular Vote Initiative  
Fahleson, Mark A.  
National Popular Vote Initiative  
Heartland Strategy Group, LLC  
Omaha Police Officers Association  
Marsh, Laurel S.  
Community Action of Nebraska  
Peterson, Chris  
National Popular Vote Initiative  
Pollock, Andy  
National Popular Vote Initiative

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>



**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 656.**

A BILL FOR AN ACT relating to parimutuel wagering; to amend sections 2-1203, 2-1203.01, 2-1207, 2-1208, 2-1216, 2-1221, and 2-1222, Reissue Revised Statutes of Nebraska; to repeal provisions held unconstitutional by *Stenberg v. Douglas Racing Corp.*, 246 Neb. 901 (1994), and *Stenberg v. Omaha Exposition and Racing, Inc.*, 263 Neb. 991 (2002); to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-1230, 2-1231, 2-1232, 2-1233, 2-1234, 2-1235, 2-1236, 2-1237, 2-1238, 2-1239, 2-1240, 2-1241, and 2-1242, 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Garrett	Lautenbaugh	Watermeier
Davis	Krist	Seiler	

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 LB657 with 35 ayes, 4 nays, 3 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 657.**

A BILL FOR AN ACT relating to handicapped parking; to amend sections 18-1736 and 18-1741.02, Reissue Revised Statutes of Nebraska, sections 60-331.01, 60-3,113, 60-3,113.01, 60-3,113.03, 60-3,113.06, 60-3,113.07, and 60-3,113.08, Revised Statutes Cumulative Supplement, 2012, and sections 60-3,113.02, 60-3,113.04, and 60-3,113.05, Revised Statutes Supplement, 2013; to eliminate obsolete provisions related to handicapped or disabled parking permits; to redefine a term; to harmonize provisions; to repeal the original sections; and to outright repeal sections 18-1738, 18-1738.01, 18-1738.02, 18-1739, 18-1740, 18-1741, and 18-1742, 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Garrett	Lautenbaugh	Watermeier
Davis	Krist	Seiler	

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 658.**

A BILL FOR AN ACT relating to public power suppliers; to amend sections 86-597 and 86-598, Revised Statutes Cumulative Supplement, 2012; to repeal a provision that terminated December 31, 2007; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-596, 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, 42:

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

Voting in the negative, 0.

Excused and not voting, 7:

Ashford	Garrett	Lautenbaugh	Watermeier
Davis	Krist	Seiler	

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

**LEGISLATIVE BILL 659.**

A BILL FOR AN ACT relating to the Radiation Control Act; to repeal a section that terminated on December 1, 2008; and to outright repeal section 71-3513.01, 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, 41:

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

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 7:

Ashford	Garrett	Lautenbaugh	Watermeier
Davis	Krist	Seiler	

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 LB33 with 36 ayes, 3 nays, 3 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 33.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3904, 77-3905, and 77-4022, Reissue Revised Statutes of Nebraska, and section 77-3906, Revised Statutes Cumulative Supplement, 2012; to provide for agreements relating to collections; to require a report as prescribed; to change provisions relating to liens and levies under the Uniform State Tax Lien Registration and Enforcement Act; to provide for a penalty for delinquent taxes; 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, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 6:

Ashford	Garrett	Lautenbaugh
Davis	Krist	Seiler

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 76.** With Emergency Clause.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transparency Act; to create an advisory committee; 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, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Ashford	Garrett	Lautenbaugh
Davis	Krist	Seiler

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 174.**

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-415 and 60-6,304, Reissue Revised Statutes of Nebraska; to change a penalty for violation of building ordinances or regulations; to change provisions relating to load contents and spillage under the Nebraska Rules of the Road; to provide a penalty; 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, 40:

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

Voting in the negative, 2:

Bloomfield	Lautenbaugh
------------	-------------

Present and not voting, 2:

Brasch	Larson
--------	--------

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------

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

**LEGISLATIVE BILL 215.**

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend section 81-3717, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to use of the County Visitors Improvement Fund; 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	Harms	Lathrop	Scheer
Avery	Conrad	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Cook	Howard	McCoy	Schumacher
Bolz	Crawford	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Gloor	Karpisek	Murante	Wallman
Carlson	Haar, K.	Kintner	Nelson	Watermeier
Chambers	Hadley	Kolowski	Nordquist	Wightman
Christensen	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------

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

**LEGISLATIVE BILL 272.**

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101, 46-1103, 46-1119, and 46-1121, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to permit approval and fees; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------

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

#### **LEGISLATIVE BILL 278.**

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; 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	Harms	Lathrop	Scheer
Avery	Conrad	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Cook	Howard	McCoy	Schumacher
Bolz	Crawford	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Gloor	Karpisek	Murante	Wallman
Carlson	Haar, K.	Kintner	Nelson	Watermeier
Chambers	Hadley	Kolowski	Nordquist	Wightman
Christensen	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------



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

**LEGISLATIVE BILL 403.**

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2013; to define a term; to prohibit retail sales of novelty lighters without a child safety feature as prescribed; to provide a penalty; 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, 34:

Adams	Conrad	Hansen	Lathrop	Schilz
Avery	Cook	Harms	McCoy	Schumacher
Bolz	Crawford	Harr, B.	McGill	Smith
Campbell	Dubas	Howard	Mello	Sullivan
Carlson	Gloor	Johnson	Nordquist	Watermeier
Chambers	Haar, K.	Karpisek	Pirsch	Wightman
Christensen	Hadley	Kolowski	Scheer	

Voting in the negative, 6:

Bloomfield	Coash	Kintner
Brasch	Janssen	Murante

Present and not voting, 4:

Larson	Lautenbaugh	Nelson	Wallman
--------	-------------	--------	---------

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------

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

**LEGISLATIVE BILL 446.**

A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-171, Reissue Revised Statutes of Nebraska; to redefine salvage to include flood damage; 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	Harms	Lathrop	Scheer
Avery	Conrad	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Cook	Howard	McCoy	Schumacher
Bolz	Crawford	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Gloor	Karpisek	Murante	Wallman
Carlson	Haar, K.	Kintner	Nelson	Watermeier
Chambers	Hadley	Kolowski	Nordquist	Wightman
Christensen	Hansen	Larson	Pirsch	

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------

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

**LEGISLATIVE BILL 470.** With Emergency Clause.

A BILL FOR AN ACT relating to schools; to amend section 13-504, Revised Statutes Supplement, 2013; to change provisions relating to proposed budget statements; to adopt the Superintendent Pay Transparency Act; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Karpisek

Excused and not voting, 5:

Ashford      Davis      Garrett      Krist      Seiler

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 513.**

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-708, Reissue Revised Statutes of Nebraska, and section 46-707, Revised Statutes Cumulative Supplement, 2012; to change notice provisions for cease and desist orders; and to repeal the original sections.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Watermeier

Excused and not voting, 5:

Ashford      Davis      Garrett      Krist      Seiler

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 LB514 with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 514.**

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend sections 81-15,148, 81-15,149, 81-15,151, and 81-15,152, Reissue Revised Statutes of Nebraska, and sections 81-15,147 and 81-15,153, Revised Statutes Cumulative Supplement, 2012; to state findings; to define terms; to eliminate obsolete provisions; to provide for certain debt obligation refinancing and a linked deposit program; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 597.** With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-259 and 2-264, Reissue Revised Statutes of Nebraska; to change provisions relating

to county agricultural societies; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 5:

Ashford	Davis	Garrett	Krist	Seiler
---------	-------	---------	-------	--------

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 656, 657, 658, 659, 33, 76, 174, 215, 272, 278, 403, 470, 513, 514, and 597.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 425, 426, and 428 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 425, 426, and 428.

**SENATOR COASH PRESIDING**

**MOTION - Return LB56 to Select File**

Senator Larson moved to return LB56 to Select File for his specific amendment, AM1835, found on page 465.

The Larson motion to return prevailed with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 56.** The Larson specific amendment, AM1835, found on page 465, was adopted with 33 ayes, 6 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**SPEAKER ADAMS PRESIDING****SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB446.

**SENATOR COASH PRESIDING****MOTION - Suspend Rules**

Senator McGill offered the following motion to LB823:  
MO136

Suspend the rules, Rule 3, Sec. 14, to permit the Urban Affairs Committee to cancel the public hearing scheduled for February 11, 2014.

The McGill motion to suspend the rules prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Mello filed the following amendment to LB371:  
AM1863

(Amendments to Final Reading copy)

- 1 1. On page 3, line 25, after "2014" insert ", and does
- 2 not apply to the Office of the Nebraska Capitol Commission".

**MOTION - Print in Journal**

Senator Murante filed the following motion to LB661:  
MO137

Indefinitely postpone.

**NOTICE OF COMMITTEE HEARINGS**

General Affairs

Room 1510

Monday, February 24, 2014 1:30 p.m.

Kim West Dinsdale - Nebraska Arts Council  
Paula L. Pflueger - Nebraska Arts Council  
Matthew Anselmo - Nebraska Commission on Problem Gambling  
Marla Bruder - Nebraska Commission on Problem Gambling  
Mark Canada - Nebraska Commission on Problem Gambling  
Janelle Holt - Nebraska Commission on Problem Gambling  
Paul Leckband - Nebraska Commission on Problem Gambling  
Susan Lutz - Nebraska Commission on Problem Gambling  
Terry Scoville - Nebraska Commission on Problem Gambling  
Teresa "Teri" A. Teutsch - Nebraska Commission on Problem Gambling

(Signed) Russ Karpisek, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 20, 2014 1:30 p.m.

LB1075

(Signed) Bill Avery, Chairperson

**COMMITTEE REPORT**

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kenneth Bird - Nebraska Educational Telecommunications Commission  
Frederik Ohles - Nebraska Educational Telecommunications Commission  
J. Richard Shoemaker - Nebraska Educational Telecommunications Commission

Aye: 7 Avery, Cook, K. Haar, Kolowski, Scheer, Seiler, Sullivan. Nay: 0.  
Absent: 1 Davis. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 393.** Senator Gloor offered the following motion:

MO138

Bracket until April 17, 2014.

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 7, 2014, at 10:20 a.m. were the following: LBs 656, 657, 658, 659, 33, 76e, 174, 215, 272, 278, 403, 446, 470e, 513, 514, and 597e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**NOTICE OF COMMITTEE HEARINGS**

Urban Affairs

Room 1510

Tuesday, February 11, 2014 1:30 p.m.

LB823 (cancel)

Tuesday, February 18, 2014 1:30 p.m.

LB823

(Signed) Amanda McGill, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 436.** Introduced by Karpisek, 32.

WHEREAS, the top-ranked Exeter-Milligan High School Timberwolves football team won the 2013 Class D-1 State Football Championship; and

WHEREAS, Exeter-Milligan defeated the Hemingford High School Bobcats 20-18 in a come-from-behind victory in the championship game to finish the season undefeated; 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 Exeter-Milligan High School Timberwolves football team on winning the 2013 Class D-1 State Football Championship.



2. That a copy of this resolution be sent to the Exeter-Milligan High School football team and Coach Dean Filipi.

Laid over.

### COMMITTEE REPORTS

Education

**LEGISLATIVE BILL 838.** Placed on General File.

(Signed) Kate Sullivan, Chairperson

Agriculture

**LEGISLATIVE BILL 884.** Placed on General File with amendment.

AM1785

1 1. Strike section 15 and insert the following new  
 2 sections:  
 3 Sec. 15. Section 54-7,106, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 54-7,106 ~~An (1) Each~~ exotic animal auction or ~~swap meet~~  
 6 ~~exchange venue organizer shall apply for a permit and notify the~~  
 7 ~~Bureau of Animal Industry department~~ at least thirty days prior to  
 8 the date on which the exotic animal auction or ~~swap meet exchange~~  
 9 ~~venue~~ is to be held. An applicant for a permit shall verify upon  
 10 the application that the applicant has contracted the services of  
 11 an accredited veterinarian to be present during the exotic animal  
 12 auction or exchange venue as required under subsection (4) of  
 13 section 54-7,108. Notification shall include the location, time,  
 14 and dates of the exotic animal auction or ~~swap meet exchange~~  
 15 venue and the name and address of the exotic animal auction or  
 16 ~~swap meet exchange venue~~ organizer. Notification shall be made  
 17 in writing or by facsimile transmission. If a livestock auction  
 18 market holds an exotic animal auction or exchange venue through its  
 19 licensed livestock auction market, such livestock auction market  
 20 shall comply with the Exotic Animal Auction or Exchange Venue Act  
 21 for purposes of the exotic animal auction or exchange venue.  
 22 (2) The department may deny an application for a  
 23 permit if the application does not satisfy the requirements of  
 1 subsection (1) of this section, for previous acts or omissions  
 2 of the applicant in noncompliance with the act, or upon a  
 3 determination that the applicant is unable to fulfill the duties  
 4 and responsibilities of a permittee under the Exotic Animal Auction  
 5 or Exchange Venue Act.  
 6 (3) No person shall conduct an exotic animal auction or  
 7 exchange venue without a permit issued pursuant to this section.  
 8 (4) No change of ownership of bovine, camelid, caprine,  
 9 ovine, or porcine animals may occur at private treaty on the  
 10 premises where the exotic animal auction or exchange venue is being

11 held for the twenty-four hour period prior to commencement of the  
12 exotic animal auction or exchange venue, nor for twenty-four hours  
13 following such event, unless such animals have a certificate of  
14 veterinary inspection at change of ownership.

15 Sec. 26. Section 54-1166, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 54-1166 Except as otherwise provided in this section,  
18 each market license shall be personal to the holder and the  
19 facilities covered thereby and transferable without a hearing. The  
20 original or a certified copy of such license shall be posted during  
21 sale periods in a conspicuous place on the premises where the  
22 livestock auction market is conducted. The market license covering  
23 any livestock auction market which does not hold a sale for a  
24 period of one year shall terminate automatically one year from the  
25 date of the last sale conducted by the livestock auction market and  
26 the license holder whose license is so terminated may request a  
27 hearing by filing a written request for such hearing within twenty

1 days after the termination of the license.  
2 2. On page 7, line 10; page 8, lines 14 and 15; page 9,  
3 lines 3 and 21 and 22; page 10, lines 4, 13 and 14, and 20; page  
4 11, lines 7 and 8; page 16, line 8; page 18, lines 15 and 18;  
5 and page 21, line 13, strike "Auctions and Swap Meets" and insert  
6 "Auction or Exchange Venue".

7 3. On page 10, strike beginning with "Auction" in line  
8 22 through "meet" in line 25, show the old matter as stricken  
9 and insert "Auction or Exchange Venue Act is to require an exotic  
10 animal auction or exchange venue organizer to obtain a permit  
11 from the department before conducting an exotic animal auction or  
12 exchange venue".

13 4. On page 11, strike beginning with "exotic" in line 1  
14 through "meets" in line 2, show as stricken, and insert "an exotic  
15 animal auction or exchange venue".

16 5. On page 12, lines 3, 8, and 25; page 13, lines 10, 11,  
17 14, and 15; page 17, lines 2, 3, 7, 22, and 24; page 18, lines 6,  
18 7, and 10; and page 21, lines 9, 10, 15, and 17, strike "swap meet"  
19 and insert "exchange venue".

20 6. On page 13, line 3, before "organization" insert  
21 "welfare".

22 7. On page 15, lines 5, 7, 9, 11, 14, 17, and 19 and  
23 20; and page 16, lines 1, 2, and 5, strike "swap meet", show as  
24 stricken, and insert "exchange venue".

25 8. On page 15, line 21, strike "A", show as stricken,  
26 and insert "When required by the Exotic Animal Auction or Exchange  
27 Venue Act or the Animal Importation Act, a".

1 9. On page 17, strike lines 9 through 21 and insert  
2 "(3) No bovine, camelid, caprine, ovine, or porcine  
3 animal shall be, or be offered to be, consigned, purchased, sold,  
4 bartered, traded, given away, or otherwise transferred at an exotic  
5 animal auction or exchange venue unless, prior to a change of

6 ownership or other transfer of the animal, a completed certificate  
 7 of veterinary inspection for such animal is presented to the exotic  
 8 animal auction or exchange venue organizer. Such certificate of  
 9 veterinary inspection shall be signed by an accredited veterinarian  
 10 on the date of or no more than thirty days prior to the date the  
 11 exotic animal auction or swap meet is held."

12 10. On page 18, line 1, before the period insert "when  
 13 required by the Exotic Animal Auction or Exchange Venue Act or  
 14 the Animal Importation Act"; and in line 3 after the period insert  
 15 "All sheep and goats shall have official identification as required  
 16 under the Scrapie Control and Eradication Act."

17 11. On page 26, reinstate the stricken matter in lines 24  
 18 and 25.

19 12. On page 27, lines 1 through 13, 23, and 24, strike  
 20 the new matter and reinstate the stricken matter.

21 13. On page 29, line 5, after "54-1159," insert  
 22 "54-1166,"

23 14. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

Urban Affairs

**LEGISLATIVE BILL 48.** Placed on General File with amendment.  
 AM1868

1 1. On page 2, strike beginning with "In" in line 20  
 2 through the period in line 24.

3 2. On page 4, line 8, strike "or county".

4 3. On page 5, strike lines 4 and 5, and insert "(v) Human  
 5 services; and"; and strike lines 17 and 18 and insert "(v) Human  
 6 services; and".

(Signed) Amanda McGill, Chairperson

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Dubas and Nordquist asked unanimous consent to add their names  
 as cointroducers to LB505. No objections. So ordered.

#### **VISITOR**

The Doctor of the Day was Dr. Douglas States from North Platte.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Karpisek, the Legislature adjourned until 10:00 a.m., Monday, February 10, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-THIRD DAY - FEBRUARY 10, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****TWENTY-THIRD DAY**

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

**PRAYER**

The prayer was offered by Chaplain Stan Latta, Good News Jail and Prison Ministry, Sarpy County Jail.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

Page 431, line 27, strike "Meyers" and insert "Myers".  
Page 432, lines 8 and 10, strike "Meyers" and insert "Myers".  
The Journal for the seventeenth day was approved as corrected.

The Journal for the twenty-second day was approved.

**COMMITTEE REPORTS**

## Revenue

**LEGISLATIVE BILL 697.** Placed on General File.

**LEGISLATIVE BILL 851.** Placed on General File.

**LEGISLATIVE BILL 814.** Placed on General File with amendment.

AM1876 is available in the Bill Room.

(Signed) Galen Hadley, Chairperson

**ANNOUNCEMENT**

The Judiciary Committee designates LB907 as its priority bill.

**GENERAL FILE**

**LEGISLATIVE BILL 371A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 429, 430, 431, and 432 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 429, 430, 431, and 432.

**GENERAL FILE**

**LEGISLATIVE BILL 393.** Senator Gloor renewed his motion, MO138, found on page 488, to bracket until April 17, 2014.

Senator Coash moved the previous question. The question is, "Shall the debate now close?"

Senator Coash moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Coash requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Adams	Coash	Haar, K.	Johnson	Seiler
Ashford	Cook	Hadley	Kolowski	Watermeier
Avery	Crawford	Harms	Lathrop	Wightman
Bolz	Dubas	Harr, B.	McGill	
Campbell	Gloor	Howard	Nordquist	

Voting in the negative, 24:

Bloomfield	Conrad	Kintner	Murante	Schumacher
Brasch	Davis	Krist	Nelson	Smith
Carlson	Garrett	Larson	Pirsch	Sullivan
Chambers	Janssen	Lautenbaugh	Scheer	Wallman
Christensen	Karpisek	McCoy	Schilz	

Excused and not voting, 2:

Hansen	Mello
--------	-------

The motion to cease debate failed with 23 ayes, 24 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 56.** Placed on Final Reading Second.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Appropriations

Room 1003

Wednesday, February 19, 2014 8:30 a.m.

Agency 23 - Labor, Department of

(Signed) Heath Mello, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LB996 and LB989. No objections. So ordered.

Senator Bolz asked unanimous consent to add her name as cointroducer to LB764. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of the Leading Localling Leadership group from across the state; and Ron and Linda Werkmeister from Curtis.

The Doctor of the Day was Dr. Kristi Kohl from Grant.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Seiler, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-FOURTH DAY - FEBRUARY 11, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 11, 2014

**PRAYER**

The prayer was offered by Senator Crawford.

**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 Conrad, Cook, Hadley, Hansen, Murante, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**ANNOUNCEMENTS**

Senator Cook designates LB800 as her priority bill.

The Banking, Commerce and Insurance Committee designates LB755 as its priority bill.

Senator Avery designates LB814 as his priority bill.

**COMMUNICATION**

Received a copy of Senate Joint Resolution Number 5 from the state of Ohio urging the Congress of the United States to propose a balanced budget amendment to the United States Constitution and to call a convention for proposing a balanced budget amendment.

**NOTICE OF COMMITTEE HEARINGS**

Banking, Commerce and Insurance

Room 2102

Wednesday, February 19, 2014 12:00 p.m.

Patrick Booth - Nebraska Exchange Stakeholder Commission  
 Craig D. Buescher - Nebraska Exchange Stakeholder Commission  
 Shari Flowers - Nebraska Exchange Stakeholder Commission  
 James "JJ" Green - Nebraska Exchange Stakeholder Commission  
 Michael Groene - Nebraska Exchange Stakeholder Commission  
 Laura S. Gyhra - Nebraska Exchange Stakeholder Commission  
 Kyle Kollmorgen - Nebraska Exchange Stakeholder Commission  
 Britt A. Thedinger - Nebraska Exchange Stakeholder Commission  
 Sherry Wupper - Nebraska Exchange Stakeholder Commission

(Signed) Mike Gloor, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 18, 2014 1:30 p.m.

LB892  
 LB930  
 LB1045

(Signed) Annette Dubas, Chairperson

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 705.** Placed on General File.**LEGISLATIVE BILL 901.** Placed on General File.**LEGISLATIVE BILL 132.** Placed on General File with amendment.

AM1802

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and
- 4 may be cited as the Indoor Tanning Facility Act.
- 5 Sec. 2. For purposes of the Indoor Tanning Facility Act:
- 6 (1) Board means the Board of Cosmetology, Electrology,
- 7 Esthetics, Nail Technology, and Body Art;
- 8 (2) Department means the Division of Public Health of the
- 9 Department of Health and Human Services;
- 10 (3) Operator means a person designated by the tanning

11 facility owner or tanning equipment lessee to operate, or to assist  
12 and instruct in the operation and use of, the tanning facility or  
13 tanning equipment;

14 (4) Tanning equipment means any device that emits  
15 electromagnetic radiation with wavelengths in the air between two  
16 hundred nanometers and four hundred nanometers and that is used for  
17 tanning of the skin. Tanning equipment includes, but is not limited  
18 to, a sunlamp, tanning booth, or tanning bed; and

19 (5) Tanning facility means a location, place, area,  
20 structure, or business that provides access to tanning equipment.  
21 Tanning facility includes, but is not limited to, any tanning  
22 business, salon, health club, apartment, or condominium, which has  
23 tanning equipment that is made available for public or commercial  
1 use, regardless of whether a fee is charged for access to the  
2 tanning equipment.

3 Sec. 3. It is the intent of the Legislature that the  
4 Indoor Tanning Facility Act be implemented and enforced in a manner  
5 that ensures equal treatment of all tanning facilities regardless  
6 of the type of business or facility or number of pieces of tanning  
7 equipment at the tanning facility.

8 Sec. 4. The Indoor Tanning Facility Act does not apply  
9 to:

10 (1) A physician licensed under the Uniform Credentialing  
11 Act who uses, in the practice of medicine, medical diagnostic and  
12 therapeutic equipment that emits ultraviolet radiation; or

13 (2) Any individual who owns tanning equipment exclusively  
14 for personal, noncommercial use.

15 Sec. 5. It shall be unlawful for an operator, an owner of  
16 a tanning facility, or a lessee of a tanning facility to allow any  
17 person less than sixteen years of age to use tanning equipment at  
18 the tanning facility unless the person has a written note from a  
19 physician licensed under the Uniform Credentialing Act or licensed  
20 in another state. The operator, owner, or lessee shall require  
21 proof of age from each person before allowing the person access  
22 to tanning equipment. For purposes of this section, proof of age  
23 shall include, but not be limited to, a driver's license or other  
24 government-issued identification containing the person's date of  
25 birth and photograph or digital image.

26 Sec. 6. Any operator, owner of a tanning facility, or  
27 lessee of a tanning facility who allows any person less than  
1 sixteen years of age to use tanning equipment at the tanning  
2 facility without a written note from a physician licensed under the  
3 Uniform Credentialing Act or licensed in another state shall be  
4 subject to a civil penalty of one hundred dollars to be imposed and  
5 collected by the department. The department shall remit the civil  
6 penalty to the State Treasurer for distribution in accordance with  
7 Article VII, section 5, of the Constitution of Nebraska.

8 Sec. 7. (1) An operator, an owner of a tanning facility,  
9 or a lessee of a tanning facility shall post a warning sign in a

10 conspicuous location in the tanning facility where it is readily  
11 visible by any person entering the tanning facility. The warning  
12 sign shall have black letters which are at least one-fourth inch in  
13 height.

14 (2) The warning sign shall include the following  
15 information:

16 DANGER - Ultraviolet Radiation

17 Follow instructions.

18 Avoid overexposure. As with natural sunlight,

19 overexposure can cause eye and skin injuries and allergic

20 reactions. Repeated exposure may cause premature aging of the skin  
21 and skin cancer.

22 WEAR PROTECTIVE EYEWEAR - Failure to do so may result in  
23 severe burns or long term injury to eyes.

24 Medicines or cosmetics can increase your sensitivity to  
25 ultraviolet radiation. Consult your physician before using sunlamps  
26 if you are using medication or have a history of skin problems or  
27 believe yourself to be especially sensitive to sunlight. If you do  
1 not tan in the sun, you are unlikely to tan from the use of tanning  
2 equipment.

3 It is unlawful for a tanning facility to allow a person  
4 under sixteen years of age to use tanning equipment without a  
5 doctor's written note.

6 Any person may report a violation of the Indoor Tanning  
7 Facility Act to the Department of Health and Human Services.

8 Sec. 8. An operator, an owner of a tanning facility, or a  
9 lessee of a tanning facility shall ensure that the tanning facility  
10 complies with all applicable federal laws and regulations and the  
11 Indoor Tanning Facility Act.

12 Sec. 9. Upon receipt of a complaint regarding a tanning  
13 facility, the department, with the recommendation of the board,  
14 may inspect any tanning facility during the hours of operation of  
15 the tanning facility to ensure compliance with the Indoor Tanning  
16 Facility Act.

17 Sec. 10. Section 38-165, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 38-165 A public member of a board appointed under the  
20 Uniform Licensing Law prior to December 1, 2008, shall remain  
21 subject to the requirements of the original appointment until  
22 reappointed under the Uniform Credentialing Act. At the time of  
23 appointment and while serving as a board member, a public member  
24 appointed to a board on or after December 1, 2008, shall:

25 (1) Have been a resident of this state for one year;

26 (2) Remain a resident of Nebraska while serving as a  
27 board member;

1 (3) Have attained the age of nineteen years;

2 (4) Represent the interests and viewpoints of the public;

3 (5) Not hold an active credential in any profession or

4 business which is subject to the Uniform Credentialing Act, issued

5 in Nebraska or in any other jurisdiction, at any time during the  
6 five years prior to appointment;

7 (6) Not be eligible for appointment to a board which  
8 regulates a profession or business in which that person has ever  
9 held a credential;

10 (7) Not be or not have been, at any time during the  
11 year prior to appointment, an employee of a member of a profession  
12 credentialed by the department, of a facility credentialed pursuant  
13 to the Health Care Facility Licensure Act, ~~or~~ of a business  
14 credentialed pursuant to the Uniform Credentialing Act, or of a  
15 business regulated by the board to which the appointment is being  
16 made;

17 (8) Not be the parent, child, spouse, or household member  
18 of any person presently regulated by the board to which the  
19 appointment is being made;

20 (9) Have no material financial interest in the profession  
21 or business regulated by such board; and

22 (10) Not be a member or employee of the legislative or  
23 judicial branch of state government.

24 Sec. 11. Section 38-1057, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 38-1057 (1) The board shall consist of ten professional  
27 members, one owner of a tanning facility as defined in section  
1 2 of this act, and two public members appointed pursuant to  
2 section 38-158. The professional and public members shall meet the  
3 requirements of sections 38-164 and 38-165, respectively.

4 (2) The professional members shall include:

5 (a) One school owner who is also licensed as either a  
6 cosmetologist, nail technician, or esthetician;

7 (b) One salon owner who is licensed as a cosmetologist;

8 (c) Two cosmetologists who are not school owners;

9 (d) One nail technician who is not a school owner;

10 (e) One esthetician who is not a school owner;

11 (f) One electrologist;

12 (g) One practitioner of body art;

13 (h) One nail technology instructor or esthetics

14 instructor who is not a school owner; and

15 (i) One cosmetology instructor who is not a school owner.

16 (3) No members of the board who are school owners, salon  
17 owners, tanning facility owners, electrologists, nail technicians,  
18 instructors, cosmetologists, or practitioners of body art may be  
19 affiliated with the same establishment.

20 ~~(4) As the terms of the members serving on December 1,~~  
21 ~~2008, expire, successors shall be appointed in accordance with~~  
22 ~~subsection (2) of this section.~~

23 Sec. 12. Original sections 38-165 and 38-1057, Reissue  
24 Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 690.** Placed on General File with amendment.

AM1681

- 1 1. Insert the following new section:
- 2 Sec. 4. The Aging Nebraskans Task Force terminates on
- 3 June 30, 2016, unless extended by the Legislature.
- 4 2. On page 2, line 8, strike "September 1" and insert
- 5 "July 31"; in line 18 after "The" insert "nine-member".
- 6 3. Strike beginning with page 2, line 21, through page 3,
- 7 line 9, and insert the following new subsection:
- 8 "(2)(a) The executive committee of the task force shall
- 9 include as voting members the chairperson of the Health and
- 10 Human Services Committee of the Legislature, a member of the
- 11 Appropriations Committee of the Legislature appointed by the
- 12 Executive Board of the Legislative Council, and a member of the
- 13 Health and Human Services Committee of the Legislature appointed by
- 14 the Executive Board of the Legislative Council.
- 15 (b) The chief executive officer of the Department of
- 16 Health and Human Services or his or her designee and the Chief
- 17 Justice of the Supreme Court or his or her designee shall be
- 18 nonvoting, ex officio members of the executive committee of the
- 19 task force."
- 20 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 732.** Placed on General File with amendment.

AM1822

- 1 1. Strike section 3.
- 2 2. On page 2, strike beginning with "medical" in line 1
- 3 through "the" in line 2.
- 4 3. Renumber the remaining sections and amend the repealer
- 5 accordingly.

(Signed) Kathy Campbell, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 718A.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 718, One Hundred Third Legislature, Second Session, 2014.

### **GENERAL FILE**

**LEGISLATIVE BILL 393.** Senator Gloor renewed his motion, MO138, found on page 488 and considered on page 494, to bracket until April 17, 2014.

**SPEAKER ADAMS PRESIDING****SENATOR KRIST PRESIDING**

Senator Gloor moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Gloor requested a roll call vote on his motion to bracket.

Voting in the affirmative, 23:

Adams	Cook	Hadley	Kolowski	Smith
Ashford	Crawford	Harms	Lathrop	Sullivan
Avery	Dubas	Harr, B.	McGill	Watermeier
Bolz	Gloor	Howard	Nordquist	
Campbell	Haar, K.	Johnson	Seiler	

Voting in the negative, 23:

Bloomfield	Coash	Janssen	Lautenbaugh	Schumacher
Brasch	Conrad	Karpisek	McCoy	Wallman
Carlson	Davis	Kintner	Nelson	Wightman
Chambers	Garrett	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	

Excused and not voting, 3:

Mello	Murante	Schilz
-------	---------	--------

The Gloor motion to bracket failed with 23 ayes, 23 nays, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee designates LB749 as its priority bill.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE BILL 683.** Placed on General File.

**LEGISLATIVE BILL 798.** Placed on General File.

**LEGISLATIVE BILL 699.** Placed on General File with amendment.

AM1754

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 37-201, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510  
6 and section 2 of this act shall be known and may be cited as the  
7 Game Law.  
8 Sec. 2. A hunting permit may be issued to any  
9 developmentally disabled person who has a license-purchase  
10 exemption certificate issued by the commission authorizing such  
11 person to purchase a hunting permit. The commission may adopt and  
12 promulgate rules and regulations to establish forms and procedures  
13 for the issuance of license-purchase exemption certificates. Any  
14 license-purchase exemption certificate issued pursuant to this  
15 section shall be issued at no cost to the developmentally disabled  
16 person and shall clearly state on its face that the holder must at  
17 all times while hunting be accompanied as described in subsection  
18 (4) of section 37-413. No license-purchase exemption certificate  
19 shall be issued to any person who has been found by any court  
20 or mental health board to pose a current danger to himself or  
21 herself or others. As part of the application process for a  
22 license-purchase exemption certificate, a developmentally disabled  
23 person shall present the commission with a written authorization  
1 signed by a physician indicating that the developmentally disabled  
2 person is at all times capable of understanding and following  
3 directions given by another person and that the developmentally  
4 disabled person is not currently a danger to himself or herself  
5 or others. For purposes of this section, developmentally disabled  
6 person means a person who has a developmental disability as defined  
7 in section 83-1205.  
8 Sec. 3. Section 37-404, Reissue Revised Statutes of  
9 Nebraska, is amended to read:  
10 37-404 (1) Any resident of the United States who has  
11 resided in this state continuously for a period of thirty days  
12 before applying for a permit under the Game Law and who has a  
13 bona fide intention of becoming a legal resident of this state,  
14 supported by documentary proof, shall be deemed to be a resident  
15 and may be issued a resident permit under the Game Law.  
16 (2) No hunting permit shall be issued to any person who  
17 is known to have a significant physical or mental disability and  
18 who is unable to safely carry or use a firearm because of such  
19 disability except as provided in section 2 of this act.  
20 (3) The commission may limit the number of days for which  
21 a permit is issued and the number of fish or game birds taken on  
22 one permit. The commission may provide for a method of tagging and  
23 identification of fish and game birds taken under a nonresident  
24 permit.



25 Sec. 4. Section 37-413, Revised Statutes Cumulative  
26 Supplement, 2012, is amended to read:

27 37-413 (1) For the purpose of establishing and  
1 administering a mandatory firearm hunter education program for  
2 persons twelve through twenty-nine years of age who hunt with a  
3 firearm or ~~crossbow-air gun~~ any species of game, game birds, or  
4 game animals, the commission shall provide a program of firearm  
5 hunter education training leading to obtaining a certificate of  
6 successful completion in the safe handling of firearms and shall  
7 locate and train volunteer firearm hunter education instructors.  
8 ~~The program shall provide a training course having a minimum of~~  
9 ~~(a) ten hours of classroom instruction or (b) independent study on~~  
10 ~~the part of the student sufficient to pass an examination given~~  
11 ~~by the commission followed by such student's participation in a~~  
12 ~~minimum of four hours of practical instruction.~~ The program shall  
13 provide instruction in the areas of safe firearms use, shooting  
14 and sighting techniques, hunter ethics, game identification, and  
15 conservation management. The commission shall issue a firearm  
16 hunter education certificate of successful completion to persons  
17 having satisfactorily completed a firearm hunter education course  
18 accredited by the commission and shall print, purchase, or  
19 otherwise acquire materials as necessary for effective program  
20 operation. The commission shall adopt and promulgate rules and  
21 regulations for carrying out and administering such programs.

22 (2) It shall be unlawful for any person twenty-nine years  
23 of age or younger to hunt with a firearm or ~~crossbow-air gun~~ any  
24 species of game, game birds, or game animals except:

25 (a) A person under the age of twelve years who is  
26 ~~accompanied by a person nineteen years of age or older having~~  
27 ~~a valid hunting permit; as described in subsection (4) of this~~  
1 ~~section;~~

2 (b) A person twelve through twenty-nine years of age who  
3 has on his or her person proof of successful completion of a hunter  
4 education course as described in subsection (1) of this section or  
5 a ~~firearm~~ hunter education course issued by the person's state or  
6 province of residence or by an accredited program recognized by the  
7 commission; ~~or~~

8 (c) A person twelve through twenty-nine years of age who  
9 has on his or her person the appropriate hunting permit and an  
10 apprentice hunter education exemption certificate issued by the  
11 commission pursuant to subsection (3) of this section and who is  
12 accompanied as described in subsection (4) of this section; or.

13 (d) A developmentally disabled person who holds the  
14 appropriate hunting permit and a license-purchase exemption  
15 certificate issued pursuant to section 2 of this act and who is  
16 accompanied as described in subsection (4) of this section.

17 (3) An apprentice hunter education exemption certificate  
18 may be issued to a person twelve through twenty-nine years of age,  
19 once during such person's lifetime with one renewal, upon payment

20 of a fee of five dollars and shall expire at midnight on December  
 21 31 of the year for which the apprentice hunter education exemption  
 22 certificate is issued. The commission may adopt and promulgate  
 23 rules and regulations allowing for the issuance of apprentice  
 24 hunter education exemption certificates. All fees collected under  
 25 this subsection shall be remitted to the State Treasurer for credit  
 26 to the State Game Fund.

27 (4) For purposes of this section, accompanied means under  
 1 the direct supervision of a person who is: (a) Nineteen years  
 2 of age or older having a valid hunting permit. If such person  
 3 is nineteen years of age or older but not older than twenty-nine  
 4 years of age, he or she shall have also completed the required  
 5 course of instruction to receive a certificate of completion for  
 6 ~~firearm~~ hunter education, ~~if hunting with a firearm or crossbow~~  
 7 ~~as described in subdivision (2)(b) of this section or for bow~~  
 8 ~~hunter education if hunting with a bow and arrow as described in~~  
 9 ~~section 37-414;~~ and (b) at all times in unaided visual and verbal  
 10 communication of developmentally disabled persons authorized under  
 11 section 2 of this act or no more than two persons having an  
 12 apprentice hunter education exemption certificate. This subsection  
 13 does not prohibit the use by such person nineteen years of age  
 14 or older of ordinary prescription eyeglasses or contact lenses or  
 15 ordinary hearing instruments.

16 Sec. 5. Section 37-414, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 37-414 (1) The commission shall establish and administer  
 19 a bow hunter education program ~~consisting of a minimum of (a) ten~~  
 20 ~~hours of classroom instruction or (b) independent study on the~~  
 21 ~~part of the student sufficient to pass an examination given by the~~  
 22 ~~commission followed by such student's participation in a minimum~~  
 23 ~~of four hours of practical instruction. The program shall provide~~  
 24 providing instruction in the safe use of bow hunting equipment,  
 25 the fundamentals of bow hunting, shooting and hunting techniques,  
 26 game identification, conservation management, and hunter ethics.

27 When establishing such a program, the commission shall locate  
 1 and train volunteers as bow hunter education instructors. The  
 2 commission shall issue a certificate of successful completion to  
 3 any person who satisfactorily completes a bow hunter education  
 4 program ~~established~~ accredited by the commission and shall print,  
 5 purchase, or otherwise acquire materials necessary for effective  
 6 program operation. The commission shall adopt and promulgate rules  
 7 and regulations for carrying out and administering such program.  
 8 (2) A person twelve through twenty-nine years of age who  
 9 is hunting antelope, deer, elk, or mountain sheep with a bow and  
 10 arrow or crossbow pursuant to any provision of sections 37-447 to  
 11 37-453 shall ~~have on his or her person~~ (a) have on his or her  
 12 person proof of successful completion of a bow hunter education  
 13 course issued by his or her state or province of residence or  
 14 by an accredited program recognized by the commission, ~~or~~ (b)

15 have on his or her person the appropriate hunting permit and an  
16 apprentice hunter education exemption certificate issued by the  
17 commission pursuant to subsection (3) of section 37-413 and be  
18 accompanied as described in subsection (4) of section 37-413, or  
19 (c) hold the appropriate hunting permit and a license-purchase  
20 exemption certificate issued pursuant to section 2 of this  
21 act if required pursuant to such section. and an apprentice  
22 hunter education exemption certificate issued and enforced by the  
23 commission pursuant to section 37-413.  
24 Sec. 6. Original sections 37-404 and 37-414, Reissue  
25 Revised Statutes of Nebraska, and sections 37-201 and 37-413,  
26 Revised Statutes Cumulative Supplement, 2012, are repealed.

(Signed) Tom Carlson, Chairperson

Executive Board

**LEGISLATIVE BILL 989.** Placed on General File.

**LEGISLATIVE BILL 970.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 397CA.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 437.** Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia High School girls' volleyball team won the 2013 Class C-2 Girls' State Volleyball Championship; and

WHEREAS, the Hastings St. Cecilia Hawkettes won their first state championship in two decades by defeating the Freeman High School Falcons in four sets in the state tournament; 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 Hastings St. Cecilia High School girls' volleyball team on winning the 2013 Class C-2 Girls' State Volleyball Championship.

2. That a copy of this resolution be sent to the Hastings St. Cecilia High School girls' volleyball team and Coach Alan VanCura.

Laid over.

**LEGISLATIVE RESOLUTION 438.** Introduced by Seiler, 33.

WHEREAS, the Silver Lake High School football team won the 2013 Six-Man State Football Championship; and

WHEREAS, the Silver Lake High School Mustangs beat the Hyannis High School Longhorns by a score of 47-46 to win their first six-man state football championship in school history; 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 Silver Lake High School football team on winning the 2013 Six-Man State Football Championship.

2. That a copy of this resolution be sent to the Silver Lake High School football team and Coach Duane Arntt.

Laid over.

**LEGISLATIVE RESOLUTION 439.** Introduced by Seiler, 33.

WHEREAS, the Doniphan-Trumbull High School football team won the 2013 Class C-2 State Football Championship; and

WHEREAS, the Doniphan-Trumbull Cardinals defeated the two-time defending state champion Aquinas Catholic High School Monarchs by a score of 32-13 to win the state title; 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 Doniphan-Trumbull High School football team on winning the 2013 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the Doniphan-Trumbull High School football team and Coach Brent Breckner.

Laid over.

**LEGISLATIVE RESOLUTION 440.** Introduced by Karpisek, 32.

WHEREAS, insurance protects the United States economy from the adverse effects of the risks inherent in economic growth and development while also providing the resources necessary to rebuild physical and economic infrastructure, offer indemnification for business disruption, and provide coverage for medical and liability costs from injuries and loss of life in the event of catastrophic losses to persons or property; and

WHEREAS, the terrorist attack on September 11, 2001, produced insured losses larger than any natural or man-made event in history, with claims paid by insurers to their policyholders eventually totaling approximately

\$32.5 billion, making this attack the second most costly insurance event in United States history; and

WHEREAS, the sheer enormity of the terrorist-induced loss, combined with the possibility of future attacks, produced financial shockwaves that shook insurance markets and caused insurers and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial property and liability policies; and

WHEREAS, the lack of terrorism risk insurance contributed to a paralysis in the economy, especially in the construction, tourism, business travel, and real estate finance sectors; and

WHEREAS, the United States Congress originally passed the Terrorism Risk Insurance Act of 2002 (TRIA), in which the federal government agreed to provide terrorism reinsurance to insurers, and reauthorized this arrangement via the Terrorism Risk Insurance Extension Act of 2005 and the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA); and

WHEREAS, under TRIPRA, the federal government provides such reinsurance after industry-wide losses attributable to annual certified terrorism events exceed \$100 million; and

WHEREAS, coverage under TRIPRA is provided to an individual insurer after the insurer has incurred losses related to terrorism equal to 20% of the insurer's previous year earned premium for property-casualty lines; and

WHEREAS, after an individual insurer has reached such a threshold, the insurer pays 15% of residual losses and the federal government pays the remaining 85%; and

WHEREAS, the Terrorism Risk Insurance Program has an annual cap of \$100 billion of aggregate insured losses beyond which the federal program does not provide coverage; and

WHEREAS, TRIPRA requires the federal government to recoup 100% of the benefits provided under the program through policyholder surcharges to the extent the aggregate insured losses are less than \$27.5 billion and enables the government to recoup expenditures beyond that mandatory recoupment amount; and

WHEREAS, without question, TRIA and its successor acts are the principal reason for the continued stability in the insurance and reinsurance market for terrorism insurance to the benefit of our overall economy; and

WHEREAS, the presence of a robust private-public partnership has provided stability and predictability and has allowed insurers to actively participate in the market in a meaningful way; and

WHEREAS, without a program such as TRIPRA, many of our citizens who want and need terrorism coverage to operate their businesses all across the nation would be either unable to obtain insurance or unable to afford the limited coverage that would be available; and

WHEREAS, without federally provided reinsurance, property and casualty insurers would face less availability of terrorism reinsurance and would therefore be severely restricted in their ability to provide sufficient coverage for acts of terrorism; and

WHEREAS, despite the hard work and dedication of this nation's counterterrorism agencies, and the bravery of the men and women in

uniform who fight battles abroad to keep us safe here at home, the threat from terrorist attacks in the United States is both real and substantial and will remain so for the foreseeable future.

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

1. That the Legislature urges the United States Congress to reauthorize federally provided terrorism reinsurance for insurers in order to maintain stability in the insurance and reinsurance markets, to continue to deliver substantive and direct benefits to businesses, workers, and consumers, and to protect the overall economy in the aftermath of a terrorist attack on the United States.

2. That a copy of this resolution be sent to President Barack Obama, the Speaker and the Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR440 was referred to the Reference Committee.

#### **AMENDMENT - Print in Journal**

Senator Gloor filed the following amendment to LB869:  
AM1892

- 1 1. On page 22, lines 21 and 24, after "of" insert "the
- 2 department or".
- 3 2. On page 23, line 14, after "department" insert ", the
- 4 administration".
- 5 3. On page 25, strike beginning with "If" in line 12
- 6 through "(4)" in line 16.

#### **COMMITTEE REPORTS**

##### Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dennis E. Grennan - Nebraska Power Review Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Rex Fisher - Game and Parks Commission

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**ANNOUNCEMENT**

Senator Hansen designates LB884 as his priority bill.

**GENERAL FILE**

**LEGISLATIVE BILL 393.** The Lathrop amendment, AM1813, found on page 457 and considered on page 467, to the first committee amendment, AM1838, was renewed.

Senator Bloomfield offered the following motion:  
MO140

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bloomfield moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

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

Voting in the affirmative, 25:

Adams	Coash	Janssen	Lautenbaugh	Pirsch
Bloomfield	Conrad	Karpisek	McCoy	Scheer
Brasch	Davis	Kintner	Mello	Schilz
Carlson	Garrett	Krist	Murante	Schumacher
Christensen	Hansen	Larson	Nelson	Smith

Voting in the negative, 22:

Ashford	Cook	Hadley	Kolowski	Watermeier
Avery	Crawford	Harms	Lathrop	Wightman
Bolz	Dubas	Harr, B.	McGill	
Campbell	Gloor	Howard	Nordquist	
Chambers	Haar, K.	Johnson	Seiler	

Present and not voting, 2:

Sullivan Wallman

The Bloomfield motion to invoke cloture failed with 25 ayes, 22 nays, and 2 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 438.** Title read. Considered.

Committee AM1240, found on page 1237, First Session, 2013, was offered.

Senator Sullivan offered her amendment, AM1580, found on page 113, to the committee amendment.

Pending.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 371A.** Placed on Select File.

(Signed) John Murante, Chairperson

### COMMITTEE REPORTS

Executive Board

**LEGISLATIVE BILL 976.** Placed on General File.

**LEGISLATIVE BILL 1016.** Placed on General File with amendment.  
AM1884

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Executive Board of the Legislative Council
- 4 pursuant to the authority granted in Laws 2012, LB194, section
- 5 9, commissioned an independent study to enable the Legislature to
- 6 determine whether the state should purchase or otherwise acquire
- 7 an aircraft for state purposes and what type of aircraft should
- 8 be acquired, if any. After completion and review of the study,
- 9 the Legislature authorizes the Department of Aeronautics to acquire
- 10 a new aircraft. It is the intent of the Legislature to fund the
- 11 acquisition with General Funds and other funds. The Legislature
- 12 also directs the department, upon taking possession of a new
- 13 aircraft, to sell the state's 1982 Piper Cheyenne aircraft, with
- 14 the proceeds retained by the department for use for preventive
- 15 maintenance funding for the new aircraft.
- 16 Sec. 2. Section 3-104, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 3-104 There is hereby created the Nebraska Aeronautics
- 19 Commission which shall consist of five members, who shall be



20 appointed by the Governor. The terms of office of the members  
21 of the commission initially appointed shall expire on March 1 of  
22 the years 1946, 1947, 1948, 1949, and 1950, as designated by the  
23 Governor in making the respective appointments. As the terms of  
1 members expire, the Governor shall, on or before March 1 of each  
2 year, appoint a member of the commission for a term of five years  
3 to succeed the member whose term expires. Each member shall serve  
4 until the appointment and qualification of his or her successor. In  
5 case of a vacancy occurring prior to the expiration of the term of  
6 a member, the appointment shall be made only for the remainder of  
7 the term. All members of the commission shall be citizens and bona  
8 fide residents of the state and, in making such an appointment,  
9 the Governor shall take into consideration the interest or training  
10 of the appointee in some one or all branches of aviation. The  
11 commission shall, in December of each year, select a chairperson  
12 for the ensuing year. The Director of Aeronautics shall serve  
13 as secretary as set forth in section 3-127. Three members shall  
14 constitute a quorum and no action shall be taken by less than a  
15 majority of the commission.

16 The commission shall meet upon the written call of the  
17 chairperson, the director, or any two members of the commission.  
18 Regular meetings shall be held at the office of the department but,  
19 whenever the convenience of the public or of the parties may be  
20 promoted or delay or expense may be prevented, it may hold meetings  
21 or proceedings at any other place designated by it. All meetings of  
22 the commission shall be open to the public. No member shall receive  
23 any salary for his or her service, but each shall be reimbursed  
24 for actual and necessary expenses incurred by him or her in the  
25 performance of his or her duties as provided in sections 81-1174 to  
26 81-1177.

27 It shall be the duty of the commission to advise the  
1 Governor relative to the appointment of a director and it shall  
2 report to the Governor whenever it feels that the director is not  
3 properly fulfilling his or her duties. It shall further act in an  
4 advisory capacity to the director.

5 The commission shall have, in addition, the following  
6 specific duties: (1) To allocate state funds and approve the use  
7 of federal funds to be spent for the construction or maintenance  
8 of airports; (2) to designate the locations and approve sites of  
9 airports; (3) to arrange and authorize the ~~purchase~~ acquisition  
10 of aircraft upon behalf of the state; (4) to select and approve  
11 pilots to be employed by the state, if any; and (5) to assist the  
12 director in formulating the regulations and policies to be carried  
13 out by the department under the terms of the State Aeronautics  
14 Department Act. The commission may allocate state funds for the  
15 promotion of aviation as defined for the purpose of this section by  
16 the department by rule and regulation. The director may designate  
17 one or more members of the commission to represent the department  
18 in conferences with officials of the federal government, of other

19 states, of other agencies or municipalities of this state, or of  
 20 persons owning privately owned public use airports.

21 Sec. 3. Section 3-106, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 3-106 (1) Suitable offices shall be provided for the  
 24 department in the State Capitol. It may maintain offices at such  
 25 other places in the state as it may designate and may incur  
 26 the necessary expense for office furniture, stationery, printing,  
 27 and other incidental or necessary expenses for the enforcement of  
 1 ~~sections 3-101 to 3-154~~ the State Aeronautics Department Act and  
 2 the general promotion of aeronautics within the state.

3 (2) The department may ~~purchase~~ acquire aircraft for the  
 4 use of ~~the department. Such state government~~ and may sell any  
 5 state aircraft that is not needed or suitable for state uses.  
 6 State aircraft shall be subject at all times to the written orders  
 7 of the Governor for use and service in any branch of the state  
 8 government. The department shall establish an hourly rate for use  
 9 of a state aircraft by a state official or agency. The hourly rate  
 10 shall not include an amount to recover the cost of acquisition  
 11 by purchase, but shall include lease payments for acquisition by  
 12 lease and amounts for items such as variable fuel and oil costs,  
 13 routine maintenance costs, landing fees, and preventive maintenance  
 14 reserves, with the expense thereof to be paid by the department. It

15 (3) The department may charter aircraft for use by a  
 16 state official or agency.

17 (4) The department may employ such clerical and other  
 18 employees and assistants as it may deem necessary for the proper  
 19 transaction of its business.

20 Sec. 4. Original sections 3-104 and 3-106, Reissue  
 21 Revised Statutes of Nebraska, are repealed.

22 Sec. 5. Since an emergency exists, this act takes effect  
 23 when passed and approved according to law.

**LEGISLATIVE RESOLUTION 400.** Reported to the Legislature for  
 further consideration.

**LEGISLATIVE RESOLUTION 424.** Reported to the Legislature for  
 further consideration with the following amendment:

AM1890

- 1 1. In the first Resolved clause strike "five members" and
- 2 insert "seven members".

(Signed) John Wightman, Chairperson

## Education

**LEGISLATIVE BILL 682.** Placed on General File with amendment.  
AM1888

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. On or before July 1, 2015, and on or before  
4 July 1 each year thereafter, any school district in Nebraska with  
5 an average daily membership for grades kindergarten through twelve  
6 of fewer than six hundred fifty students for the most recently  
7 available complete data year and the school fiscal year immediately  
8 preceding the most recently available complete data year that is  
9 not already a member of an allied system shall form an allied  
10 system with at least three other school districts or join an  
11 existing allied system. If one or more school districts required to  
12 form or join an allied system under this section have not done so  
13 by such date, the Commissioner of Education shall form one or more  
14 allied systems which include such districts or direct each such  
15 school district to join an existing allied system specified by the  
16 commissioner for such district. The commissioner shall provide an  
17 opportunity to be heard for each such district, the member school  
18 districts of any affected allied system, and any other interested  
19 party and shall consider the number of students in each allied  
20 system in forming new allied systems or directing a district to  
21 join a specified existing allied system. A school district with an  
22 enrollment of six hundred fifty students or more may, but is not  
23 required to, join an allied system.

1 Sec. 2. Allied systems shall be formed as an agreement  
2 between at least four member school districts, which agreement  
3 shall include, but need not be limited to, the following terms:

4 (1) The superintendent of each school district in the  
5 allied system is deemed the representative of his or her district  
6 to the allied system;

7 (2) The superintendent of each school district in the  
8 allied system shall file with the State Department of Education  
9 notice of the school district's membership in such allied system  
10 and a list of the other member school districts on or before July  
11 1 of each year beginning in 2015;

12 (3) Each school district in the allied system shall have  
13 the same yearly calendar and daily schedule, except that this  
14 subdivision does not require that such districts have the same  
15 yearly calendar and daily schedule for extracurricular activities;

16 (4) School districts in an allied system wishing to  
17 cooperate beyond the uniform yearly calendar and daily schedule  
18 requirements of this section may form an interlocal agreement  
19 pursuant to the Interlocal Cooperation Act relative to cooperation  
20 on such additional matters. Every member of such interlocal  
21 agreement is entitled to one vote on matters covered by such  
22 interlocal agreement;

23 (5) All employees of each school district shall remain  
 24 employees of such district and their contracts shall be negotiated  
 25 through such district; and

26 (6) No school district in an allied system may move into  
 27 another allied system if such change would reduce the allied system  
 1 to fewer than three member school districts unless the remaining  
 2 member school districts agree to dissolve such allied system and  
 3 join other allied systems. If at least one school district that  
 4 is a member of an allied system merges with one or more other  
 5 school districts and the resulting reorganized school district  
 6 joins such allied system, each of the school districts that were  
 7 members of the allied system prior to the merger shall count as  
 8 a separate member school district only for the purpose of meeting  
 9 the minimum requirement of three member school districts. Nothing  
 10 in this subdivision prevents a school district from reorganizing  
 11 with one or more other school districts regardless of allied system  
 12 membership. Except as otherwise provided in this subdivision, if  
 13 an allied system no longer meets the minimum requirement of three  
 14 member school districts due to a reorganization involving one or  
 15 more member school districts, such allied system shall be dissolved  
 16 and the remaining member school districts shall join other allied  
 17 systems.

18 Sec. 3. Within one year after the formation of an allied  
 19 system, the representatives of the school districts in such allied  
 20 system shall meet and create a common calendar and schedule which  
 21 shall be implemented in each member school district beginning with  
 22 the school year immediately following the deadline for creating  
 23 such common calendar and schedule pursuant to this section.

24 Sec. 4. Nothing in sections 1 to 3 of this act requires  
 25 the member school districts in an allied system to combine or  
 26 coordinate revenue, spending, taxation, state aid, or any other  
 27 elements relating to finances.

(Signed) Kate Sullivan, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 726.** Placed on General File.

**LEGISLATIVE BILL 743.** Placed on General File.

**LEGISLATIVE BILL 745.** Placed on General File.

**LEGISLATIVE BILL 792.** Placed on General File.

**LEGISLATIVE BILL 804.** Placed on General File.

**LEGISLATIVE BILL 217.** Placed on General File with amendment.

AM1875

- 1 1. Strike original section 1.
- 2 2. On page 4, line 23, strike "75-104,".
- 3 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 661.** Placed on General File with amendment.  
AM1778

1 1. Strike original section 4 and insert the following new  
2 sections:

3 Sec. 4. Section 32-308, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 32-308 (1) The Secretary of State and the Director of  
6 Motor Vehicles shall enter into an agreement to match information  
7 in the computerized statewide voter registration list with  
8 information in the data base of the Department of Motor Vehicles  
9 to the extent required to enable each such official to verify the  
10 accuracy of the information provided on applications for voter  
11 registration. The Director of Motor Vehicles shall enter into an  
12 agreement with the Commissioner of Social Security under section  
13 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)(8),  
14 as such section existed on April 17, 2003, for purposes of the  
15 Election Act.

16 (2) The Department of Motor Vehicles, with the assistance  
17 of the Secretary of State, shall prescribe a voter registration  
18 application which may be used to register to vote or change his or  
19 her address for voting purposes at the same time an elector applies  
20 for an original or renewal motor vehicle operator's license, an  
21 original or renewal state identification card, or a replacement or  
22 duplicate thereof. The voter registration application shall contain  
23 the information required pursuant to section 32-312 and shall be  
1 designed so that it does not require the duplication of information  
2 in the application for the motor vehicle operator's license or  
3 state identification card, except that it may require a second  
4 signature of the applicant. The department and the Secretary of  
5 State shall make the voter registration application available to  
6 ~~the county treasurer, the license examiners of the department,~~  
7 ~~and any other person who issues operators' licenses or state~~  
8 ~~identification cards.~~ any person applying for an operator's license  
9 or state identification card. The application shall be completed  
10 at the office of the ~~county treasurer or~~ department by the close  
11 of business on the third Friday preceding any election to be  
12 registered to vote at such election. A registration application  
13 received after the deadline shall not be processed by the election  
14 commissioner or county clerk until after the election.

15 (3) The Department of Motor Vehicles, in conjunction with  
16 the Secretary of State, shall develop a process to electronically  
17 transmit voter registration application information received under  
18 subsection (2) of this section to the election commissioner or  
19 county clerk of the county in which the applicant resides within  
20 the time limits prescribed in subsection (4) of this section. The  
21 Director of Motor Vehicles shall designate an implementation date  
22 for the process which shall be on or before January 1, 2016.

23 (4) The voter registration application information shall  
24 be transmitted to the election commissioner or county clerk of

25 the county in which the applicant resides not later than ten days  
 26 after receipt, except that if the voter registration application  
 27 information is received within five days prior to the third Friday  
 1 preceding any election, it shall be transmitted not later than five  
 2 days after its original submission. Any information on whether an  
 3 applicant registers or declines to register and the location of the  
 4 office at which he or she registers shall be confidential and shall  
 5 only be used for voter registration purposes.

6 (5) For each voter registration application for which  
 7 information is transmitted electronically pursuant to this section,  
 8 the Secretary of State shall obtain a copy of the electronic  
 9 representation of the applicant's signature from the Department of  
 10 Motor Vehicles' records of his or her motor vehicle operator's  
 11 license or state identification card for purposes of voter  
 12 registration. Each voter registration application electronically  
 13 transmitted under this section shall include information provided  
 14 by the applicant that includes whether the applicant is a citizen  
 15 of the United States, whether the applicant is of sufficient  
 16 age to register to vote, the applicant's residence address, the  
 17 applicant's postal address if different from the residence address,  
 18 the date of birth of the applicant, the party affiliation of the  
 19 applicant or an indication that the applicant is not affiliated  
 20 with any political party, the applicant's motor vehicle operator's  
 21 license number, the applicant's previous registration location  
 22 by city, county, or state, if applicable, and the applicant's  
 23 signature.

24 ~~(3)-(6)~~ State agency personnel and county treasurers  
 25 involved in the voter registration process pursuant to this section  
 26 and section 32-309 shall not be considered deputy registrars or  
 27 agents or employees of the election commissioner or county clerk.

1 Sec. 5. Section 32-309, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:  
 3 32-309 Upon receipt of a completed voter registration  
 4 application under subsection (2) of section 32-308, ~~a county~~  
 5 ~~treasurer, a license examiner of the Department of Motor Vehicles,~~  
 6 ~~and any other person who issues motor vehicle operators' licenses~~  
 7 ~~or state identification cards shall, until the implementation date~~  
 8 ~~designated by the Director of Motor Vehicles pursuant to subsection~~  
 9 ~~(3) of section 32-308,~~ deliver the completed voter registration  
 10 application to the election commissioner or county clerk of the  
 11 county in which the ~~county treasurer, license examiner, or other~~  
 12 ~~person is located~~ not later than ten days after receipt by  
 13 the ~~county treasurer, license examiner, or other~~ person, except  
 14 that if the voter registration application is received within  
 15 five days prior to the third Friday preceding any election, it  
 16 shall be delivered not later than five days after its original  
 17 filing date. The election commissioner or county clerk shall,  
 18 if necessary, forward the voter registration application to the  
 19 election commissioner or county clerk of the county in which

20 the applicant resides within such prescribed time limits. Any  
21 information on whether an applicant registers or declines to  
22 register and the location of the office at which he or she  
23 registers shall be confidential and shall only be used for voter  
24 registration purposes.

25 Sec. 6. Section 32-311, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 32-311 Any elector may personally apply to register to  
1 vote at (1) the office of the election commissioner or county  
2 clerk, (2) a registration site at which a deputy registrar is in  
3 attendance, (3) a department listed in section 32-310 at the time  
4 of an application, review, or change of address as provided in such  
5 section, or (4) the ~~office of the county treasurer or Department~~  
6 of Motor Vehicles while applying for a motor vehicle operator's  
7 license or state identification card as provided in section 32-308.

8 Sec. 9. Section 32-315, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 32-315 Upon receiving a completed voter registration  
11 application pursuant to section ~~32-308, 32-309,~~ or 32-310  
12 indicating that a voter who is registered in the county has changed  
13 his or her name or moved to another residence within the same  
14 county, the election commissioner or county clerk shall change  
15 the voter registration record of the registered voter to the new  
16 name or new address and shall send an acknowledgment card to the  
17 registered voter indicating that the change of registration has  
18 been completed and the address of the voter's new polling place.

19 Sec. 15. Section 32-1002, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 32-1002 (1) As the ballots are removed from the ballot  
22 box pursuant to sections 32-1012 to 32-1018, the receiving board  
23 shall separate the envelopes containing the provisional ballots  
24 from the rest of the ballots and deliver them to the election  
25 commissioner or county clerk.

26 (2) Upon receipt of a provisional ballot, the election  
27 commissioner or county clerk shall verify that the certificate on  
1 the front of the envelope or the form attached to the envelope is  
2 in proper form and that the certification has been signed by the  
3 voter.

4 (3) The election commissioner or county clerk shall  
5 also (a) verify that such person has not voted anywhere else  
6 in the county or been issued a ballot for early voting, (b)  
7 investigate whether any credible evidence exists that the person  
8 was properly registered to vote in the county before the deadline  
9 for registration for the election, (c) investigate whether any  
10 information has been received pursuant to section ~~32-308, 32-309,~~  
11 32-310, or 32-324 that the person has resided, registered, or voted  
12 in any other county or state since registering to vote in the  
13 county, and (d) upon determining that credible evidence exists that  
14 the person was properly registered to vote in the county, make the

15 appropriate changes to the voter registration register by entering  
16 the information contained in the registration application completed  
17 by the voter at the time of voting a provisional ballot.

18 (4) A provisional ballot cast by a voter pursuant to  
19 section 32-915 shall be counted if:

20 (a) Credible evidence exists that the voter was properly  
21 registered in the county before the deadline for registration for  
22 the election;

23 (b) The voter has resided in the county continuously  
24 since registering to vote in the county;

25 (c) The voter has not voted anywhere else in the county  
26 or has not otherwise voted early using a ballot for early voting;

27 (d) The voter has completed a registration application  
1 prior to voting as prescribed in subsection (6) of this section  
2 and:

3 (i) The residence address provided on the registration  
4 application completed pursuant to subdivision (1)(e) of section  
5 32-915 is located within the precinct in which the person voted;  
6 and

7 (ii) If the voter is voting in a primary election,  
8 the party affiliation provided on the registration application  
9 completed prior to voting the provisional ballot is the same party  
10 affiliation that appears on the voter's voter registration record  
11 based on his or her previous registration application; and

12 (e) The certification on the front of the envelope or  
13 form attached to the envelope is in the proper form and signed by  
14 the voter.

15 (5) A provisional ballot cast by a voter pursuant to  
16 section 32-915 shall not be counted if:

17 (a) The voter was not properly registered in the county  
18 before the deadline for registration for the election;

19 (b) Information has been received pursuant to section  
20 32-308, 32-309, 32-310, or 32-324 that the voter has resided,  
21 registered, or voted in any other county or state since registering  
22 to vote in the county in which he or she cast the provisional  
23 ballot;

24 (c) Credible evidence exists that the voter has voted  
25 elsewhere or has otherwise voted early;

26 (d) The voter failed to complete and sign a registration  
27 application pursuant to subsection (6) of this section and  
1 subdivision (1)(e) of section 32-915;

2 (e) The residence address provided on the registration  
3 application completed pursuant to subdivision (1)(e) of section  
4 32-915 is in a different county or in a different precinct than the  
5 county or precinct in which the voter voted;

6 (f) If the voter is voting in a primary election, the  
7 party affiliation on the registration application completed prior  
8 to voting the provisional ballot is different than the party  
9 affiliation that appears on the voter's voter registration record



- 10 based on his or her previous registration application; or  
11 (g) The voter failed to complete and sign the  
12 certification on the envelope or form attached to the envelope  
13 pursuant to subsection (3) of section 32-915.  
14 (6) An error or omission of information on the  
15 registration application or the certification required under  
16 section 32-915 shall not result in the provisional ballot not being  
17 counted if:  
18 (a)(i) The errant or omitted information is contained  
19 elsewhere on the registration application or certification; or  
20 (ii) The information is not necessary to determine the  
21 eligibility of the voter to cast a ballot; and  
22 (b) Both the registration application and the  
23 certification are signed by the voter.  
24 (7) Upon determining that the voter's provisional ballot  
25 is eligible to be counted, the election commissioner or county  
26 clerk shall remove the ballot from the envelope without exposing  
27 the marks on the ballot and shall place the ballot with the ballots  
1 to be counted by the county canvassing board.  
2 (8) The election commissioner or county clerk shall  
3 notify the system administrator of the system created pursuant to  
4 section 32-202 as to whether the ballot was counted and, if not,  
5 the reason the ballot was not counted.  
6 (9) The verification and investigation shall be completed  
7 within seven days after the election.  
8 2. On page 2, strike beginning with "The" in line 16  
9 through the period in line 18 and show as stricken.  
10 3. On page 9, line 24; and page 12, line 8, after "act"  
11 insert "or section 32-308".  
12 4. On page 27, line 21, after the first occurrence of  
13 "section" insert "32-308 or".  
14 5. Renumber the remaining sections and correct the  
15 repealer accordingly.

**LEGISLATIVE BILL 662.** Indefinitely postponed.

**LEGISLATIVE BILL 663.** Indefinitely postponed.

(Signed) Bill Avery, Chairperson

#### ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB661 and LB1048 as its priority bills.

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Thursday, February 20, 2014 1:30 p.m.

Noah L. Piskorski - Nebraska Rural Health Advisory Commission  
Lisa L. Mlnarik - Nebraska Rural Health Advisory Commission  
Mary Beth Hanus - Nebraska Child Abuse Prevention Fund Board  
Troy Hiemer - Board of Emergency Medical Services  
Timothy Hoffman - Board of Emergency Medical Services  
Charles LaFollette - Board of Emergency Medical Services  
Anthony Moravec - State Board of Health

(Signed) Kathy Campbell, Chairperson

**ANNOUNCEMENT**

Senator McGill announced the Urban Affairs Committee will meet in Room 2102 on February 18, 2014, instead of Room 1510.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Davis asked unanimous consent to add his name as cointroducer to LR400. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Dīnah' Day and Makaylie Kastle from Lincoln; Senator Davis' wife, Dottie, from Hyannis and nephew, Camden Glenn, from Lincoln; and Clayton C. Anderson from League City, TX.

The Doctor of the Day was Dr. Kristi Kohl from Grant.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Senator Carlson, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-FIFTH DAY - FEBRUARY 12, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 12, 2014

**PRAYER**

The prayer was offered by Senator Scheer.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Conrad and Smith who were excused; and Senators Ashford, Hadley, B. Harr, Janssen, McCoy, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fourth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 799.** Placed on General File with amendment.  
AM1730

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 44-322, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-322 (1)(a)(i) Every insurance company holding a
- 6 certificate of authority to transact the business of insurance in
- 7 this state shall file with the director or, if required by the
- 8 director, with the National Association of Insurance Commissioners,
- 9 on or before March 1 of each year, an annual financial statement
- 10 for the year ending December 31 immediately preceding on forms
- 11 prescribed by the director which conform substantially to the forms
- 12 adopted by the National Association of Insurance Commissioners,
- 13 except that fees, premium tax payments, and other payments
- 14 associated with such filings shall be paid to the director.
- 15 (ii) The financial statement shall be prepared in

16 accordance with annual statement instructions and accounting  
17 practices and procedures manuals as prescribed by the director  
18 which conform substantially to the annual statement instructions  
19 and the Accounting Practices and Procedures Manuals adopted by the  
20 National Association of Insurance Commissioners.

21 (iii) The salaries and compensation of the officers  
22 and any other information required by the director shall be  
23 filed with the director. All information regarding salaries and  
1 compensation filed pursuant to this subdivision shall be maintained  
2 as confidential by the director and shall not be subject to  
3 disclosure by the director to persons outside of the Department  
4 of Insurance except as agreed to by the insurance company or as  
5 ordered by a court of competent jurisdiction.

6 (iv) Every insurance company subject to this section  
7 shall make such other periodic financial filings as the director  
8 may reasonably require.

9 (b)(i) Within seven days after the failure of an  
10 insurance company to comply with the requirements of subdivision  
11 (1)(a) of this section, the director shall notify the insurance  
12 company of such failure.

13 (ii) Subject to subdivision (1)(b)(iii) of this section,  
14 if an insurance company fails to comply with the requirements of  
15 subdivision (1)(a) of this section and any rules and regulations  
16 adopted and promulgated under such subdivision and any orders  
17 issued under such subdivision, (A) such insurance company shall  
18 forfeit one hundred dollars for each day thereafter such failure  
19 continues and the insurance company continues to transact any  
20 business of insurance and (B) in addition to the forfeiture  
21 required under subdivision (1)(b)(ii)(A) of this section, the  
22 director may suspend or refuse to renew the certificate of  
23 authority of the insurance company until it has complied with the  
24 requirements of subdivision (1)(a) of this section and any rules  
25 and regulations adopted and promulgated under such subdivision and  
26 any orders issued under such subdivision. ~~All such forfeitures~~  
27 ~~collected by the director shall be remitted to the State Treasurer~~  
1 for credit to the permanent school fund. The director shall remit  
2 any forfeitures collected under this section to the State Treasurer  
3 for distribution in accordance with Article VII, section 7, of the  
4 Constitution of Nebraska.

5 (iii) For good and sufficient cause shown, the director  
6 may grant a reasonable extension of time not to exceed thirty  
7 days within which the financial statement may be filed as  
8 required under subdivision (1)(a) of this section without the  
9 forfeiture required under subdivision (1)(b)(ii)(A) of this section  
10 and without any suspension or refusal to renew authorized under  
11 subdivision (1)(b)(ii)(B) of this section.

12 (2) Every insurance company holding a certificate of  
13 authority to transact the business of insurance in this state shall  
14 participate in the National Association of Insurance Commissioners

15 Insurance Regulatory Information System, including the payment of  
16 all fees and charges of such system, except as exempted by the  
17 director. Each participating insurance company shall file with  
18 the National Association of Insurance Commissioners on or before  
19 March 1 of each year a copy of its annual financial statement  
20 along with any additional filings required by the director for the  
21 immediately preceding year. The financial statement so filed shall  
22 be in the same format and scope as that required by subsection  
23 (1) of this section and shall include a signed jurat page  
24 and actuarial certification except as exempted by the director.  
25 Each participating insurance company shall file with the National  
26 Association of Insurance Commissioners any amendments and addendums  
27 to the financial statement and annual and quarterly financial  
1 statement information in computer readable format as required by  
2 the Insurance Regulatory Information System.  
3 Sec. 2. Original section 44-322, Reissue Revised Statutes  
4 of Nebraska, is repealed.

**LEGISLATIVE BILL 810.** Placed on General File with amendment.  
AM1865

1 1. On page 2, after line 12, insert the following new  
2 subsection:  
3 "(3) Subsection (1) of this section shall not apply  
4 to any ordinance or resolution adopted pursuant to the Community  
5 Development Law."

(Signed) Mike Gloor, Chairperson

#### **ANNOUNCEMENT**

The Appropriations Committee designates LB974 as its priority bill.

#### **ANNOUNCEMENT**

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 12, 2014, summarizing the recommended appropriations for the following biennium.

#### **GENERAL FILE**

**LEGISLATIVE BILL 838.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 438.** Senator Sullivan renewed her amendment, AM1580, found on page 113 and considered on page 512, to the committee amendment.

**SENATOR COASH PRESIDING**

**SENATOR KRIST PRESIDING**

**SENATOR COASH PRESIDING**

Pending.

**COMMITTEE REPORTS**

Health and Human Services

**LEGISLATIVE BILL 660.** Placed on General File with amendment.  
AM1882

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 68-1212, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 68-1212 (1) Except as provided in subsection (2) of
- 6 this section, by April 1, 2012, for all cases in which a
- 7 court has awarded a juvenile to the care of the Department of
- 8 Health and Human Services according to subsection (1) of section
- 9 43-285 and for any noncourt and voluntary cases, the case manager
- 10 shall be an employee of the department. Such case manager shall
- 11 be responsible for and shall directly oversee: Case planning;
- 12 service authorization; investigation of compliance; monitoring
- 13 and evaluation of the care and services provided to children
- 14 and families; and decisionmaking regarding the determination of
- 15 visitation and the care, placement, medical services, psychiatric
- 16 services, training, and expenditures on behalf of each juvenile
- 17 under subsection (1) of section 43-285. Such case manager shall be
- 18 responsible for decisionmaking and direct preparation regarding the
- 19 proposed plan for the care, placement, services, and permanency of
- 20 the juvenile filed with the court required under subsection (2)
- 21 of section 43-285. The health and safety of the juvenile shall be
- 22 the paramount concern in the proposed plan in accordance with such
- 23 subsection.
- 1 (2) The department may contract with a lead agency
- 2 for a case management lead agency model pilot project in the
- 3 department's eastern service area as designated pursuant to section
- 4 81-3116. The department shall include in the pilot project the
- 5 appropriate conditions, performance outcomes, and oversight for the
- 6 lead agency, including, but not be limited to:
- 7 (a) The reporting and survey requirements of lead
- 8 agencies described in sections 43-4406 and 43-4407;
- 9 (b) Departmental monitoring and functional capacities of
- 10 lead agencies described in section 43-4408;
- 11 (c) The key areas of evaluation specified in subsection
- 12 (3) of section 43-4409;
- 13 (d) Compliance and coordination with the development of

14 the statewide strategic plan for child welfare program and service  
15 reform pursuant to Laws 2012, LB821; and  
16 (e) Assurance of financial accountability and reporting  
17 by the lead agency.

18 (3) ~~Prior to April 1, 2013, the Health and Human Services~~  
19 ~~Committee of the Legislature shall review the pilot project and~~  
20 ~~provide to the department and the Legislature recommendations,~~  
21 ~~and any legislation necessary to adopt the recommendations,~~  
22 ~~regarding the adaptation or continuation of the pilot project. In~~  
23 ~~making the recommendations, the committee shall utilize: (a) The~~  
24 ~~evaluation completed pursuant to Legislative Bill 1160, One Hundred~~  
25 ~~Second Legislature, Second Session, 2012; (b) the recommendations~~  
26 ~~of the statewide strategic plan pursuant to Legislative Bill~~  
27 ~~821, One Hundred Second Legislature, Second Session, 2012; (c)~~  
1 ~~the department's assessment of the pilot project; and (d) any~~  
2 ~~additional reports, surveys, information, and data provided to and~~  
3 ~~requested by the committee. If the pilot project continues past~~  
4 ~~April 1, 2013, the Before June 30, 2014, the department may extend~~  
5 ~~the contract for the pilot project described in subsection (2)~~  
6 ~~of this section to December 31, 2015. The lead agency shall also~~  
7 ~~comply with the requirements of section 43-4204.~~

8 Sec. 2. If the pilot project described in section 68-1212  
9 is extended by the Department of Health and Human Services,  
10 an evaluation of the pilot project shall be completed by the  
11 Legislature prior to December 31, 2014. The Legislature shall  
12 utilize all necessary resources, including the hiring of a  
13 consultant if deemed necessary. The department and any child  
14 welfare entity which has contracted with the department shall  
15 provide all data and information to the Legislature to assist in  
16 the evaluation.

17 Sec. 3. Original section 68-1212, Revised Statutes  
18 Cumulative Supplement, 2012, is repealed.

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

(Signed) Kathy Campbell, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 816.** Placed on General File.

**LEGISLATIVE BILL 983.** Placed on General File with amendment.  
AM1820 is available in the Bill Room.

(Signed) Annette Dubas, Chairperson

General Affairs

**LEGISLATIVE BILL 1104.** Indefinitely postponed.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Stanley Elsasser - State Electrical Board  
George Morrissey - State Electrical Board

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Candy Henning - Nebraska Arts Council  
Mark Laughlin - Nebraska Arts Council  
Melissa Marvin - Nebraska Arts Council

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Edward F. Hoffman - Nebraska Commission on Problem Gambling

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

#### **NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Wednesday, February 19, 2014 11:00 a.m.

Esther Casmer - Board of Parole

Wednesday, February 19, 2014 1:30 p.m.

LB1089  
LB988  
LB1044  
LB839  
LB962



(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Wednesday, February 19, 2014 1:30 p.m.

LB723  
LB922  
LB938  
LB956

Thursday, February 20, 2014 1:30 p.m.

LB812  
LB960  
LB1053

(Signed) Galen Hadley, Chairperson

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR440	Banking, Commerce and Insurance

(Signed) John Wightman, Chairperson  
Executive Board

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

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

**LEGISLATIVE BILL 872A.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, One Hundred Third Legislature, Second Session, 2014.

#### **ANNOUNCEMENTS**

The Transportation and Telecommunications Committee designates LB983 as its priority bill.

Senator B. Harr designates LB752 as his priority bill.

**AMENDMENTS - Print in Journal**

Senator Lautenbaugh filed the following amendment to LB438:

FA199

Amend AM1580

On page 1 line 7 strike "Accountability" and insert "Postponement"

Senator Nordquist filed the following amendment to LB191:

AM1918

(Amendments to Standing Committee amendments, AM707)

1. On page 1, line 20, strike "2020" and insert "2017".

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Gloor asked unanimous consent to add his name as cointroducer to LB748. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members from Leadership Hastings.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTY-SIXTH DAY - FEBRUARY 13, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 13, 2014

**PRAYER**

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**MESSAGE FROM THE GOVERNOR**

February 12, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

This letter is to inform you that the request for confirmation of the appointment of Jerry Duane Holdsworth as a member of the Board of Emergency Medical Services is respectfully withdrawn.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMITTEE REPORTS**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 750.** Placed on General File with amendment.  
AM1859

- 1 1. On page 2, line 12, after the underscored period
- 2 insert: "Not later than May 31, 2014, the Secretary of State
- 3 shall notify, by first-class mail, the lienholders of record of
- 4 the liens described in this section that such a lien shall lose
- 5 its perfection unless a continuation statement is filed with the
- 6 Secretary of State as provided in this section.".

**LEGISLATIVE BILL 819.** Placed on General File with amendment.  
AM1826

- 1 1. On page 2, line 12, after "indebtedness" insert "to be
- 2 secured".
- 3 2. On page 4, line 11, strike "trust deed" and insert
- 4 "mortgage"; and in line 21 after the period insert "The notice
- 5 under this subdivision shall be sent by certified mail to the
- 6 mortgagee at the address of the mortgagee set forth in the mortgage
- 7 or, if the mortgage has been assigned, to the address of the
- 8 most recent assignee reflected in a recorded assignment of the
- 9 mortgage.".
- 10 3. On page 5, strike beginning with "transfer" in line 12
- 11 through "the" in line 13; and strike beginning with "transfer" in
- 12 line 16 through the first "the" in line 17.
- 13 4. On page 7, lines 2 through 4, reinstate the stricken
- 14 matter and in line 4, after the reinstated "deed" insert "or, if
- 15 the trust deed has been assigned, to the address of the most recent
- 16 assignee reflected in a recorded assignment of the trust deed".

**LEGISLATIVE BILL 876.** Placed on General File with amendment.  
AM1893

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. An exclusion in a homeowner's or owner's,
- 4 landlord's, and tenant's policy of insurance for loss arising out
- 5 of the discharge, dispersal, release, or escape of pollutants shall
- 6 include an exception to the exclusion for bodily injury sustained
- 7 within a building and caused by smoke, fumes, vapor, or soot
- 8 produced by or originating from a heating system or ventilation
- 9 system. This section applies to policies issued or delivered in
- 10 this state on or after January 1, 2015.

(Signed) Mike Gloor, Chairperson

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 12, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Getachew, DeNora M.  
Brennan Center for Justice  
Kelley & Jerram, PC, LLO  
Guardian Tax Partners  
Mines, Mick  
Nebraska Grocery Industry Association

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 56.** With Emergency Clause.

A BILL FOR AN ACT relating to county officers; to amend section 32-815, Reissue Revised Statutes of Nebraska, and sections 32-615 and 32-811, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to write-in candidates; to provide for automatic nomination of certain county officers; 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, 41:

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

Voting in the negative, 2:

Bloomfield Wallman

Present and not voting, 1:

Bolz

Excused and not voting, 5:

Ashford Campbell Davis Lathrop Lautenbaugh

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 588.**

A BILL FOR AN ACT relating to veterans; to amend sections 23-2529, 48-225, and 48-227, Reissue Revised Statutes of Nebraska; to change employment preference provisions; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Ashford Campbell Davis Lathrop Lautenbaugh

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

**MOTION - Return LB371 to Select File**

Senator Mello moved to return LB371 to Select File for his specific amendment, AM1863, found on page 486.

The Mello motion to return prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 371.** The Mello specific amendment, AM1863, found on page 486, was adopted with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 56 and 588.

**SENATOR KRIST PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 438.** Committee AM1240, found on page 1237, First Session, 2013, and considered on page 512, was renewed.

Senator Sullivan renewed her amendment, AM1580, found on page 113 and considered on pages 512 and 525, to the committee amendment.

The Sullivan amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh withdrew his amendment, FA199, found on page 530.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, February 24, 2014 1:30 p.m.

Frank Harwood - Technical Advisory Committee for Statewide Assessment

Jim Hain - Board of Educational Lands and Funds

LB1081

LB789

LB958

LB834

LB1009

Tuesday, February 25, 2014 1:30 p.m.

Chad W. Buckendahl - Technical Advisory Committee for Statewide

Assessment

LB1060

LB972

LB973

LB1099

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 24, 2014 1:30 p.m.

Barbara J. Keegan - Board of Public Roads Classifications and Standards

James Litchfield - Board of Public Roads Classifications and Standards

Mick Syslo - Board of Public Roads Classifications and Standards

Edward Wootton - Board of Public Roads Classifications and Standards

LB925

LB954

(Signed) Annette Dubas, Chairperson



Revenue

Room 1524

Wednesday, February 26, 2014 1:30 p.m.

LB978  
LB979  
LB1043  
LB1067

Thursday, February 27, 2014 1:30 p.m.

LB708  
LB709  
LB836  
LB885

Friday, February 28, 2014 1:30 p.m.

LB1025  
LB1031  
LB1057  
LR423CA

(Signed) Galen Hadley, Chairperson

Judiciary

Room 1113

Thursday, February 20, 2014 1:30 p.m.

LB890  
LB868  
LB1034  
LB1006  
LB1105

Friday, February 21, 2014 1:30 p.m.

LB808  
LB927  
LB1015  
LB893  
LB862

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORT**

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Richard R. Bell - Game and Parks Commission

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 13, 2014, at 9:25 a.m. were the following: LBs 56e and 588.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 838.** Placed on Select File.

(Signed) John Murante, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 13, 2014

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 33, 76e, 174, 215, 272, 278, 403, 446, 470e, 513, 514, 597e, 656, 657, 658, and 659 were received in my office on February 7, 2014.

These bills were signed and delivered to the Secretary of State on February 13, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE**

**LEGISLATIVE BILL 740.** Title read. Considered.

**SENATOR GLOOR PRESIDING**

Committee AM1723, found on page 446, was offered.

**SENATOR KRIST PRESIDING**

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

The committee amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 671.** Placed on General File with amendment.  
AM1637

- 1 1. Strike original section 2.
- 2 2. On page 3, line 24, strike "sections 37-452 and
- 3 37-559" and insert "section 37-452"; and in line 25 strike "are"
- 4 and insert "is".
- 5 3. On page 4, line 1, strike "sections are" and insert
- 6 "section is"; and in line 2 strike "Sections 37-472 and" and insert
- 7 "Section".
- 8 4. Renumber the remaining sections accordingly.

(Signed) Tom Carlson, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 438A.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, One Hundred Third Legislature, Second Session, 2014.

**GENERAL FILE**

**LEGISLATIVE BILL 191.** Title read. Considered.

Committee AM707, found on page 1736, First Session, 2013, was offered.

Senator Nordquist offered his amendment, AM1918, found on page 530, to the committee amendment.

The Nordquist amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Pending.

**COMMITTEE REPORTS**

General Affairs

**LEGISLATIVE BILL 888.** Placed on General File.

**LEGISLATIVE BILL 899.** Placed on General File.

(Signed) Russ Karpisek, Chairperson

**ANNOUNCEMENTS**

Senator McCoy designates LB670 as his priority bill.

Senator Brasch designates LB145 as her priority bill.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 441.** Introduced by B. Harr, 8; Bloomfield, 17; Carlson, 38; Hansen, 42; Johnson, 23; Lathrop, 12; Schilz, 47; Wallman, 30.

WHEREAS, Tamas (Tam) Allan was appointed to the Nebraska State Fair Board in 2004 by Governor Mike Johanns; and

WHEREAS, Tam Allan served as vice-chairperson of the Nebraska State Fair Board from 2007 to 2012; and

WHEREAS, Tam Allan chaired the committee that was instrumental with the relocation and revitalization of the Nebraska State Fair in Grand Island; and

WHEREAS, Tam Allan served three consecutive terms on the Nebraska State Fair Board until his last term expired in December of 2013.

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

1. That the Legislature recognizes Tam Allan for his accomplishments and honors him for his outstanding service on the Nebraska State Fair Board.

2. That a copy of this resolution be sent to Tam Allan.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Nordquist filed the following amendment to LB191:  
AM1935

- 1 1. On page 8, strike beginning with "All" in line 2
- 2 through line 17 and insert "All or a portion of the credit received
- 3 under section 3 of this act shall be subject to recapture by
- 4 the Department of Revenue from the person owning the historically
- 5 significant real property on the date the Department of Revenue
- 6 determines the recapture event occurred if at any time during
- 7 the five years after the historically significant real property
- 8 is placed into service the officer or the Department of Revenue
- 9 determines the historically significant real property has been
- 10 the subject of work not in substantial conformance with the
- 11 standards, the approved application, or the documents from which
- 12 the credit was calculated. If the person owning the historically
- 13 significant real property on the date the Department of Revenue
- 14 determines the recapture event occurred is a partnership or limited
- 15 liability company, the liability of the partners or members
- 16 for recapture shall be proportionate to their ownership in the
- 17 applicable partnership or limited liability company. Any action to
- 18 recapture credits under this section may proceed after a written
- 19 notice is given to the person owning the historically significant
- 20 real property on the date the Department of Revenue determines the
- 21 recapture event occurred and such person is allowed a six-month
- 22 cure period. Thereafter, the credit shall be subject to recapture
- 23 as follows:".
- 1 2. On page 10, strike beginning with "filing" in line
- 2 3 through "act" in line 4 and insert "owning the historically
- 3 significant real property on the date the Department of Revenue
- 4 determines the recapture event occurred".

Senator Davis filed the following amendment to LB842:  
AM1946

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 79-8,137.03, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 79-8,137.03 (1) The department shall administer the
- 5 Enhancing Excellence in Teaching Program either directly or by
- 6 contracting with public or private entities.
- 7 (2) To be eligible for the program, an eligible student
- 8 shall:
- 9 (a) Agree to complete an eligible graduate program at
- 10 an eligible institution and to complete the major on which the
- 11 applicant's eligibility is based as determined by the department;
- 12 and
- 13 (b) Commit to teach in an accredited or approved public
- 14 or private school in Nebraska upon successful completion of the
- 15 eligible graduate program for which the applicant is applying to

16 the Enhancing Excellence in Teaching Program and to maintaining  
17 certification pursuant to sections 79-806 to 79-815.

18 (3) Eligible students may apply on an annual basis for  
19 loans in an amount of not more than ~~one hundred seventy five~~  
20 two hundred fifty dollars per credit hour. Loans awarded to  
21 individual students shall not exceed a cumulative period exceeding  
22 five consecutive years. Loans shall only be awarded through the  
23 department. Loans shall be funded pursuant to section 79-8,137.05.

1 Sec. 3. Section 79-8,137.04, Revised Statutes Supplement,  
2 2013, is amended to read:

3 79-8,137.04 (1) Prior to receiving any money from a  
4 loan pursuant to the Enhancing Excellence in Teaching Program, an  
5 eligible student shall enter into a contract with the department.  
6 Such contract shall provide notice to the eligible student that  
7 funding for loans pursuant to the Enhancing Excellence in Teaching  
8 Program terminates on June 30, 2016. Such contract shall be exempt  
9 from the requirements of sections 73-501 to 73-510. The contract  
10 shall require that if (a) the borrower is not employed as a  
11 full-time teacher teaching in an approved or accredited school in  
12 Nebraska for a time period equal to the number of years required  
13 for loan forgiveness pursuant to subsection (2) of this section or  
14 (b) the borrower does not complete the requirements for graduation  
15 within five consecutive years after receiving the initial loan  
16 under the program, then the loan shall be repaid, with interest  
17 at the rate fixed pursuant to section 45-103 accruing as of the  
18 date the borrower signed the contract and actual collection costs  
19 as determined by the department. If a borrower fails to remain  
20 enrolled at an eligible institution or otherwise fails to meet  
21 the requirements of an eligible student, repayment of the loan  
22 shall commence within six months after such change in eligibility.  
23 The State Board of Education may by rules and regulations provide  
24 for exceptions to the conditions of repayment pursuant to this  
25 subsection based upon mitigating circumstances.

26 (2) If the borrower (a) successfully completes the  
27 eligible graduate program and major for which the borrower is  
1 receiving a forgivable loan pursuant to the Enhancing Excellence in  
2 Teaching Program and maintains certification pursuant to sections  
3 79-806 to 79-815, (b) maintains employment as a teacher in an  
4 approved or accredited school in this state, and (c) otherwise  
5 meets the requirements of the contract, payments shall be suspended  
6 for the number of years that the borrower is required to remain  
7 employed as a teacher in this state under the contract. Beginning  
8 ~~after the first two years with the second year~~ of teaching  
9 full-time in Nebraska following graduation for the degree for which  
10 the loan was received, for each year that the borrower teaches  
11 full-time in Nebraska pursuant to the contract, the loan shall be  
12 forgiven in an amount equal to three thousand dollars, except that  
13 if the borrower teaches full-time in a school district that is  
14 in a local system classified as very sparse as defined in section

15 79-1003, teaches in a school building in which at least forty  
16 percent of the students are poverty students as defined in section  
17 79-1003, or teaches in an accredited or approved private school in  
18 Nebraska in which at least forty percent of the enrolled students  
19 qualified for free lunches as determined by the most recent data  
20 available from the department, payments shall be forgiven each year  
21 in an amount equal to six thousand dollars.  
22 2. Renumber the remaining sections and amend the repealer  
23 accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Kintner asked unanimous consent to add his name as cointroducer to LB814 and LB698. No objections. So ordered.

Senators Ashford, Lathrop, Mello, and Nordquist asked unanimous consent to add their names as cointroducers to LB465. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB191. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were 8 members from the District 31 Student Advisory Council; and 20 Home Instead Senior Care franchise owners from across the state.

The Doctor of the Day was Dr. Mark Ptacek from Omaha.

#### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 10:00 a.m., Tuesday, February 18, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-SEVENTH DAY - FEBRUARY 18, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 18, 2014

**PRAYER**

The prayer was offered by Father Charles Kestermeier, Creighton University, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Scheer who was excused; and Senators Campbell, Dubas, Harms, Mello, Watermeier, and Wightman who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 438.** Placed on Select File with amendment.  
ER136

- 1 1. In the Sullivan amendment, AM1580, on page 3, line 2,
- 2 strike "Members" and insert "Any member".
- 3 2. On page 1, line 1, strike "education" and insert
- 4 "the Quality Education Accountability Act"; and strike beginning
- 5 with "provide" in line 3 through the first semicolon in line
- 6 4 and insert "change provisions relating to the accountability
- 7 system for schools and school districts; to provide for designation
- 8 of priority schools, appointment of intervention teams, and
- 9 development of progress plans; to require reports;".

**LEGISLATIVE BILL 740.** Placed on Select File.

(Signed) John Murante, Chairperson

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 371.** Placed on Final Reading Second.

(Signed) John Murante, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 442.** Introduced by Coash, 27.

WHEREAS, Donald (Don) R. Everett, Sr., of Lincoln, was born in 1943 to Wilbert and Sarah (Sally) Everett; and

WHEREAS, Don began working with his mother at the Runza near Pioneers Park in Lincoln in 1964, and two years later incorporated the business and opened his first Runza Drive-Inn Restaurant at 56th and Holdrege Streets in Lincoln; and

WHEREAS, Don's chain of Runza restaurants eventually grew to over 80 stores located in Nebraska, Colorado, Iowa, and Kansas. Runza received numerous awards under Don's management, including the Chamber Cornerstone Award, the National Restaurant Association Restaurant Neighbor Award, and the Rotary-Chamber Salute to Business Award; and

WHEREAS, Don also received the Nebraska Restaurateur of the Year Award and the United States Small Business Administration Award for Entrepreneurial Success, and was inducted into the Nebraska Business Hall of Fame, the Omaha Hospitality Hall of Fame, and the Lincoln Southeast High School Athletic Hall of Fame; and

WHEREAS, Don was very competitive in business and sports and always loved the underdog. He took great pride in the successful careers of thousands of his young employees and loved his grandchildren, several of whom also worked at his restaurants; and

WHEREAS, Don passed away on February 11, 2014, at age 70, and is survived by his wife, Sandra, three children, and eight grandchildren.

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

1. That the Legislature expresses its condolences to the family of Donald R. Everett and recognizes Don's entrepreneurial spirit and contributions to his home community of Lincoln and the State of Nebraska.

2. That a copy of this resolution be sent to the family of Donald R. Everett.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 661A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 661, One Hundred Third Legislature, Second Session, 2014.

**MESSAGES FROM THE GOVERNOR**

February 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Marla Bruder, 129 County Road 2500, Denton, NE 68339  
Edward F. Hoffman, 3845 Randolph Street, Lincoln, NE 68510  
Janelle Holt, 14234 Woolworth Circle, Omaha, NE 68144

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

February 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Commission of Industrial Relations:

David J. Patsch, 2016 1st Avenue, Nebraska City, NE 68410

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

### **MOTIONS - Approve Appointments**

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 472:

Public Employees Retirement Board  
Janis N. Elliott

Voting in the affirmative, 30:

Adams	Christensen	Hansen	Krist	Pirsch
Avery	Cook	Howard	Larson	Schilz
Bloomfield	Crawford	Janssen	Lautenbaugh	Schumacher
Brasch	Davis	Karpisek	Murante	Seiler
Carlson	Garrett	Kintner	Nelson	Sullivan
Chambers	Gloor	Kolowski	Nordquist	Wallman

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Conrad	Harr, B.	McCoy
Bolz	Haar, K.	Johnson	McGill
Coash	Hadley	Lathrop	Smith

Excused and not voting, 7:

Campbell	Harms	Scheer	Wightman
Dubas	Mello	Watermeier	

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 487:

Nebraska Educational Telecommunications Commission  
 Kenneth Bird  
 Frederik Ohles  
 J. Richard Shoemaker

Voting in the affirmative, 37:

Adams	Christensen	Harr, B.	Larson	Schilz
Avery	Conrad	Howard	Lautenbaugh	Schumacher
Bloomfield	Cook	Janssen	McCoy	Smith
Bolz	Crawford	Johnson	Mello	Sullivan
Brasch	Davis	Karpisek	Murante	Wallman
Campbell	Garrett	Kintner	Nelson	
Carlson	Gloor	Kolowski	Nordquist	
Chambers	Hansen	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Haar, K.	Lathrop	Seiler
Coash	Hadley	McGill	

Excused and not voting, 5:

Dubas	Harms	Scheer	Watermeier	Wightman
-------	-------	--------	------------	----------

The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 510:

Nebraska Power Review Board  
 Dennis E. Grennan

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Conrad	Janssen	McGill
Avery	Garrett	Lathrop	

Excused and not voting, 1:

Scheer

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 511:

Game and Parks Commission  
Rex Fisher

Voting in the affirmative, 34:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Johnson	Mello	Seiler
Bloomfield	Crawford	Karpisek	Murante	Smith
Brasch	Gloor	Kintner	Nelson	Wallman
Carlson	Haar, K.	Kolowski	Nordquist	Watermeier
Chambers	Hansen	Krist	Pirsch	Wightman
Christensen	Harms	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Coash	Garrett	Janssen	McGill
Bolz	Davis	Hadley	Lathrop	Sullivan
Campbell	Dubas	Howard	Lautenbaugh	

Excused and not voting, 1:

Scheer

The appointment was confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 528:

State Electrical Board  
 Stanley Elsasser  
 George Morrissey

Voting in the affirmative, 34:

Adams	Cook	Harms	Larson	Schumacher
Bloomfield	Crawford	Harr, B.	McCoy	Seiler
Brasch	Davis	Johnson	Murante	Smith
Campbell	Dubas	Karpisek	Nelson	Wallman
Chambers	Garrett	Kintner	Nordquist	Watermeier
Christensen	Haar, K.	Kolowski	Pirsch	Wightman
Conrad	Hadley	Krist	Schilz	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Carlson	Hansen	Lathrop	Mello
Avery	Coash	Howard	Lautenbaugh	Sullivan
Bolz	Gloor	Janssen	McGill	

Excused and not voting, 1:

Scheer

The appointments were confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 528:

Nebraska Arts Council  
 Candy Henning  
 Mark Laughlin  
 Melissa Marvin

Voting in the affirmative, 29:

Adams	Crawford	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Dubas	Johnson	McCoy	Schumacher
Brasch	Garrett	Karpisek	Mello	Seiler
Chambers	Gloor	Kintner	Murante	Smith
Conrad	Haar, K.	Kolowski	Nelson	Wightman
Cook	Harms	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 19:

Ashford	Carlson	Hadley	Larson	Sullivan
Avery	Christensen	Hansen	Lathrop	Wallman
Bolz	Coash	Howard	McGill	Watermeier
Campbell	Davis	Janssen	Nordquist	

Excused and not voting, 1:

Scheer

The appointments were confirmed with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 528:

Nebraska Commission on Problem Gambling  
Edward F. Hoffman

Voting in the affirmative, 31:

Bloomfield	Garrett	Karpisek	Mello	Seiler
Campbell	Gloor	Kintner	Murante	Smith
Carlson	Haar, K.	Kolowski	Nelson	Wightman
Chambers	Hadley	Krist	Nordquist	
Conrad	Harms	Larson	Pirsch	
Crawford	Harr, B.	Lautenbaugh	Schilz	
Dubas	Johnson	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 17:

Adams	Brasch	Davis	Lathrop	Watermeier
Ashford	Christensen	Hansen	McGill	
Avery	Coash	Howard	Sullivan	
Bolz	Cook	Janssen	Wallman	

Excused and not voting, 1:

Scheer

The appointment was confirmed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.



**GENERAL FILE**

**LEGISLATIVE BILL 438A.** Title read. Considered.

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

**SELECT FILE**

**LEGISLATIVE BILL 838.** Considered.

Advanced to Enrollment and Review for Engrossment.

**CORRECTED NOTICE OF COMMITTEE HEARING**  
Appropriations

Room 1003

Wednesday, February 19, 2014 ~~8:30 a.m.~~ 1:30 p.m.

Agency 23  
LB1023  
LB1047  
LB1114  
LB1019

(Signed) Heath Mello, Chairperson

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Tuesday, February 25, 2014 1:30 p.m.

LB667  
LB756  
LB847  
LB1071

(Signed) Annette Dubas, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 443.** Introduced by Hadley, 37.

WHEREAS, Kevin Witte, a Kearney High School social studies teacher, has received the 2013-14 Milken Educator Award; and

WHEREAS, the Milken Educator Awards program, considered the "Oscars of Teaching," rewards and inspires excellence in the world of education by honoring top educators around the country with \$25,000 unrestricted awards. The Milken Educator Award targets early-to-mid career education professionals for their already impressive achievements and, more significantly, for the promise of what they will accomplish in the future; and

WHEREAS, Kevin teaches World Geography, World History, Advanced Placement World History, and American History at Kearney High School. Kevin also developed the curriculum to create a well-received new course called International Wealth and Poverty. Kevin uses his overseas travels to enrich the classroom experience for his students beyond textbooks, and in the process shows them that being a true scholar is an exciting and relevant endeavor; and

WHEREAS, Kevin's teaching style, which encourages critical thinking and ensures comprehension every step of the way, shows his commitment to putting students on the path of lifelong learning. Kevin has gone above and beyond in his profession, as well as in his personal education, by embarking on purposeful global journeys, earning two master's degrees in history and education while working, and teaching himself Latin during his lunch breaks; and

WHEREAS, outside of the classroom, Kevin takes advantage of opportunities to impact even more students by mentoring new teachers, by serving on numerous committees for Kearney Public Schools, and by recently playing an important role in revising Nebraska's social studies standards at the state level.

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

1. That the Legislature congratulates Kevin Witte on receiving the 2013-14 Milken Educator Award and expresses its gratitude for his dedication to our state's students and to the future of education.

2. That a copy of this resolution be sent to Kevin Witte.

Laid over.

**LEGISLATIVE RESOLUTION 444.** Introduced by Legislative Performance Audit Committee: Harms, 48, Chairperson; Adams, 24; Dubas, 34; Krist, 10; Mello, 5; Watermeier, 1; Wightman, 36.

WHEREAS, the Legislative Performance Audit Committee issued a report in February 2013 after examining Nebraska's business tax incentive programs; and

WHEREAS, the overarching finding of the audit conducted by the committee was that the program goals expressed by the Legislature in statute and during legislative debate are too general to permit a meaningful evaluation of whether the programs are accomplishing those goals; and

WHEREAS, the state has granted millions of dollars in tax refunds and credits to qualifying businesses, and the businesses using those incentives have invested millions of dollars in the state and have created new jobs, but

it remains unclear how much of that business activity may have occurred without the tax incentives; and

WHEREAS, the initiation and development of an in-depth and ongoing system of review of Nebraska's tax incentive programs is needed to determine the value of those programs to the state.

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

1. The Tax Incentive Evaluation Committee is created as a special legislative committee and shall comprise:

- (a) The members of the Legislative Performance Audit Committee;
- (b) The chairperson and vice-chairperson of the Appropriations Committee;
- (c) The chairperson and vice-chairperson of the Revenue Committee; and
- (d) One other member of the Legislature selected by the Executive Board of the Legislative Council.

2. The chairperson of the Legislative Performance Audit Committee shall serve as the chairperson of the Tax Incentive Evaluation Committee, which shall meet as often as is deemed necessary in order to accomplish the objectives enumerated in this resolution.

3. In consultation with interested stakeholders, the Tax Incentive Evaluation Committee shall be tasked with, but not be limited to, developing recommendations for the following:

- (a) Specific and measurable goals for each tax incentive program, including the Nebraska Advantage Act, the Nebraska Advantage Rural Development Act, the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, the Beginning Farmer Tax Credit Act, and the Angel Investment Tax Credit Act;
- (b) A process for the regular evaluation of tax incentives;
- (c) Who should conduct the evaluations and what types of metrics should be used;
- (d) How often the evaluations should be conducted; and
- (e) Proposed legislation to put requirements for ongoing evaluations in statute.

4. The Tax Incentive Evaluation Committee may hold public hearings and shall issue a report to the Executive Board of the Legislative Council not later than December 15, 2014. The report may make any recommendations to update or restructure Nebraska's tax incentive programs, and include proposed language for any needed legislation. The committee shall also identify any areas on this subject requiring further study and analysis. The report to the Legislature shall be submitted electronically.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR444 was referred to the Reference Committee.

**COMMITTEE REPORTS**

## Revenue

**LEGISLATIVE BILL 867.** Placed on General File with amendment. AM1954 is available in the Bill Room.

(Signed) Galen Hadley, Chairperson

Health and Human Services

**LEGISLATIVE BILL 728.** Placed on General File.

**LEGISLATIVE BILL 854.** Placed on General File.

**LEGISLATIVE BILL 898.** Placed on General File.

**LEGISLATIVE BILL 1076.** Placed on General File with amendment. AM1903

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 68-901, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 68-901 Sections 68-901 to 68-974 and section 2 of this  
 6 act shall be known and may be cited as the Medical Assistance Act.  
 7 Sec. 2. (1) The Legislature finds that:  
 8 (a) The federal Patient Protection and Affordable  
 9 Care Act of 2010, Public Law 111-148, provides for medicaid  
 10 reimbursement for programs to permit disabled adults and the  
 11 elderly to continue living in their homes and not in long-term care  
 12 facilities;  
 13 (b) States may apply for federal funds to implement such  
 14 programs which are intended to enhance opportunities for living  
 15 in community-based settings rather than long-term care facilities,  
 16 improve systems' performance and efficiency, create tools to help  
 17 consumers with care planning and assessment, and improve quality  
 18 measurement and oversight; and  
 19 (c) A number of states are participating in such  
 20 programs, and when completed the results of the programs will  
 21 be available to all states.  
 22 (2) Effective January 1, 2014, for medicaid authorization  
 23 and payment for medically necessary home health care services,  
 1 there shall be no reduction in reimbursement rates and no changes  
 2 in limitation on services, including, but not limited to, more  
 3 than one home health visit in a day to provide skilled nursing  
 4 services, nursing services, and aide services until the State  
 5 Balancing Incentive Payments Program pursuant to section 10202 of  
 6 the federal Patient Protection and Affordable Care Act of 2010,  
 7 as such section existed on January 1, 2014, has been completed by  
 8 the participating states and the Department of Health and Human  
 9 Services has reviewed the results of the program and assessed  
 10 and determined how Nebraska's provision of medicaid home health

- 11 services can be improved.  
12 Sec. 3. This act becomes operative on January 1, 2014.  
13 Sec. 4. Original section 68-901, Revised Statutes  
14 Cumulative Supplement, 2012, is repealed.  
15 Sec. 5. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Donald L. Harmon - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Becky Rieken - Commission for the Blind and Visually Impaired

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Trisha Crandall - Nebraska Child Abuse Prevention Fund Board  
Lisa L. Knoche - Nebraska Child Abuse Prevention Fund Board  
Brandon Verzal - Nebraska Child Abuse Prevention Fund Board

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeromy Warner - State Board of Health

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**ANNOUNCEMENT**

Senator Wightman designates LB788 as his priority bill.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 814A.** Introduced by Avery, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 814, One Hundred Third Legislature, Second Session, 2014.

**GENERAL FILE**

**LEGISLATIVE BILL 191.** Committee AM707, found on page 1736, First Session, 2013, and considered on page 540, as amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Nordquist offered his amendment, AM1935, found on page 541.

Senator Schumacher offered the following amendment to the Nordquist amendment:

AM1971

(Amendments to AM1935)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendments:
- 3 1. On page 8, strike beginning with "All" in line 2
- 4 through line 17 and insert "The officer shall no less than annually
- 5 during the recapture period set forth in this section inspect
- 6 the historically significant real property to determine whether
- 7 any work has occurred on the property that would diminish its
- 8 historic significance. All or a portion of the credit received
- 9 under section 3 of this act shall be subject to recapture by the
- 10 Department of Revenue from the foreclosure of a lien which shall,
- 11 as a condition of the department issuing credits under section
- 12 3 of this act, be imposed on the historically significant real
- 13 property as a lien having the priority of a tax lien or shall be
- 14 subject to recapture by the Department of Revenue directly from
- 15 the person owning the historically significant real property on the
- 16 date the recapture event occurred, which date shall be determined
- 17 by the officer, if at any time during the twenty years after
- 18 the historically significant real property is placed into service
- 19 the officer determines the historically significant real property
- 20 has been the subject of work not in substantial conformance with
- 21 any ordinance approved by the officer as described in subdivision

22 (2)(c) or (2)(d) of section 2 of this act, the standards, the  
 1 approved application, or the documents from which the credit was  
 2 calculated. If the person owning the historically significant real  
 3 property on the date the officer determines the recapture event  
 4 occurred is a corporation having an election in effect under  
 5 subchapter S of the Internal Revenue Code of 1986, as amended,  
 6 a partnership, or a limited liability company, the liability of  
 7 the shareholders, partners, or members for recapture shall be  
 8 proportionate to their ownership in the applicable corporation,  
 9 partnership, or limited liability company. If the person owning  
 10 the historically significant real property on the date the officer  
 11 determines the recapture event occurred is a corporation which is  
 12 not a corporation having an election in effect under subchapter S  
 13 of the Internal Revenue Code of 1986, as amended, the directors  
 14 and principal officers of such corporation shall be jointly and  
 15 severally liable for recapture. Any action to recapture credits  
 16 under this section may proceed after a written notice is given to  
 17 the person owning the historically significant real property on the  
 18 date the officer determines the recapture event occurred and such  
 19 person is allowed a six-month cure period. Thereafter, the lien  
 20 imposed pursuant to this section shall be subject to foreclosure  
 21 in the same manner as a tax lien is foreclosed and the credit  
 22 shall be subject to recapture directly from the person owning the  
 23 historically significant real property on the date the recapture  
 24 event occurred as follows:"; and in lines 19, 22, and 25 strike  
 25 "year" and insert "four-year period".  
 26 2. On page 9, lines 3 and 7, strike "year" and insert  
 27 "four-year period".  
 1 3. On page 10, strike beginning with "filing" in line  
 2 3 through "act" in line 4 and insert "owning the historically  
 3 significant real property on the date the officer determines the  
 4 recapture event occurred".

#### **SPEAKER ADAMS PRESIDING**

Pending.

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 434, 435, 436, 437, 438, and 439 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 434, 435, 436, 437, 438, and 439.

**NOTICE OF COMMITTEE HEARING**

Agriculture

Room 1510

Tuesday, February 25, 2014 1:30 p.m.

LR427

(Signed) Ken Schilz, Chairperson

**AMENDMENT - Print in Journal**Senator Schumacher filed the following amendment to LB191:

FA200

Insert immediately prior to the word "or" on page 3, line 15, the following:  
", political subdivision,"**ANNOUNCEMENTS**

Senator Davis designates LB402 as his priority bill.

The Legislative Performance Audit Committee designates LB836 as its priority bill.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Kintner asked unanimous consent to add his name as cointroducer to LB191. No objections. So ordered.

Senator Johnson asked unanimous consent to add his name as cointroducer to LB191. No objections. So ordered.

Senators Christensen, Hansen, Harms, Karpisek, Mello, Seiler, and Wallman asked unanimous consent to add their names as cointroducers to LB1057. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of Leadership Beatrice; 50 members of the Nebraska Firearms Owners Association from across the state; members of the League of Women Voters of Nebraska, American Association of University Women of Nebraska, and 7 student guests from across the state; and Karl and James Gaiser.

The Doctor of the Day was Dr. Keim from Lincoln.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Cook, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-EIGHTH DAY - FEBRUARY 19, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 19, 2014

**PRAYER**

The prayer was offered by Pastor Jim Runnels, Verdon Christian Church, Verdon.

**ROLL CALL**

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

The roll was called and all members were present except Senators Christensen, Conrad, Lautenbaugh, and Murante who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 445.** Introduced by Adams, 24.

WHEREAS, the NEBRASKAland Foundation on Saturday, March 1, 2014, at the annual Statehood Day Dinner held in the Nebraska State Capitol, will present the Distinguished NEBRASKAlander Award to three honorees; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Eric Brown, a Lexington native, who is well-known in Nebraska and especially in the agricultural community. Eric is the retired general manager of several radio stations including KRVN, known by many as the "Rural Voice of Nebraska." Broadcasting has been Eric's calling in life, starting with part-time announcing, pursuing advanced degrees, and finally becoming an honored leader in broadcast journalism. Eric is known for his leadership in many business, civic, and professional organizations including those associated with the University of Nebraska. Eric recognizes the tremendous importance of agriculture in Nebraska, and Nebraska agriculture

has recognized Eric for his service to farm families and agribusiness throughout his career; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Bruce Lauritzen, of Omaha, a leader in banking and business in Nebraska, and the fifth generation in his family to be involved in the management of First National Bank of Omaha where Bruce is chairman of its parent companies. First National was founded in 1857, prior to Nebraska statehood, and is now the largest private banking organization in the United States. Bruce led First National's impressive development in downtown Omaha with the construction of First National Tower, now Nebraska's tallest building, and the creation of two sculpture parks depicting the courage of pioneers and the spirit of the Nebraska wilderness. Bruce has served on numerous civic boards and contributed to community and statewide philanthropy, including the beautiful Lauritzen Gardens, a botanical garden located in South Omaha; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Joel Sartore, of Lincoln, who brings great recognition to Nebraska through his work in photography. Since 1992, Joel has contributed more than thirty-five stories as a photographer for National Geographic magazine. Joel has also contributed to other magazines including Audubon, Geo, Life, Newsweek, Sports Illustrated, and Time. Joel is best known for his photographs of wildlife and, according to National Geographic, has battled to conserve natural spaces and the habitats they support. Joel is also a speaker, author, and teacher with a degree in journalism from the University of Nebraska. Joel has been on the other side of the lens as the subject of a PBS documentary entitled "At Close Range," and as a participant on national broadcasts including as a regular contributor on the CBS Sunday Morning Show with Charles Osgood.

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be given to all honorees.

Laid over.

#### **NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Wednesday, February 26, 2014 1:30 p.m.

LB1049  
LB811  
LB1027  
LB1035  
LB1110

Thursday, February 27, 2014 1:30 p.m.

LB1108  
LB1109  
LB1032  
LB1000  
LB1062

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 26, 2014 8:45 a.m.

Larry Johnson - State Emergency Response Commission

(Signed) Bill Avery, Chairperson

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 838.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**CORRECTED COMMITTEE REPORT**  
Health and Human Services

**LEGISLATIVE BILL 660.** Corrected amendment:

AM1985

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 68-1212, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 68-1212 (1) Except as provided in subsection (2) of  
6 this section, by April 1, 2012, for all cases in which a  
7 court has awarded a juvenile to the care of the Department of  
8 Health and Human Services according to subsection (1) of section  
9 43-285 and for any noncourt and voluntary cases, the case manager  
10 shall be an employee of the department. Such case manager shall  
11 be responsible for and shall directly oversee: Case planning;  
12 service authorization; investigation of compliance; monitoring  
13 and evaluation of the care and services provided to children  
14 and families; and decisionmaking regarding the determination of  
15 visitation and the care, placement, medical services, psychiatric  
16 services, training, and expenditures on behalf of each juvenile  
17 under subsection (1) of section 43-285. Such case manager shall be

18 responsible for decisionmaking and direct preparation regarding the  
19 proposed plan for the care, placement, services, and permanency of  
20 the juvenile filed with the court required under subsection (2)  
21 of section 43-285. The health and safety of the juvenile shall be  
22 the paramount concern in the proposed plan in accordance with such  
23 subsection.

1 (2) The department may contract with a lead agency  
2 for a case management lead agency model pilot project in the  
3 department's eastern service area as designated pursuant to section  
4 81-3116. The department shall include in the pilot project the  
5 appropriate conditions, performance outcomes, and oversight for the  
6 lead agency, including, but not be limited to:

7 (a) The reporting and survey requirements of lead  
8 agencies described in sections 43-4406 and 43-4407;

9 (b) Departmental monitoring and functional capacities of  
10 lead agencies described in section 43-4408;

11 (c) The key areas of evaluation specified in subsection  
12 (3) of section 43-4409;

13 (d) Compliance and coordination with the development of  
14 the statewide strategic plan for child welfare program and service  
15 reform pursuant to Laws 2012, LB821; and

16 (e) Assurance of financial accountability and reporting  
17 by the lead agency.

18 (3) ~~Prior to April 1, 2013, the Health and Human Services~~  
19 ~~Committee of the Legislature shall review the pilot project and~~  
20 ~~provide to the department and the Legislature recommendations,~~  
21 ~~and any legislation necessary to adopt the recommendations,~~  
22 ~~regarding the adaptation or continuation of the pilot project. In~~  
23 ~~making the recommendations, the committee shall utilize: (a) The~~  
24 ~~evaluation completed pursuant to Legislative Bill 1160, One Hundred~~  
25 ~~Second Legislature, Second Session, 2012; (b) the recommendations~~  
26 ~~of the statewide strategic plan pursuant to Legislative Bill~~  
27 ~~821, One Hundred Second Legislature, Second Session, 2012; (c)~~  
1 ~~the department's assessment of the pilot project; and (d) any~~  
2 ~~additional reports, surveys, information, and data provided to~~  
3 ~~and requested by the committee. If the pilot project continues~~  
4 ~~past April 1, 2013, the Before June 30, 2014, the department may~~  
5 ~~extend the contract for the pilot project described in subsection~~  
6 ~~(2) of this section. The lead agency shall also comply with the~~  
7 ~~requirements of section 43-4204.~~

8 Sec. 2. If the pilot project described in section 68-1212  
9 is extended by the Department of Health and Human Services,  
10 an evaluation of the pilot project shall be completed by the  
11 Legislature prior to December 31, 2014. The Legislature shall  
12 utilize all necessary resources, including the hiring of a  
13 consultant if deemed necessary. The department and any child  
14 welfare entity which has contracted with the department shall  
15 provide all data and information to the Legislature to assist in  
16 the evaluation.

- 17 Sec. 3. Original section 68-1212, Revised Statutes  
 18 Cumulative Supplement, 2012, is repealed.  
 19 Sec. 4. Since an emergency exists, this act takes effect  
 20 when passed and approved according to law.

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORTS**  
 Health and Human Services

**LEGISLATIVE BILL 526.** Placed on General File with amendment.  
 AM1619

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 38-2601, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 38-2601 Sections 38-2601 to 38-2623 and sections 7, 8,  
 6 and 9 of this act shall be known and may be cited as the Optometry  
 7 Practice Act.  
 8 Sec. 2. Section 38-2604, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 38-2604 (1) Pharmaceutical agents, for diagnostic  
 11 purposes, means anesthetics, cycloplegics, and mydriatics.  
 12 (2) Pharmaceutical agents, for therapeutic purposes,  
 13 means topical ophthalmic pharmaceutical agents which treat eye  
 14 diseases, infection, inflammation, and superficial abrasions, or  
 15 oral analgesics, including oral analgesics enumerated in Schedules  
 16 III and IV of section 28-405 necessary to treat conditions of the  
 17 eye, ocular adnexa, or visual system, or oral pharmaceutical agents  
 18 for the treatment of diseases or infections of the eye, ocular  
 19 adnexa, or visual system, or oral anti-inflammatory agents to treat  
 20 conditions of the eye, ocular adnexa, or visual system, ~~excluding~~  
 21 ~~steroids and immunosuppressive agents.~~  
 22 (3) Pharmaceutical agents, for therapeutic purposes, also  
 23 means pharmaceutical agents injected for treatment of anaphylaxis  
 1 or pharmaceutical agents injected into the eyelid for the treatment  
 2 of chalazions, hordeolums, sweat gland cysts, or oil gland cysts of  
 3 the eyelids.  
 4 Sec. 3. Section 38-2605, Revised Statutes Cumulative  
 5 Supplement, 2012, is amended to read:  
 6 38-2605 (1) The practice of optometry means one or a  
 7 combination of the following:  
 8 (a) The examination of the human eye to diagnose, treat,  
 9 or refer for consultation or treatment any abnormal condition of  
 10 the human eye, ocular adnexa, or visual system;  
 11 (b) The employment of instruments, devices,  
 12 pharmaceutical agents, and procedures intended for the purpose  
 13 of investigating, examining, diagnosing, treating, managing, or  
 14 correcting visual defects or abnormal conditions of the human eye,

- 15 ocular adnexa, or visual system;  
 16 (c) The prescribing and application of lenses, devices  
 17 containing lenses, prisms, contact lenses, ophthalmic devices,  
 18 orthoptics, vision training, pharmaceutical agents, and prosthetic  
 19 devices to correct, relieve, or treat defects or abnormal  
 20 conditions of the human eye, ocular adnexa, or visual system;  
 21 (d) The dispensing and sale of a contact lens, including  
 22 a cosmetic or plano contact lens or a contact lens containing an  
 23 ocular pharmaceutical agent which an optometrist is authorized by  
 24 law to prescribe and which is classified by the federal Food and  
 25 Drug Administration as a drug;  
 26 (e) The ordering of procedures and laboratory tests  
 27 rational to the diagnosis or treatment of conditions or diseases of  
 1 the human eye, ocular adnexa, or visual system; ~~and~~  
 2 (f) The performance of minor surgical procedures required  
 3 for the removal of superficial eyelid, conjunctival, and corneal  
 4 foreign bodies;-  
 5 (g) The performance of minor surgical procedures to allow  
 6 the treatment of chalazions, hordeolums, sweat gland cysts, or  
 7 oil gland cysts of the eyelids by lancing, small incision, and  
 8 curettage; and  
 9 (h) The injection of pharmaceutical agents for treatment  
 10 of anaphylaxis and injections of pharmaceutical agents into the  
 11 eyelid for purposes allowed pursuant to subsection (3) of section  
 12 38-2604.

13 (2) The practice of optometry does not include the use of  
 14 surgery other than as authorized pursuant to subdivision (1)(f) or  
 15 (1)(g) of this section, the use of laser surgery, oral therapeutic  
 16 agents used in the treatment of glaucoma, oral steroids, or oral  
 17 immunosuppressive agents or the treatment of infantile/congenital  
 18 glaucoma, which means the condition is present at birth.

19 Sec. 4. Section 38-2610, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 38-2610 (1) In issuing a license or renewal, the  
 22 department, with the recommendation of the board, shall state  
 23 whether such person licensed in the practice of optometry has been  
 24 certified to use pharmaceutical agents pursuant to section 38-2613;  
 25 ~~or 38-2614, or 38-2615~~ and shall determine an appropriate means to  
 26 further identify those persons who are certified in the diagnostic  
 27 use of such agents or the therapeutic use of such agents.

1 (2) In issuing a license or renewal, the department,  
 2 with the recommendation of the board, shall state whether such  
 3 person licensed in the practice of optometry has been certified to  
 4 perform minor surgical procedures or administer injections pursuant  
 5 to section 8 or 9 of this act.

6 Sec. 5. Section 38-2614, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:

8 38-2614 (1) An optometrist licensed in this state may  
 9 use topical ocular pharmaceutical agents for therapeutic purposes

10 authorized under subdivision (1)(b) or (c) of section 38-2605 if  
11 such person is certified by the department, with the recommendation  
12 of the board, as qualified to use ocular pharmaceutical agents for  
13 therapeutic purposes, including the treatment of glaucoma.

14 ~~(2) Such certification shall require~~ In order to be  
15 certified by the department under subsection (1) of this section,  
16 the optometrist shall show (a) satisfactory completion of classroom  
17 education and clinical training which emphasizes the examination,  
18 diagnosis, and treatment of the eye, ocular adnexa, and visual  
19 system offered by a school or college approved by the board and  
20 passage of an examination approved by the board or (b) evidence  
21 ~~provided by the optometrist~~ of certification in another state for  
22 the use of therapeutic pharmaceutical agents which is deemed by the  
23 board as satisfactory validation of such qualifications.

24 Sec. 6. Section 38-2615, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 38-2615 (1) After January 1, 2000, only an optometrist  
27 licensed in this state prior to April 30, 1987, may practice  
1 optometry without meeting the requirements and obtaining  
2 certification required by sections 38-2613 and 38-2614.

3 (2) After August 1, 2020, only an optometrist licensed in  
4 this state prior to April 30, 1987, may practice optometry without  
5 meeting the requirements and obtaining certification required by  
6 sections 38-2613 and 38-2614 and sections 7, 8, and 9 of this act.

7 Sec. 7. (1) In order for the board to recommend  
8 certification in the use of oral steroids, oral antiglaucoma  
9 medications, and oral immunosuppressive agents for a license issued  
10 or renewed after August 1, 2014, the licensee must have completed  
11 a minimum of four hours of tested education from an accredited  
12 school of optometry pursuant to section 38-2616 related to the  
13 prescription of oral steroids, oral antiglaucoma medications, and  
14 oral immunosuppressive agents. Such education shall include (a)  
15 review of the pharmacology of oral steroids, oral antiglaucoma  
16 medications, and oral immunosuppressive agents for the diagnosis  
17 and treatment of diseases and disorders of the eye and ocular  
18 adnexa, (b) review of clinical indications and contra-indications  
19 for such medications, (c) review of systemic side effects of such  
20 medications, (d) review of laboratory testing associated with use  
21 of such medications, (e) review of coordination of care with  
22 other providers when utilizing such medications, and (f) informed  
23 consent and medical-legal issues regarding the administration of  
24 such medications.

25 (2) In order to be certified by the department, with  
26 the recommendation of the board under this section, the licensee  
27 shall have on file with or submit to the department evidence of  
1 (a) satisfactory completion of four hours of education described in  
2 subsection (1) of this section or (b) such certification in another  
3 state which is deemed by the board as satisfactory evidence of such  
4 qualifications.

5     Sec. 8. (1) An optometrist licensed in this state may  
6 perform minor surgical procedures authorized under subdivision  
7 (1)(g) of section 38-2605 if the optometrist provides either (a)  
8 evidence of certification in another state in the performance  
9 of minor surgical procedures and such evidence is deemed by  
10 the board as satisfactory evidence of such qualifications or  
11 (b)(i) for a licensee graduating from a school of optometry after  
12 December 31, 2012, (A) evidence from an accredited school of  
13 optometry pursuant to section 38-2616 that is deemed by the board  
14 as satisfactory evidence of competency in the performance of minor  
15 surgical procedures or (B) by the end of the first licensure  
16 renewal period, proof of compliance with the requirements of  
17 subsection (2) of this section, or (ii) for a licensee graduating  
18 from a school of optometry on or before December 31, 2012, evidence  
19 of completion of a minimum of sixteen hours of tested education  
20 from an accredited school of optometry pursuant to section 38-2616.

21     (2)(a) The education referred to in subdivision  
22 (1)(b)(ii) of this section shall consist of a standardized training  
23 program taught by an accredited school of optometry and shall  
24 include didactic and clinical education.

25     (b) Didactic education shall include (i) techniques for  
26 infection control, sterilization, and disposal of biohazardous  
27 waste, (ii) instruments, equipment, and supplies used to perform  
1 in-office minor surgical procedures, (iii) review of hemostasis  
2 and wound healing, (iv) review of clinical anatomy of the  
3 eyelid and ocular adnexa, (v) review of diagnosis and management  
4 of neoplasms of the eyelids and ocular adnexa, (vi) surgical  
5 techniques for treatment of cysts or infected or inflamed glands  
6 of the eyelid, (vii) techniques to perform chalazion injection,  
7 chalazion incision, and curettage, (viii) suturing techniques and  
8 perioperative wound management, (ix) specimen preservation and  
9 transport for laboratory analysis, (x) operative and postoperative  
10 complications of minor surgical procedures of the eyelids and  
11 ocular adnexa, (xi) informed consent and medical-legal aspects of  
12 minor surgical procedures of the eyelids and ocular adnexa, and  
13 (xii) federal regulations pertaining to optometry practices and  
14 minor surgical procedures.

15     (c) Clinical education shall be proctored by a person  
16 licensed to perform minor surgical procedures and affiliated with  
17 an accredited school of optometry pursuant to section 38-2616. Such  
18 clinical education shall include (i) technique for sterilization,  
19 (ii) technique for chalazion injection, chalazion incision, and  
20 curettage, (iii) technique for treatment of cysts or infected or  
21 inflamed glands of the eyelid, (iv) biohazardous waste disposal  
22 techniques, (v) demonstrated performance of the procedures on  
23 patients, and (vi) competency-based testing.

24     Sec. 9. (1) An optometrist licensed in this state  
25 may administer injections authorized under subdivision (1)(h) of  
26 section 38-2605 if the optometrist provides either (a) evidence



27 of certification in another state in the use of injections and  
1 such evidence is deemed by the board as satisfactory evidence of  
2 such qualifications or (b)(i) for a licensee graduating from an  
3 accredited school of optometry after December 31, 2012, evidence of  
4 passing the injection skills examination of the national licensing  
5 board for optometrists, or (ii) for a licensee graduating from  
6 an accredited school of optometry on or before December 31,  
7 2012, evidence of passing the injection skills examination of the  
8 national licensing board for optometrists or evidence of completion  
9 of a minimum of eight hours of tested education from an accredited  
10 school of optometry pursuant to section 38-2616.

11 (2)(a) The education referred to in subdivision  
12 (1)(b)(ii) of this section shall include didactic and clinical  
13 education.

14 (b) Didactic education shall include (i) review of the  
15 pharmacology of subcutaneous and intramuscular medications for  
16 the diagnosis and treatment of diseases and disorders of the  
17 eye and ocular adnexa, (ii) review of clinical indications for  
18 such medications, (iii) review of systemic side effects of such  
19 medications, (iv) review of laboratory testing associated with  
20 the use of such medications, (v) techniques of administration  
21 of such medications, (vi) review of coordination of care with  
22 other providers when utilizing such medications, and (vii) informed  
23 consent and medical-legal issues regarding the administration of  
24 injectable medications.

25 (c) Clinical education shall be proctored by a person  
26 licensed to administer such injections and affiliated with an  
27 accredited school of optometry pursuant to section 38-2616. Such  
1 clinical education shall include the technique of subcutaneous  
2 and intramuscular injections, the technique of sterilization or  
3 asepsis, the federal regulations regarding blood-borne pathogen  
4 disposal, and competency-based testing.

5 Sec. 10. Section 38-2616, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 38-2616 (1) No school of optometry shall be approved by  
8 the board as an accredited school unless the school is accredited  
9 by a regional or professional accrediting organization which is  
10 recognized by the United States Department of Education.

11 (2) The board shall assess the education provided by a  
12 school of optometry listed on an application for a license to  
13 practice optometry to determine if the education provided by the  
14 school satisfies the requirements of the Optometry Practice Act.

15 Sec. 11. Section 38-2617, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:

17 38-2617 (1) A licensed optometrist who performs minor  
18 surgical procedures or administers injections pursuant to section  
19 8 or 9 of this act shall provide a standard of care to patients  
20 comparable to that provided by a physician licensed in this state  
21 to practice medicine and surgery.

22 ~~(1)-(2)~~ A licensed optometrist who administers or  
 23 prescribes pharmaceutical agents for examination or for treatment  
 24 shall provide the same standard of care to patients as that  
 25 provided by a physician licensed in this state to practice  
 26 medicine and surgery utilizing the same pharmaceutical agents for  
 27 examination or treatment.

1 ~~(2)-(3)~~ An optometrist who dispenses a contact lens  
 2 containing an ocular pharmaceutical agent which is classified by  
 3 the federal Food and Drug Administration as a drug shall comply  
 4 with the rules and regulations of the board relating to packaging,  
 5 labeling, storage, drug utilization review, and record keeping. The  
 6 board shall adopt and promulgate rules and regulations relating to  
 7 packaging, labeling, storage, drug utilization review, and record  
 8 keeping for such contact lenses.

9 Sec. 12. Original sections 38-2601, 38-2604, 38-2610,  
 10 38-2614, 38-2615, and 38-2616, Reissue Revised Statutes of  
 11 Nebraska, and sections 38-2605 and 38-2617, Revised Statutes  
 12 Cumulative Supplement, 2012, are repealed.

**LEGISLATIVE BILL 916.** Placed on General File with amendment.  
 AM1916

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

3 Section 1. Section 38-206, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 38-206 The board shall:

6 (1) Establish standards for integrated practice  
 7 agreements between collaborating physicians and certified nurse  
 8 midwives; ~~and nurse practitioners;~~

9 (2) Monitor the scope of practice by certified nurse  
 10 midwives, certified registered nurse anesthetists, clinical nurse  
 11 specialists, and nurse practitioners;

12 (3) Recommend disciplinary action relating to licenses  
 13 of advanced practice registered nurses, certified nurse  
 14 midwives, certified registered nurse anesthetists, clinical nurse  
 15 specialists, and nurse practitioners;

16 (4) Engage in other activities not inconsistent with the  
 17 Advanced Practice Registered Nurse Practice Act, the Certified  
 18 Nurse Midwifery Practice Act, the Certified Registered Nurse  
 19 Anesthetist Practice Act, the Clinical Nurse Specialist Practice  
 20 Act, and the Nurse Practitioner Practice Act; and

21 (5) Adopt rules and regulations to implement the Advanced  
 22 Practice Registered Nurse Practice Act, the Certified Nurse  
 23 Midwifery Practice Act, the Certified Registered Nurse Anesthetist  
 1 Practice Act, the Clinical Nurse Specialist Practice Act, and the  
 2 Nurse Practitioner Practice Act, for promulgation by the department  
 3 as provided in section 38-126. Such rules and regulations shall  
 4 also include: (a) Approved certification organizations and approved  
 5 certification programs; and (b) professional liability insurance.

6 Sec. 2. Section 38-2302, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 38-2302 For purposes of the Nurse Practitioner Practice  
9 Act and elsewhere in the Uniform Credentialing Act, unless the  
10 context otherwise requires, the definitions found in sections  
11 38-2303 to 38-2314 and section 3 of this act apply.

12 Sec. 3. Section 38-2310, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 ~~38-2310 (1) Integrated practice agreement means a~~  
15 ~~written agreement between a nurse practitioner and a collaborating~~  
16 ~~physician in which the nurse practitioner and the collaborating~~  
17 ~~physician provide for the delivery of health care through an~~  
18 ~~integrated practice. The integrated practice agreement shall~~  
19 ~~provide that the nurse practitioner and the collaborating physician~~  
20 ~~will practice collaboratively within the framework of their~~  
21 ~~respective scopes of practice. Each provider shall be responsible~~  
22 ~~for his or her individual decisions in managing the health care of~~  
23 ~~patients. Integrated practice includes consultation, collaboration,~~  
24 ~~and referral.~~

25 (2) ~~The nurse practitioner and the collaborating~~  
26 ~~physician shall have joint responsibility for patient care, based~~  
27 ~~upon the scope of practice of each practitioner. The collaborating~~  
1 ~~physician shall be responsible for supervision of the nurse~~  
2 ~~practitioner to ensure the quality of health care provided to~~  
3 ~~patients.~~

4 (3) ~~For purposes of this section:~~

5 (a) ~~Collaborating physician means a physician or~~  
6 ~~osteopathic physician licensed in Nebraska and practicing in the~~  
7 ~~same geographic area and practice specialty, related specialty, or~~  
8 ~~field of practice as the nurse practitioner; and~~

9 (b) ~~Supervision means the ready availability of~~  
10 ~~the collaborating physician for consultation and direction of~~  
11 ~~the activities of the nurse practitioner within the nurse~~  
12 ~~practitioner's defined scope of practice.~~

13 Transition-to-practice agreement means a collaborative  
14 agreement between a nurse practitioner and a supervising provider  
15 which provides for the delivery of health care through a  
16 collaborative practice and which meets the requirements of section  
17 38-2322.

18 Sec. 4. Section 38-2315, Revised Statutes Supplement,  
19 2013, is amended to read:

20 38-2315 (1) A nurse practitioner may provide health  
21 care services within specialty areas. A nurse practitioner shall  
22 function by establishing collaborative, consultative, and referral  
23 networks as appropriate with other health care professionals.

24 Patients who require care beyond the scope of practice of a  
25 nurse practitioner shall be referred to an appropriate health care  
26 provider.

27 (2) Nurse practitioner practice means health promotion,

1 health supervision, illness prevention and diagnosis, treatment,  
 2 and management of common health problems and acute and chronic  
 3 conditions, including:  
 4 (a) Assessing patients, ordering diagnostic tests and  
 5 therapeutic treatments, synthesizing and analyzing data, and  
 6 applying advanced nursing principles;  
 7 (b) Dispensing, incident to practice only, sample  
 8 medications which are provided by the manufacturer and are provided  
 9 at no charge to the patient; and  
 10 (c) Prescribing therapeutic measures and medications  
 11 relating to health conditions within the scope of practice. ~~Any~~  
 12 ~~limitation on the prescribing authority of the nurse practitioner~~  
 13 ~~for controlled substances listed in Schedule II of section 28-405~~  
 14 ~~shall be recorded in the integrated practice agreement established~~  
 15 ~~pursuant to section 38-2310.~~  
 16 (3) A nurse practitioner who has proof of a current  
 17 certification from an approved certification program in a  
 18 psychiatric or mental health specialty may manage the care of  
 19 patients committed under the Nebraska Mental Health Commitment  
 20 Act. Patients who require care beyond the scope of practice of a  
 21 nurse practitioner who has proof of a current certification from an  
 22 approved certification program in a psychiatric or mental health  
 23 specialty shall be referred to an appropriate health care provider.  
 24 (4) A nurse practitioner may pronounce death and may  
 25 complete and sign death certificates and any other forms if such  
 26 acts are within the scope of practice of the nurse practitioner and  
 27 are not otherwise prohibited by law.

1 Sec. 5. Section 38-2322, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:  
 3 38-2322 (1) ~~Prior to commencing practice~~ In order to  
 4 be licensed as a nurse practitioner, an individual ~~(a)~~ who  
 5 has a master's degree or doctorate degree in nursing and has  
 6 completed an approved nurse practitioner program, ~~(b) and~~ who can  
 7 demonstrate separate course work in pharmacotherapeutics, advanced  
 8 health assessment, and pathophysiology or psychopathology, ~~and (c)~~  
 9 ~~who has completed a minimum of two thousand hours of practice under~~  
 10 ~~the supervision of a physician,~~ shall submit to the department ~~an~~  
 11 ~~integrated practice agreement with a collaborating physician and~~  
 12 ~~shall furnish~~ proof of professional liability insurance required  
 13 under section 38-2320.  
 14 (2) ~~A nurse practitioner who needs to obtain the two~~  
 15 ~~thousand hours of supervised practice required under subdivision~~  
 16 ~~(1)(c) of this section shall (a) submit to the department~~  
 17 ~~one or more integrated practice agreements with a collaborating~~  
 18 ~~physician, (b) furnish proof of jointly approved protocols with a~~  
 19 ~~collaborating physician which shall guide the nurse practitioner's~~  
 20 ~~practice, and (c) furnish proof of professional liability insurance~~  
 21 ~~required under section 38-2320.~~  
 22 (3) If, after a diligent effort to obtain an integrated

23 ~~practice agreement, a nurse practitioner is unable to obtain an~~  
24 ~~integrated practice agreement with one physician, the board may~~  
25 ~~waive the requirement of an integrated practice agreement upon a~~  
26 ~~showing that the applicant (a) meets the requirements of subsection~~  
27 ~~(1) of this section, (b) has made a diligent effort to obtain~~  
1 ~~an integrated practice agreement, and (c) will practice in a~~  
2 ~~geographic area where there is a shortage of health care services.~~

3 (2) In order to practice as a nurse practitioner in  
4 this state, an individual who holds or has held a license as  
5 a nurse practitioner in this state or in another state shall  
6 submit to the department a transition-to-practice agreement  
7 or evidence of completion of two thousand hours of practice  
8 as a nurse practitioner which have been completed under a  
9 transition-to-practice agreement, under a collaborative agreement,  
10 under an integrated practice agreement, through independent  
11 practice, or under any combination of such agreements and practice,  
12 as allowed in this state or another state.

13 (3)(a) A transition-to-practice agreement shall be a  
14 formal written agreement that provides that the nurse practitioner  
15 and the supervising provider practice collaboratively within the  
16 framework of their respective scopes of practice.

17 (b) The nurse practitioner and the supervising provider  
18 shall each be responsible for his or her individual decisions  
19 in managing the health care of patients through consultation,  
20 collaboration, and referral. The nurse practitioner and the  
21 supervising provider shall have joint responsibility for the  
22 delivery of health care to a patient based upon the scope of  
23 practice of the nurse practitioner and the supervising provider.

24 (c) The supervising provider shall be responsible for  
25 supervision of the nurse practitioner to ensure the quality of  
26 health care provided to patients.

27 (d) In order for a nurse practitioner to be a  
1 supervising provider for purposes of a transition-to-practice  
2 agreement, the nurse practitioner shall submit to the department  
3 evidence of completion of ten thousand hours of practice  
4 as a nurse practitioner which have been completed under a  
5 transition-to-practice agreement, under a collaborative agreement,  
6 under an integrated practice agreement, through independent  
7 practice, or under any combination of such agreements or practice,  
8 as allowed in this state or another state.

9 (4) For purposes of this section:

10 (a) Supervising provider means a physician, osteopathic  
11 physician, or nurse practitioner licensed and practicing in  
12 Nebraska and practicing in the same practice specialty, related  
13 specialty, or field of practice as the nurse practitioner being  
14 supervised; and

15 (b) Supervision means the ready availability of the  
16 supervising provider for consultation and direction of the  
17 activities of the nurse practitioner being supervised within such

18 nurse practitioner's defined scope of practice.  
 19 Sec. 6. Section 38-2323, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:  
 21 38-2323 Nothing in the Nurse Practitioner Practice  
 22 Act shall prohibit a nurse practitioner from consulting or  
 23 collaborating with and referring patients to health care providers  
 24 not included in the nurse practitioner's ~~integrated practice~~  
 25 transition-to-practice agreement.  
 26 Sec. 7. Original sections 38-206, 38-2302, 38-2310,  
 27 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, and  
 1 section 38-2315, Revised Statutes Supplement, 2013, are repealed.

(Signed) Kathy Campbell, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 918.** Placed on General File.

(Signed) Jeremy Nordquist, Chairperson

Education

**LEGISLATIVE BILL 782.** Placed on General File.

**LEGISLATIVE BILL 1103.** Placed on General File.

**LEGISLATIVE BILL 923.** Placed on General File with amendment.  
 AM1977

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. The position of state school security  
 4 director is created within the State Department of Education. The  
 5 Commissioner of Education shall appoint the director based on  
 6 experience, knowledge, and skills in the field of school security.  
 7 Sec. 2. The state school security director appointed  
 8 pursuant to section 1 of this act shall be responsible for  
 9 providing leadership and support for safety and security for the  
 10 public, private, denominational, and parochial schools. Duties of  
 11 the director include, but are not limited to:  
 12 (1) Collecting safety and security plans, required  
 13 pursuant to rules and regulations of the State Department of  
 14 Education relating to accreditation of schools, and other school  
 15 security information from each school system in Nebraska. School  
 16 districts shall provide the state school security director with  
 17 the safety and security plans of the school district and any other  
 18 security information requested by the director, but any plans or  
 19 information submitted by a school district may be withheld by the  
 20 department pursuant to subdivision (8) of section 84-712.05;  
 21 (2) Recommending minimum standards for school security on  
 22 or before January 1, 2015, to the State Board of Education;

23 (3) Conducting an assessment of the security of each  
1 public school building, which assessment shall be completed by  
2 January 1, 2016;  
3 (4) Identifying deficiencies in school security based on  
4 the minimum standards adopted by the State Board of Education  
5 and making recommendations to school boards for remedying such  
6 deficiencies;  
7 (5) Establishing security awareness and preparedness  
8 tools and training programs for public school staff;  
9 (6) Establishing research-based model instructional  
10 programs for staff, students, and parents to address the underlying  
11 causes for violent attacks on schools; and  
12 (7) Overseeing suicide awareness and prevention training  
13 in public schools pursuant to section 4 of this act.  
14 Sec. 3. The State Board of Education, based on the  
15 recommendations of the school security officer, may adopt and  
16 promulgate rules and regulations establishing minimum school  
17 security standards on or before July 1, 2015.  
18 Sec. 4. (1) Beginning in school year 2014-15, all  
19 public school nurses, teachers, counselors, school psychologists,  
20 administrators, school social workers, and any other appropriate  
21 personnel shall receive at least one hour of suicide awareness and  
22 prevention training each year. This training shall be provided  
23 within the framework of existing inservice training programs  
24 offered by the State Department of Education or as part of  
25 required professional development activities.  
26 (2) The department, in consultation with organizations  
1 including, but not limited to, the Nebraska State Suicide  
2 Prevention Coalition, the Nebraska chapter of the American  
3 Foundation for Suicide Prevention, the Behavioral Health Education  
4 Center of Nebraska, the National Alliance on Mental Illness  
5 Nebraska, and other organizations and professionals with expertise  
6 in suicide prevention, shall develop a list of approved training  
7 materials to fulfill the requirements of subsection (1) of this  
8 section. Such materials shall include training on how to identify  
9 appropriate mental health services, both within the school and  
10 also within the larger community, and when and how to refer youth  
11 and their families to those services. Such materials may include  
12 programs that can be completed through self-review of suitable  
13 suicide prevention materials.  
14 (3) The department may adopt rules and regulations to  
15 carry out this section.

(Signed) Kate Sullivan, Chairperson

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 438A.** Placed on Select File.

(Signed) John Murante, Chairperson

**ANNOUNCEMENTS**

Senator Kolowski designates LB276 as his priority bill.

Senator Garrett designates LB1067 as his priority bill.

The Executive Board designates LB976 and LB1016 as its priority bills.

**VISITOR**

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

**ADJOURNMENT**

At 9:19 a.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-NINTH DAY - FEBRUARY 20, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**TWENTY-NINTH DAY**

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

**PRAYER**

The prayer was offered by Chaplain Jim Haack, Beautiful Savior Lutheran Church, La Vista.

**ROLL CALL**

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

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Ashford, Conrad, Davis, Karpisek, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 547, line 17, strike "Maria" and insert "Marla".  
The Journal for the twenty-seventh day was approved as corrected.

The Journal for the twenty-eighth day was approved.

**COMMITTEE REPORTS**

Executive Board

**LEGISLATIVE BILL 720.** Placed on General File with amendment.  
AM1874

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 84-907.10, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 84-907.10 ~~(1) After an agency submits a copy of each~~
- 6 ~~amendment or rule or regulation pursuant to section 84-907.06, or~~
- 7 ~~any time thereafter, (1) If any member of the Legislature who feels~~
- 8 ~~aggrieved by a rule or regulation or by the proposed adoption,~~
- 9 ~~amendment, or repeal of a rule; or regulation pursuant to section~~
- 10 ~~84-907.06 or believes that the (a) a rule or regulation or the~~
- 11 ~~adoption, amendment, rule, or regulation or repeal of a rule or~~

12 regulation is in excess of the statutory authority or jurisdiction  
13 of the agency, is unconstitutional, ~~or~~ is inconsistent with the  
14 legislative intent of the authorizing statute, or creates an undue  
15 burden in a manner that significantly outweighs its benefit to  
16 the public. (b) circumstances have changed since the passage of  
17 the statute which a rule or regulation implements, or (c) a rule  
18 or regulation or an amendment or repeal overlaps, duplicates, or  
19 conflicts with federal, state, or local laws, rules, regulations,  
20 or ordinances, the member may file a complaint with the Chairperson  
21 of the Executive Board of the Legislative Council. The complaint  
22 shall explain in detail the member's contentions.

23 (2) The chairperson of the executive board or a committee  
1 staff member of the executive board shall refer the complaint  
2 to the chairperson of the standing committee of the Legislature  
3 which has subject matter jurisdiction over the issue involved in  
4 the rule or regulation or which has traditionally handled the  
5 issue and, if practicable, to the member of the Legislature who  
6 was the primary sponsor of the legislative bill that granted  
7 the agency the rulemaking authority if the member is still  
8 serving or, if the legislative bill was amended to include the  
9 rulemaking authority, to the primary sponsor of the amendment  
10 granting rulemaking authority if the member is still serving.

11 (3) The standing committee and primary sponsor of the  
12 legislative bill or amendment granting rulemaking authority may  
13 consider the complaint and, if such committee or primary sponsor  
14 concludes that the complaint has merit, then such committee or  
15 primary sponsor may request a written response from the agency  
16 which shall include, but not be limited to (a) a description of the  
17 amendment or rule or regulation, (b) when applicable, a description  
18 of the legislative intent of the statute granting the agency  
19 rulemaking authority and a statement explaining how the rule or  
20 regulation or the adoption, amendment, or repeal of the ~~or~~ rule or  
21 regulation is within the authority or jurisdiction of the agency,  
22 is constitutional, is consistent with legislative intent, or is not  
23 an undue burden. (c) if the description required in subdivision (b)  
24 of this subsection is inapplicable, an explanation as to why the  
25 rule or regulation or the adoption, amendment, or repeal ~~or rule or~~  
26 regulation is necessary, and (d) an explanation of the extent to  
27 which and how any public comment was taken into consideration by  
1 the agency with respect to the rule or regulation or the adoption,  
2 amendment, or repeal. ~~or rule or regulation.~~ The agency shall  
3 respond within sixty days of a request, and such response shall be  
4 a public record.

5 (4) Nothing in this section shall be construed to  
6 prohibit the adoption or promulgation of the rule or regulation  
7 in accordance with other ~~sections~~ provisions of the Administrative  
8 Procedure Act.

9 Sec. 2. Original section 84-907.10, Reissue Revised  
10 Statutes of Nebraska, is repealed.

**LEGISLATIVE BILL 996.** Placed on General File with amendment.  
AM1881

1 1. On page 2, line 24, after the period insert "A state  
2 agency may respond pursuant to subdivision (b) of this subsection  
3 that access to the information requested under this section is  
4 being denied because it is information which may be withheld from  
5 the public under section 84-712.05 or otherwise specify the legal  
6 basis, including the appropriate state or federal law, rule, or  
7 regulation.".

(Signed) John Wightman, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 883.** Placed on General File.

**LEGISLATIVE BILL 926.** Placed on General File.

(Signed) Mike Gloor, Chairperson

Natural Resources

**LEGISLATIVE BILL 1115.** Placed on General File with amendment.  
AM1999

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. It is the intent of the Legislature to  
4 appropriate an additional \$200,000 for FY2014-15 to the Nebraska  
5 Power Review Board from the General Fund to provide funds to  
6 conduct or cause to be conducted a study of state, regional,  
7 and national transmission infrastructure and policy and future  
8 needs for transmission infrastructure and policy to serve Nebraska  
9 electric consumers and utilities and generation facilities in  
10 Nebraska seeking to export electricity outside of the state.  
11 Sec. 2. It is the policy of the state to encourage  
12 and allow opportunities for development and operation of renewable  
13 energy facilities intended primarily for export from the state in  
14 a manner that protects the ratepayers of consumer-owned utility  
15 systems operating in the state from subsidizing the costs of  
16 such export facilities through their rates and that results in  
17 economic development and employment opportunities for residents and  
18 communities of the state.  
19 Sec. 3. The purposes of the study provided for under  
20 sections 1 to 5 of this act shall include, but not be limited  
21 to, identification of electric transmission and generation  
22 constraints and opportunities, federal and state legal and  
23 regulatory requirements and practices, national and regional  
1 transmission operation, national and regional transmission plans  
2 and policies, national and regional markets for electricity export

3 and opportunities for and barriers to exporting electricity to  
4 such markets, and economic development benefits of expanded state,  
5 regional, and national transmission connections.

6 Sec. 4. The scope of the study provided for under  
7 sections 1 to 5 of this act shall receive input from a working  
8 group that may include, but not be limited to, members of  
9 the Legislature, the State Energy Office, the Department of  
10 Economic Development, public power districts and other Nebraska  
11 electric providers, renewable energy development companies,  
12 municipalities, the Southwest Power Pool, the Western Area Power  
13 Administration, other transmission system owners, transmission  
14 operators, transmission developers, environmental interests, and  
15 other interested parties.

16 Sec. 5. (1) The Nebraska Power Review Board shall issue  
17 a request for proposals to conduct the study provided for under  
18 sections 1 to 5 of this act after consultation with the working  
19 group as provided for in section 4 of this act.

20 (2) Any contracts or agreements entered into under this  
21 subsection shall not be subject to the Nebraska Consultants'  
22 Competitive Negotiation Act or sections 73-301 to 73-306 or 73-501  
23 to 73-510.20.

24 (3) The Nebraska Power Review Board shall present the  
25 results of the study to the Executive Board of the Legislative  
26 Council with a copy to the Clerk of the Legislature and the  
27 Governor on or before December 15, 2014. The report shall be  
1 submitted electronically.

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

(Signed) Tom Carlson, Chairperson

#### **NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Friday, February 28, 2014 1:30 p.m.

LB963  
LB724  
LB694  
LB879  
LB1030

(Signed) Brad Ashford, Chairperson

## Health and Human Services

Room 1510

Thursday, February 27, 2014 1:30 p.m.

Jessye Goertz - Nebraska Rural Health Advisory Commission  
Martin Fattig - Nebraska Rural Health Advisory Commission  
Robert L. Newman - Commission for the Blind and Visually Impaired  
Carol Lomicky - Commission for the Deaf and Hard of Hearing  
Regina "Gina" Frerichs - Commission for the Deaf and Hard of Hearing  
John Hogue - Commission for the Deaf and Hard of Hearing  
Paul L. Salansky Jr. - State Board of Health  
Shane M. Fleming - State Board of Health

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT**

Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Patrick Booth - Nebraska Exchange Stakeholder Commission  
Craig D. Buescher - Nebraska Exchange Stakeholder Commission  
Shari Flowers - Nebraska Exchange Stakeholder Commission  
James "JJ" Green - Nebraska Exchange Stakeholder Commission  
Michael Groene - Nebraska Exchange Stakeholder Commission  
Laura S. Gyhra - Nebraska Exchange Stakeholder Commission  
Kyle Kollmorgen - Nebraska Exchange Stakeholder Commission  
Britt A. Thedinger - Nebraska Exchange Stakeholder Commission  
Sherry Wupper - Nebraska Exchange Stakeholder Commission

Aye: 8 Campbell, Carlson, Christensen, Garrett, Gloor, Howard, Pirsch, Schumacher. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Gloor, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 18, 2014

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 56e and 588 were received in my office on February 13, 2014.

These bills were signed and delivered to the Secretary of State on February 18, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

**ANNOUNCEMENTS**

Senator Kintner designates LB1032 as his priority bill.

Senator Krist designates LB474 as his priority bill.

The Agriculture Committee designates LB768 and LB941 as its priority bills.

The Health and Human Services Committee designates LB853 and LB854 as its priority bills.

Senator Bolz designates LB690 as her priority bill.

**MOTIONS - Approve Appointments**

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 538:

Game and Parks Commission  
Richard R. Bell

Voting in the affirmative, 32:

Adams	Coash	Harms	McCoy	Sullivan
Avery	Cook	Howard	McGill	Wallman
Bloomfield	Crawford	Janssen	Mello	Watermeier
Bolz	Garrett	Johnson	Nelson	Wightman
Brasch	Gloor	Kintner	Nordquist	
Campbell	Haar, K.	Krist	Pirsch	
Carlson	Hadley	Larson	Smith	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Hansen	Murante	Schumacher
Christensen	Harr, B.	Scheer	Seiler
Dubas	Lathrop	Schilz	

Excused and not voting, 6:

Ashford	Davis	Kolowski
Conrad	Karpisek	Lautenbaugh

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 557:

Board of Emergency Medical Services  
Donald L. Harmon

Voting in the affirmative, 32:

Adams	Coash	Harms	McCoy	Sullivan
Avery	Cook	Howard	Mello	Wallman
Bloomfield	Crawford	Janssen	Nelson	Watermeier
Bolz	Garrett	Johnson	Nordquist	Wightman
Brasch	Haar, K.	Kintner	Pirsch	
Campbell	Hadley	Krist	Schumacher	
Christensen	Hansen	Lathrop	Seiler	

Voting in the negative, 0.

Present and not voting, 11:

Carlson	Gloor	McGill	Schilz
Chambers	Harr, B.	Murante	Smith
Dubas	Larson	Scheer	

Excused and not voting, 6:

Ashford	Davis	Kolowski
Conrad	Karpisek	Lautenbaugh

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 557:

Commission for the Blind and Visually Impaired  
Becky Rieken

Voting in the affirmative, 29:

Adams	Chambers	Hadley	McCoy	Schumacher
Avery	Coash	Hansen	Nelson	Sullivan
Bloomfield	Cook	Harms	Nordquist	Wallman
Bolz	Garrett	Johnson	Pirsch	Watermeier
Brasch	Gloor	Kintner	Scheer	Wightman
Campbell	Haar, K.	Krist	Schilz	

Voting in the negative, 0.

Present and not voting, 14:

Carlson	Dubas	Janssen	McGill	Seiler
Christensen	Harr, B.	Larson	Mello	Smith
Crawford	Howard	Lathrop	Murante	

Excused and not voting, 6:

Ashford	Davis	Kolowski
Conrad	Karpisek	Lautenbaugh

The appointment was confirmed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 557:

Nebraska Child Abuse Prevention Fund Board  
Trisha Crandall  
Lisa L. Knoche  
Brandon Verzal

Voting in the affirmative, 31:



Adams	Christensen	Hadley	McGill	Sullivan
Bloomfield	Coash	Hansen	Mello	Wallman
Bolz	Cook	Harms	Nelson	Watermeier
Brasch	Crawford	Howard	Nordquist	
Campbell	Garrett	Johnson	Pirsch	
Carlson	Gloor	Krist	Scheer	
Chambers	Haar, K.	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Harr, B.	Larson	Schilz	Wightman
Avery	Janssen	Lathrop	Seiler	
Dubas	Kintner	Murante	Smith	

Excused and not voting, 5:

Conrad	Davis	Karpisek	Kolowski	Lautenbaugh
--------	-------	----------	----------	-------------

The appointments were confirmed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 557:

State Board of Health  
Jeromy Warner

Voting in the affirmative, 31:

Adams	Christensen	Hadley	McCoy	Seiler
Bloomfield	Coash	Harms	Mello	Wallman
Bolz	Cook	Howard	Nelson	Watermeier
Brasch	Crawford	Janssen	Nordquist	
Campbell	Garrett	Johnson	Pirsch	
Carlson	Gloor	Krist	Scheer	
Chambers	Haar, K.	Lathrop	Schumacher	

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Hansen	Larson	Schilz	Wightman
Avery	Harr, B.	McGill	Smith	
Dubas	Kintner	Murante	Sullivan	

Excused and not voting, 5:

Conrad          Davis          Karpisek          Kolowski          Lautenbaugh

The appointment was confirmed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

### ANNOUNCEMENTS

The Business and Labor Committee designates LB961 and LB560 as its priority bills.

Senator Lathrop designates LB1074 as his priority bill.

Senator Wallman designates LB1001 as his priority bill.

Senator Nordquist designates LB943 as his priority bill.

The Urban Affairs Committee designates LB1012 and LB1014 as its priority bills.

The Appropriations Committee designates LB1114 as its priority bill.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 446.** Introduced by Wallman, 30.

WHEREAS, the Lincoln Southwest High School girls' cross country team won the 2013 Class A Girls' State Cross Country Championship; and

WHEREAS, the Lincoln Southwest Silver Hawks defeated defending state champion Lincoln East High School to win the school's first ever girls' cross country 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 Lincoln Southwest High School Silver Hawks on winning the 2013 Class A Girls' State Cross Country Championship.

2. That a copy of this resolution be sent to the Lincoln Southwest High School girls' cross country team.

Laid over.

**LEGISLATIVE RESOLUTION 447.** Introduced by Wallman, 30.

WHEREAS, the Lincoln Southwest High School boys' tennis team won the 2013 Class A Boys' State Tennis Championship; and

WHEREAS, the Lincoln Southwest Silver Hawks defeated defending state champion Creighton Preparatory School to win the school's first ever boys' tennis 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 Lincoln Southwest High School Silver Hawks on winning the 2013 Class A Boys' State Tennis Championship.

2. That a copy of this resolution be sent to the Lincoln Southwest High School boys' tennis team.

Laid over.

### REFERENCE COMMITTEE REPORTS

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR444	Executive Board

Hoffman, Edward F. - Nebraska Commission on Problem Gambling -  
General Affairs

(Signed) John Wightman, Chairperson  
Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 191.** Senator Nordquist renewed his amendment, AM1935, found on page 541 and considered on page 558.

Senator Schumacher renewed his amendment, AM1971, found on page 558, to the Nordquist amendment.

Senator Schumacher withdrew his amendment, AM1971.

Senator Nordquist withdrew his amendment, AM1935.

Senator Schumacher withdrew his amendment, FA200, found on page 560.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 755.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 749.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 983.** Title read. Considered.

Committee AM1820, found on page 527, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

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

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

**LEGISLATIVE BILL 983A.** Introduced by Dubas, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 983, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

#### **ANNOUNCEMENTS**

The Natural Resources Committee designates LB699 as its priority bill.

Senator McGill designates LB901 as her priority bill.

Senator Hadley designates LB867 as his priority bill.

Senator Watermeier designates LB916 as his priority bill.

Senator Schumacher designates LR423CA as his priority resolution.

Senator Coash designates LB920 as his priority bill.

#### **GENERAL FILE**

**LEGISLATIVE BILL 661.** Title read. Considered.

#### **SENATOR GLOOR PRESIDING**

Committee AM1778, found on page 517, was adopted with 30 ayes, 0 nays,

16 present and not voting, and 3 excused and not voting.

Senator Murante offered his motion, MO137, found on page 486, to indefinitely postpone.

#### **SENATOR COASH PRESIDING**

Senator Murante withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 661A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

#### **COMMITTEE REPORTS**

##### Agriculture

**LEGISLATIVE BILL 768.** Placed on General File with amendment. AM1945 is available in the Bill Room.

**LEGISLATIVE BILL 60.** Indefinitely postponed.

**LEGISLATIVE BILL 654.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

#### **ANNOUNCEMENTS**

Senator Seiler designates LB999 as his priority bill.

Senator K. Haar designates LB965 as his priority bill.

Senator Howard designates LB526 as her priority bill.

Senator Dubas designates LB1092 as her priority bill.

The Transportation and Telecommunications Committee designates LB776 as its priority bill.

Senator Nelson designates LB565 as his priority bill.

Senator Mello designates LB559 as his priority bill.

The General Affairs Committee designates LB863 as its priority bill.

The Revenue Committee designates LB986 and LB987 as its priority bills.

Senator Janssen designates LB383 as his priority bill.

Senator Karpisek designates LB998 as his priority bill.

The Judiciary Committee designates LB1028 as its priority bill.

Senator Murante designates LB946 as his priority bill.

### COMMITTEE REPORTS

#### Education

**LEGISLATIVE BILL 143.** Indefinitely postponed.

**LEGISLATIVE BILL 1059.** Indefinitely postponed.

**LEGISLATIVE BILL 1061.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 421CA.** Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

### EASE

The Legislature was at ease from 10:50 a.m. until 11:17 a.m.

### COMMITTEE REPORTS

#### General Affairs

**LEGISLATIVE BILL 1052.** Placed on General File.

**LEGISLATIVE BILL 444.** Placed on General File with amendment.

AM1864

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 53-101, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 53-101 Sections 53-101 to 53-1,122 and section 4 of this
- 6 act shall be known and may be cited as the Nebraska Liquor Control
- 7 Act.
- 8 Sec. 2. Section 53-117.03, Revised Statutes Supplement,
- 9 2013, is amended to read:
- 10 53-117.03 (1) ~~On or before January 1, 2007, the~~ The
- 11 commission shall adopt and promulgate rules and regulations
- 12 governing programs which provide training for persons employed in
- 13 the sale and service of alcoholic liquor and management of licensed
- 14 premises. Such rules and regulations may include, but need not be
- 15 limited to:
- 16 (a) Minimum standards governing training of beverage
- 17 servers, including standards and requirements governing curriculum,
- 18 program trainers, and certification requirements;
- 19 (b) Minimum standards governing training in management of

20 licensed premises, including standards and requirements governing  
21 curriculum, program trainers, and certification requirements;

22 (c) Minimum standards governing the methods allowed for  
23 training programs which may include the Internet, interactive  
1 video, live training in various locations across the state, and  
2 other means deemed appropriate by the commission;

3 (d) Methods for approving beverage-server training  
4 organizations and programs. All beverage-server training programs  
5 approved by the commission shall issue a certificate of completion  
6 to all persons who successfully complete the program and shall  
7 provide the names of all persons completing the program to the  
8 commission;

9 (e) Enrollment fees in an amount determined by the  
10 commission to be necessary to cover the administrative costs,  
11 including salary and benefits, of enrolling in a training program  
12 offered by the commission pursuant to subsection (2) of this  
13 section, but not to exceed thirty dollars; and

14 (f) Procedures and fees for certification, which fees  
15 shall be in an amount determined by the commission to be sufficient  
16 to defray the administrative costs, including salary and benefits,  
17 associated with maintaining a list of persons certified under this  
18 section and issuing proof of certification to eligible individuals  
19 but shall not exceed twenty dollars.

20 (2) The commission may create a program to provide  
21 training for persons employed in the sale and service of alcoholic  
22 liquor and management of licensed premises. The program shall  
23 include training on the issues of sales and service of alcoholic  
24 liquor to minors and to visibly inebriated purchasers. The  
25 commission may charge each person enrolling in the program an  
26 enrollment fee as provided in the rules and regulations, but  
27 such fee shall not exceed thirty dollars. All such fees shall be  
1 collected by the commission and remitted to the State Treasurer  
2 for credit to the Nebraska Liquor Control Commission Rule and  
3 Regulation Cash Fund.

4 (3) A person who has completed a training program which  
5 complies with the rules and regulations, whether such program is  
6 offered by the commission or by another organization, may become  
7 certified by the commission upon the commission receiving evidence  
8 that he or she has completed such program and the person seeking  
9 certification paying the certification fee established under this  
10 section.

11 (4) In order to receive certification from the  
12 commission, a person shall file an application on a form  
13 prescribed by the commission and pay a certification application  
14 fee of fifteen dollars. The applicant shall include evidence of  
15 successful completion of a course as provided for in this section  
16 and successful completion of the examination prescribed by the  
17 commission. Upon successful completion of the application process,  
18 the commission shall provide the applicant with a certified seller

19 document which shall be valid for three years.

20 Sec. 3. Section 53-117.06, Revised Statutes Supplement,  
21 2013, is amended to read:

22 53-117.06 Any money collected by the commission pursuant  
23 to section 53-117.03, 53-117.05, or 53-167.02 shall be credited  
24 to the Nebraska Liquor Control Commission Rule and Regulation  
25 Cash Fund, which fund is hereby created. The purpose of the fund  
26 shall be to cover any administrative costs, including salary and  
27 benefits, incurred by the commission in producing or distributing  
1 the material referred to in ~~such~~ sections 53-117.05 and 53-167.02  
2 and to defray the costs associated with electronic regulatory  
3 transactions, industry education events, enforcement training, ~~and~~  
4 equipment for regulatory work, and administering section 53-117.03  
5 and section 4 of this act. Transfers may be made from the fund  
6 to the General Fund at the direction of the Legislature. Any  
7 money in the Nebraska Liquor Control Commission Rule and Regulation  
8 Cash Fund available for investment shall be invested by the state  
9 investment officer pursuant to the Nebraska Capital Expansion Act  
10 and the Nebraska State Funds Investment Act.

11 Sec. 4. (1) Beginning November 1, 2015, a retail licensee  
12 shall only employ a person to be a manager as defined in section  
13 53-103.18 if such person has successfully completed a course and  
14 received a certification as provided for in section 53-117.03. The  
15 person shall show proof of certification to the retail licensee by  
16 presenting the certification issued by the commission. The retail  
17 licensee shall maintain on its licensed premises a copy of each  
18 such manager's required certificate.

19 (2) Any retail licensee who employs a person in violation  
20 of this section may have its license suspended, canceled, or  
21 revoked by the commission.

22 Sec. 5. Original section 53-101, Revised Statutes  
23 Cumulative Supplement, 2012, and sections 53-117.03 and 53-117.06,  
24 Revised Statutes Supplement, 2013, are repealed.

**LEGISLATIVE BILL 855.** Placed on General File with amendment.  
AM1909

1 1. Strike original sections 1, 6, and 7 and insert the  
2 following new sections:

3 Section 1. (1) A cemetery association which takes over  
4 the management and operation of a cemetery pursuant to section 12  
5 of this act shall, within one year after taking over, prepare a  
6 map of the cemetery and make a good faith effort to identify the  
7 remains buried in the cemetery according to the headstones and the  
8 owner of all lots. The cemetery association shall file the map and  
9 identifying information and a record of all business conducted by  
10 the cemetery association in the prior calendar year with the county  
11 clerk at the time it files the audit, compilation, or statement of  
12 accounts under subsection (2) of this section.

13 (2)(a) On June 30 of each year, the individual trustees



14 or corporate trustee, as the case may be, of a perpetual care trust  
 15 fund for a cemetery association described in subsection (1) of this  
 16 section which has a balance of one hundred thousand dollars or more  
 17 on such date shall have an audit of the perpetual care trust fund  
 18 made by a certified public accountant. The report of such audit by  
 19 the auditor shall be filed within thirty days after June 30 of such  
 20 year with the county clerk of the county in which the cemetery is  
 21 located. The expense of the audit and the filing fee of the report  
 22 shall be paid by the cemetery association.

23 (b) On June 30 of each year, the individual trustees or  
 1 corporate trustee, as the case may be, of a perpetual care trust  
 2 fund for a cemetery association described in subsection (1) of this  
 3 section which has a balance of more than ten thousand dollars and  
 4 less than one hundred thousand dollars on such date shall have a  
 5 compilation of the perpetual care trust fund made by a certified  
 6 public accountant. The report of such compilation by the certified  
 7 public accountant shall be filed within thirty days after June 30  
 8 of such year with the county clerk of the county in which the  
 9 cemetery is located. The expense of the compilation and the filing  
 10 fee of the report shall be paid by the cemetery association.

11 (c) On June 30 of each year, the individual trustees or  
 12 corporate trustee, as the case may be, of a perpetual care trust  
 13 fund for a cemetery association described in subsection (1) of this  
 14 section which has a balance of ten thousand dollars or less on such  
 15 date shall file a statement of accounts of the perpetual care trust  
 16 fund within thirty days after June 30 of such year with the county  
 17 clerk of the county in which the cemetery is located. There shall  
 18 be no filing fee for filing the statement of accounts.

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

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

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

11 12-512.04 On June 30 of each year, the individual  
 12 trustees or corporate trustee, as the case may be, of ~~such a~~

13 perpetual care trust fund shall have an audit of the perpetual  
 14 care trust fund made by a certified public accountant ~~except as~~  
 15 ~~otherwise provided in section 1 of this act. The and the~~ report of  
 16 such audit by the auditor shall be filed within thirty days after  
 17 June 30 of such year with the county clerk of the county in which  
 18 the cemetery is located. The expense of the audit and the filing  
 19 fee of the report shall be paid by the cemetery association.

**LEGISLATIVE BILL 861.** Placed on General File with amendment.  
 AM1697

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

3 Section 1. Section 28-101, Revised Statutes Supplement,  
 4 2013, is amended to read:  
 5 28-101 Sections 28-101 to 28-1356 and sections 3 and 8 of  
 6 this act shall be known and may be cited as the Nebraska Criminal  
 7 Code.

8 Sec. 2. Section 28-1418, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 28-1418 Whoever, being a minor under the age of eighteen  
 11 years, shall smoke cigarettes or cigars, use vapor products or  
 12 alternative nicotine products, or use tobacco in any form whatever,  
 13 in this state, shall be guilty of a Class V misdemeanor. Any  
 14 minor ~~so~~ charged with ~~the a~~ violation of this section may be free  
 15 from prosecution ~~when if he shall have furnished or she furnishes~~  
 16 evidence for the conviction of the person or persons selling  
 17 or giving him or her the cigarettes, cigars, vapor products,  
 18 alternative nicotine products, or tobacco.

19 Sec. 3. For purposes of sections 28-1418 to 28-1429.02  
 20 and sections 3 and 8 of this act:  
 21 (1) Alternative nicotine product means any noncombustable  
 22 product containing nicotine that is intended for human consumption,  
 23 whether chewed, absorbed, dissolved, or ingested by any other  
 1 means. Alternative nicotine product does not include any vapor  
 2 product, cigarette, cigar, or other tobacco product, or any product  
 3 regulated as a drug or device by the United States Food and Drug  
 4 Administration under Chapter V of the federal Food, Drug, and  
 5 Cosmetic Act;

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

14 (3) Tobacco specialty store means a retail store that (a)  
 15 derives at least seventy-five percent of its revenue from tobacco  
 16 products, tobacco derived products, vapor products, or alternative

17 nicotine products and (b) does not permit minors under the age of  
 18 eighteen years to enter the premises unless accompanied by a parent  
 19 or legal guardian; and

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

8 Sec. 4. Section 28-1419, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

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

15 Sec. 5. Section 28-1425, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 28-1425 Any licensee who shall sell, give, or furnish  
 18 in any way to any person under the age of eighteen years, or  
 19 who shall willingly allow to be taken from his or her place  
 20 of business by any person under the age of eighteen years, any  
 21 cigars, tobacco, cigarettes, ~~or~~ cigarette material, vapor products,  
 22 or alternative nicotine products shall be guilty of a Class III  
 23 misdemeanor. Any officer, director, or manager having charge or  
 24 control, either separately or jointly with others, of the business  
 25 of any corporation which violates ~~the provisions of sections~~  
 26 28-1420 to 28-1429, and sections 3 and 8 of this act, if he  
 27 ~~have or she has knowledge of the same, such violation,~~ shall be  
 1 subject to the penalties provided in this section. In addition  
 2 to the penalties provided in this section, such licensee shall be  
 3 subject to the additional penalty of a revocation and forfeiture  
 4 of his, her, their, or its license, at the discretion of the court  
 5 before whom the complaint for violation of ~~said~~ such sections may  
 6 be heard. If such license ~~be~~ is revoked and forfeited, all rights  
 7 under such license shall at once cease and terminate.

8 Sec. 6. Section 28-1427, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 28-1427 Any person under the age of eighteen years who  
 11 shall obtain cigars, tobacco, cigarettes, ~~or~~ cigarette material,

12 vapor products, or alternative nicotine products from a licensee  
13 ~~hereunder~~ by representing that he or she is of the age of eighteen  
14 years or over, ~~shall be~~ is guilty of a Class V misdemeanor.

15 Sec. 7. Section 28-1429.02, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

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

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

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

13 Sec. 8. (1) Except as provided in subsection (2) of this  
14 section and section 28-1429.02, it shall be unlawful to sell or  
15 distribute cigarettes, cigars, vapor products, alternative nicotine  
16 products, or tobacco in any form whatever through a self-service  
17 display. Any person violating this section is guilty of a Class  
18 III misdemeanor. In addition, upon conviction for a second or  
19 subsequent offense within a twelve-month period, the court shall  
20 order a six-month suspension of the license issued under section  
21 28-1421.

22 (2) Cigarettes, cigars, vapor products, alternative  
23 nicotine products, or tobacco in any form whatever may be sold or  
24 distributed in a self-service display that is located in a tobacco  
25 specialty store or cigar bar as defined in section 53-103.08.

26 Sec. 9. Section 59-1523, Revised Statutes Cumulative  
27 Supplement, 2012, is amended to read:

1 59-1523 (1) The cigarette tax division of the Tax  
2 Commissioner may, after notice and hearing, revoke or suspend  
3 for any violation of section 59-1520 the license or licenses of any  
4 person licensed under sections 28-1418 to ~~28-1429~~ 28-1429.02 and  
5 sections 3 and 8 of this act or sections 77-2601 to 77-2622.

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

7 transported, sold, or distributed in or imported into this state in  
8 violation of section 59-1520 are declared to be contraband goods  
9 and are subject to seizure and forfeiture. Any cigarettes so seized  
10 and forfeited shall be destroyed. Such cigarettes shall be declared  
11 to be contraband goods whether the violation of section 59-1520 is  
12 knowing or otherwise.

13 Sec. 10. Original sections 28-1418, 28-1419, 28-1425,  
14 28-1427, and 28-1429.02, Reissue Revised Statutes of Nebraska,  
15 section 59-1523, Revised Statutes Cumulative Supplement, 2012, and  
16 section 28-101, Revised Statutes Supplement, 2013, are repealed.

(Signed) Russ Karpisek, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 1039.** Placed on General File.

**LEGISLATIVE BILL 701.** Placed on General File with amendment.  
AM1905

- 1 1. On page 3, line 2, strike "oral or"; and in line 8
- 2 strike "an oral or" and insert "a".

(Signed) Annette Dubas, Chairperson

#### **UNANIMOUS CONSENT - Add Cointroducers**

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

Senator Gloor asked unanimous consent to add his name as cointroducer to LB942. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB1032. No objections. So ordered.

#### **WITHDRAW - Cointroducer**

Senator Murante withdrew his name as cointroducer to LB1058.

#### **ANNOUNCEMENTS**

Senator Pirsch designates LB1087 as his priority bill.

Senator Larson designates LB1058 as his priority bill.

Senator Lautenbaugh designates LB972 as his priority bill.

Senator Schilz designates LB942 as his priority bill.

The Natural Resources Committee designates LB844 as its priority bill.

### **VISITORS**

Visitors to the Chamber were 25 ninth-grade students and teachers from Lincoln Southwest High School.

### **ADJOURNMENT**

At 11:18 a.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Friday, February 21, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTIETH DAY - FEBRUARY 21, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 21, 2014

**PRAYER**

The prayer was offered by Father Mike McDermott, Resurrection Catholic Church, Grand Island.

**ROLL CALL**

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

The roll was called and all members were present except Senators Larson and Lautenbaugh who were excused; and Senators K. Haar and Kolowski who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**COMMITTEE REPORTS**  
Business and Labor

**LEGISLATIVE BILL 932.** Placed on General File.

**LEGISLATIVE BILL 559.** Placed on General File with amendment.  
AM1581

- 1 1. On page 13, line 12, after the period insert
- 2 "Notwithstanding this section, any short-time compensation paid
- 3 which is eligible for federal reimbursement shall not be chargeable
- 4 to employer accounts and employers liable for payments in lieu
- 5 of contributions shall not be responsible for reimbursing the
- 6 Unemployment Compensation Fund for any benefits paid to their
- 7 employees that are reimbursed by the federal government.".

**LEGISLATIVE BILL 560.** Placed on General File with amendment.  
AM1958

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 48-1228, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-1228 Sections 48-1228 to 48-1232 and sections 2 and 3
- 6 of this act shall be known and may be cited as the Nebraska Wage
- 7 Payment and Collection Act.

8 Sec. 2. The Commissioner of Labor shall have the  
9 authority to subpoena records and witnesses related to the  
10 enforcement of the Nebraska Wage Payment and Collection Act. The  
11 commissioner or his or her agent may inspect all related records  
12 and gather testimony on any matter relative to the enforcement  
13 of the act when the information sought is relevant to a lawful  
14 investigative purpose and is reasonable in scope.

15 Sec. 3. (1) The Commissioner of Labor shall issue a  
16 citation to an employer when an investigation reveals that the  
17 employer may have violated the Nebraska Wage Payment and Collection  
18 Act, other than a violation of subsection (2) of section 48-1230.

19 (2) When a citation is issued, the commissioner shall  
20 notify the employer of the proposed administrative penalty, if  
21 any, by certified mail or any other manner of delivery by  
22 which the United States Postal Service can verify delivery. The  
23 administrative penalty shall be not more than five hundred dollars  
1 in the case of a first violation and not more than five thousand  
2 dollars in the case of a second or subsequent violation.

3 (3) The employer has fifteen working days after the date  
4 of the citation or penalty to contest such citation or penalty.  
5 Notice of contest shall be sent to the commissioner who shall  
6 provide a hearing in accordance with the Administrative Procedure  
7 Act.

8 Sec. 4. Section 48-1230, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 48-1230 (1) Except as otherwise provided in this section,  
11 each employer shall pay all wages due its employees on regular  
12 days designated by the employer or agreed upon by the employer and  
13 employee. Thirty days' written notice shall be given to an employee  
14 before regular paydays are altered by an employer. An employer  
15 may deduct, withhold, or divert a portion of an employee's wages  
16 only when the employer is required to or may do so by state or  
17 federal law or by order of a court of competent jurisdiction or  
18 the employer has written agreement with the employee to deduct,  
19 withhold, or divert.

20 (2) Within ten working days after a written request is  
21 made by an employee, an employer shall furnish such employee with  
22 an itemized statement listing the wages earned and the deductions  
23 made from the employee's wages under subsection (1) of this section  
24 for each pay period that earnings and deductions were made. The  
25 statement may be in print or electronic format.

26 (2) On each regular payday, the employer shall deliver  
27 or make available to each employee, by mail or electronically, or  
1 shall provide at the employee's normal place of employment during  
2 employment hours for all shifts a wage statement showing, at a  
3 minimum, the identity of the employer, the hours the employee  
4 worked, the wages earned by the employee, and deductions made for  
5 the employee. However, the employer need not provide information  
6 on hours worked for employees who are exempt from overtime under



7 the federal Fair Labor Standards Act of 1938, under 29 C.F.R. part  
8 541, unless the employer has established a policy or practice of  
9 paying to or on behalf of exempt employees overtime, a bonus, or a  
10 payment based on hours worked, whereupon the employer shall send or  
11 otherwise provide a statement to the exempt employees showing the  
12 hours the employee worked or the payments made to the employee by  
13 the employer, as applicable.

14 (3) Except as otherwise provided in section 48-1230.01:

15 (a) Whenever an employer, other than a political  
16 subdivision, separates an employee from the payroll, the unpaid  
17 wages shall become due on the next regular payday or within two  
18 weeks of the date of termination, whichever is sooner; and

19 (b) Whenever a political subdivision separates an  
20 employee from the payroll, the unpaid wages shall become due within  
21 two weeks of the next regularly scheduled meeting of the governing  
22 body of the political subdivision if such employee is separated  
23 from the payroll at least one week prior to such meeting, or if an  
24 employee of a political subdivision is separated from the payroll  
25 less than one week prior to the next regularly scheduled meeting of  
26 the governing body of the political subdivision, the unpaid wages  
27 shall be due within two weeks of the following regularly scheduled  
1 meeting of the governing body of the political subdivision.

2 Sec. 5. Section 48-1231, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 48-1231 (1) An employee having a claim for wages which  
5 are not paid within thirty days of the regular payday designated or  
6 agreed upon may institute suit for such unpaid wages in the proper  
7 court. If an employee establishes a claim and secures judgment  
8 on the claim, such employee shall be entitled to recover (a) the  
9 full amount of the judgment and all costs of such suit and (b)  
10 if such employee has employed an attorney in the case, an amount  
11 for attorney's fees assessed by the court, which fees shall not be  
12 less than twenty-five percent of the unpaid wages. If the cause is  
13 taken to an appellate court and the plaintiff recovers a judgment,  
14 the appellate court shall tax as costs in the action, to be paid  
15 to the plaintiff, an additional amount for attorney's fees in such  
16 appellate court, which fees shall not be less than twenty-five  
17 percent of the unpaid wages. If the employee fails to recover a  
18 judgment in excess of the amount that may have been tendered within  
19 thirty days of the regular payday by an employer, such employee  
20 shall not recover the attorney's fees provided by this section. If  
21 the court finds that no reasonable dispute existed as to the fact  
22 that wages were owed or as to the amount of such wages, the court  
23 may order the employee to pay the employer's attorney's fees and  
24 costs of the action as assessed by the court.

25 (2) An employer who fails to furnish ~~an itemized~~  
26 ~~statement requested by an employee~~ a wage statement under  
27 subsection (2) of section 48-1230 shall be guilty of an infraction  
1 as defined in section 29-431 and shall be subject to a fine

- 2 pursuant to section 29-436.  
 3 Sec. 6. Original sections 48-1228, 48-1230, and 48-1231,  
 4 Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 765.** Placed on General File with amendment.  
 AM1759

- 1 1. On page 5, strike beginning with "requirements" in  
 2 line 5 through the period in line 7 and insert "compulsory use  
 3 requirements prescribed in 15 U.S.C. 1693k.".

**LEGISLATIVE BILL 800.** Placed on General File with amendment.  
 AM1891

- 1 1. Strike original section 6.  
 2 2. On page 14, line 1, strike "13-2112, and 77-5905" and  
 3 insert "and 13-2112".  
 4 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 943.** Placed on General File with amendment.  
 AM1922

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 48-1203, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 48-1203 (1) Except as otherwise provided in this section  
 6 and section 48-1203.01, every employer shall pay to each of his or  
 7 her employees a minimum wage of:  
 8 ~~(a) Five dollars and fifteen cents per hour through July~~  
 9 ~~23, 2007;~~  
 10 ~~(b) Five dollars and eighty five cents per hour on and~~  
 11 ~~after July 24, 2007, through July 23, 2008;~~  
 12 ~~(c) Six dollars and fifty five cents per hour on and~~  
 13 ~~after July 24, 2008, through July 23, 2009; and~~  
 14 ~~(d) Seven dollars and twenty five cents per hour on and~~  
 15 ~~after July 24, 2009.~~  
 16 (a) Seven dollars and twenty-five cents per hour through  
 17 December 31, 2014;  
 18 (b) Seven dollars and sixty-five cents per hour on and  
 19 after January 1, 2015, through December 31, 2015;  
 20 (c) Eight dollars and thirty-five cents per hour on and  
 21 after January 1, 2016, through December 31, 2016; and  
 22 (d) Nine dollars per hour on and after January 1, 2017.  
 23 (2) For persons compensated by way of gratuities such  
 1 as waitresses, waiters, hotel bellhops, porters, and shoeshine  
 2 persons, the employer shall pay cash wages at the minimum rate  
 3 ~~of two dollars and thirteen cents per hour, calculated in this~~  
 4 ~~subsection plus all gratuities given to them for services rendered.~~  
 5 For the one-year period beginning on the effective date  
 6 of this act, the minimum cash wage per hour shall be three dollars.  
 7 For each succeeding one-year period until the minimum cash wage

8 under this subsection equals seventy percent of the minimum wage  
 9 in effect under subsection (1) of this section, the minimum cash  
 10 wage shall be equal to the amount for the preceding year increased  
 11 by the lesser of ninety-five cents or the amount necessary for the  
 12 wage to equal seventy percent of the minimum wage in effect under  
 13 subsection (1) of this section, rounded to the nearest multiple  
 14 of five cents. For each succeeding one-year period after the year  
 15 in which the minimum cash wage under this subsection first equals  
 16 seventy percent of the minimum wage in effect under subsection (1)  
 17 of this section, the minimum cash wage shall be equal to the amount  
 18 for the preceding year increased by the amount necessary to ensure  
 19 that the minimum cash wage in effect under this subsection remains  
 20 equal to seventy percent of the minimum wage in effect under  
 21 subsection (1) of this section, rounded to the nearest multiple of  
 22 five cents.

23 The sum of cash wages and gratuities received by each  
 24 person compensated by way of gratuities shall equal or exceed the  
 25 minimum wage rate provided in subsection (1) of this section. In  
 26 determining whether or not the individual is compensated by way of  
 27 gratuities, the burden of proof shall be upon the employer.

1 (3) Any employer employing student-learners as part  
 2 of a bona fide vocational training program shall pay such  
 3 student-learners' wages at a rate of at least seventy-five percent  
 4 of the minimum wage rate which would otherwise be applicable.

5 Sec. 2. Section 48-1205, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:

7 48-1205 (1) Every employer subject to the provisions  
 8 of sections 48-1201 to 48-1209 Wage and Hour Act shall keep a  
 9 summary of sections 48-1201 to 48-1209, the act, furnished by  
 10 the Commissioner of Labor without charge, posted in a conspicuous  
 11 place on or about the premises wherein any person subject to the  
 12 provisions of sections 48-1201 to 48-1209 act is employed. Minimum  
 13 wage amounts in effect shall also be posted and shall be furnished  
 14 by the commissioner without charge.

15 (2) The Commissioner of Labor shall calculate the minimum  
 16 wage amounts as provided in sections 48-1203 and 48-1203.01,  
 17 recalculate such amounts whenever there is a change, and provide  
 18 notice of such amounts and the date the amounts become effective to  
 19 employers subject to the Wage and Hour Act.

20 Sec. 3. Original sections 48-1203 and 48-1205, Reissue  
 21 Revised Statutes of Nebraska, are repealed.

(Signed) Steve Lathrop, Chairperson

Revenue

**LEGISLATIVE BILL 850.** Placed on General File.

**LEGISLATIVE BILL 1087.** Placed on General File.

(Signed) Galen Hadley, Chairperson

**COMMITTEE REPORT**  
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark Spurgin - Game and Parks Commission

Aye: 7 Brasch, Carlson, Dubas, K. Haar, Johnson, Schilz, Smith. Nay: 0.  
Absent: 1 Kolowski. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 20, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Brown, Marty  
Nebraska Taxpayers for Freedom  
Brown, Michael V.  
ABATE of Nebraska, Inc.  
Bruckner, Traci  
Center for Rural Affairs  
Cutshall & Nowka  
National Utility Contractors Association of Nebraska

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 838.** With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2013; to change dates

relating to distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Haar, K.      Kolowski      Larson      Lautenbaugh

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

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB838.

#### **SENATOR COASH PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 474.** Title read. Considered.

Senator Krist withdrew his motion, MO51, found on page 1059, First Session, 2013, to recommit to the Revenue Committee.

Committee AM652, found on page 766, First Session, 2013, lost with 1 aye, 23 nays, 22 present and not voting, and 3 excused and not voting.

Senator Hadley withdrew his amendment, AM1609, found on page 191.

Senator Hadley offered his amendment, AM1815, found on page 448.

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

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 671.** Title read. Considered.

Committee AM1637, found on page 539, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

### **SENATOR GLOOR PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 21, 2014, at 9:20 a.m. was the following: LB838e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### **COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 795.** Placed on General File.

(Signed) Annette Dubas, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 713.** Placed on General File.

(Signed) Jeremy Nordquist, Chairperson

Revenue

**LEGISLATIVE BILL 159.** Placed on General File with amendment.  
AM1579

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 77-2701, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to  
 6 77-27,236 and section 3 of this act shall be known and may be cited  
 7 as the Nebraska Revenue Act of 1967.  
 8 Sec. 2. Section 77-2701.04, Revised Statutes Cumulative  
 9 Supplement, 2012, is amended to read:  
 10 77-2701.04 For purposes of sections 77-2701.04 to 77-2713  
 11 and section 3 of this act, unless the context otherwise requires,  
 12 the definitions found in sections 77-2701.05 to 77-2701.55 shall be  
 13 used.  
 14 Sec. 3. (1) Sales and use taxes shall not be imposed  
 15 on the gross receipts from the sale, lease, or rental of and the  
 16 storage, use, or other consumption in this state of currency or  
 17 bullion.  
 18 (2) For purposes of this section:  
 19 (a) Bullion means bars, ingots, or commemorative  
 20 medallions of gold, silver, platinum, or palladium, or a  
 21 combination of these, for which the value of the metal depends on  
 22 its content and not the form; and  
 23 (b) Currency means a coin or currency made of gold,  
 1 silver, or other metal or paper which is or has been used as legal  
 2 tender.  
 3 Sec. 4. This act becomes operative on October 1, 2014.  
 4 Sec. 5. Original sections 77-2701 and 77-2701.04, Revised  
 5 Statutes Cumulative Supplement, 2012, are repealed.

**LEGISLATIVE BILL 829.** Placed on General File with amendment.  
 AM2003

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 77-2701.11, Reissue Revised Statutes  
 4 of Nebraska, is amended to read:  
 5 77-2701.11 Delivery charges means charges by the seller  
 6 of personal property or services for preparation and delivery to  
 7 a location designated by the purchaser of personal property or  
 8 services, including, but not limited to, transportation, shipping,  
 9 postage, handling, crating, and packing. Delivery charges does not  
 10 include United States postage charges on direct mail that are  
 11 separately stated on the invoice, bill of sale, or similar document  
 12 given to the purchaser.  
 13 Sec. 2. Section 77-2701.35, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:  
 15 77-2701.35 (1) Sales price applies to the measure subject  
 16 to sales tax and means the total amount of consideration, including  
 17 cash, credit, property, and services, for which personal property  
 18 or services are sold, leased, or rented, valued in money, whether

19 received in money or otherwise, without any deduction for the  
20 following:

- 21 (a) The seller's cost of the property sold;
- 22 (b) The cost of materials used, the cost of labor or  
23 service, interest, losses, all costs of transportation to the  
1 seller, all taxes imposed on the seller, and any other expense of  
2 the seller;
- 3 (c) Charges by the seller for any services necessary to  
4 complete the sale;
- 5 (d) Delivery charges; and
- 6 (e) Installation charges.

7 (2) Sales price includes consideration received by the  
8 seller from third parties if:

- 9 (a) The seller actually receives consideration from a  
10 party other than the purchaser and the consideration is directly  
11 related to a price reduction or discount on the sale;
- 12 (b) The seller has an obligation to pass the price  
13 reduction or discount through to the purchaser;
- 14 (c) The amount of the consideration attributable to the  
15 sale is fixed and determinable by the seller at the time of the  
16 sale of the item to the purchaser; and
- 17 (d) One of the following criteria is met:
  - 18 (i) The purchaser presents a coupon, certificate, or  
19 other documentation to the seller to claim a price reduction  
20 or discount when the coupon, certificate, or documentation is  
21 authorized, distributed, or granted by a third party with the  
22 understanding that the third party will reimburse any seller to  
23 whom the coupon, certificate, or documentation is presented;
  - 24 (ii) The purchaser identifies himself or herself to the  
25 seller as a member of a group or organization entitled to a price  
26 reduction or discount. A preferred customer card that is available  
27 to any patron does not constitute membership in such a group; or
  - 1 (iii) The price reduction or discount is identified as a  
2 third-party price reduction or discount on the invoice received by  
3 the purchaser or on a coupon, certificate, or other documentation  
4 presented by the purchaser.

5 (3) Sales price does not include:

- 6 (a) Any discounts, including cash, terms, or coupons that  
7 are not reimbursed by a third party that are allowed by a seller  
8 and taken by a purchaser on a sale;
- 9 (b) Interest, financing, and carrying charges from credit  
10 extended on the sale of personal property or services, if the  
11 amount is separately stated on the invoice, bill of sale, or  
12 similar document given to the purchaser;
- 13 (c) Any taxes legally imposed directly on the consumer  
14 that are separately stated on the invoice, bill of sale, or similar  
15 document given to the purchaser; ~~and~~
- 16 (d) United States postage charges on direct mail that are  
17 separately stated on the invoice, bill of sale, or similar document



- 18 given to the purchaser; and  
 19 ~~(d)~~(e) Credit for any trade-in as follows:  
 20 (i) The value of property taken by a seller in trade as  
 21 all or a part of the consideration for a sale of property of any  
 22 kind or nature; or  
 23 (ii) The value of a motor vehicle or motorboat taken by  
 24 any person in trade as all or a part of the consideration for a  
 25 sale of another motor vehicle or motorboat.  
 26 Sec. 3. This act becomes operative on October 1, 2014.  
 27 Sec. 4. Original sections 77-2701.11 and 77-2701.35,  
 1 Reissue Revised Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 986.** Placed on General File with amendment.  
 AM2041 is available in the Bill Room.

(Signed) Galen Hadley, Chairperson

Appropriations

**LEGISLATIVE BILL 1114.** Placed on General File.

**LEGISLATIVE BILL 974.** Placed on General File with amendment.  
 AM2025

- 1 1. Insert the following new sections:  
 2 Section 1. Section 79-1145, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 79-1145 (1) For each fiscal year prior to fiscal  
 5 year 2014-15, the aggregate amount of General Funds appropriated  
 6 for special education programs and support services pursuant to  
 7 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
 8 aggregate amount of General Funds appropriated pursuant to such  
 9 sections for the previous fiscal year, ~~multiplied by one plus a~~  
 10 ~~rate of increased by~~ five percent.  
 11 (2) For fiscal year 2014-15 and each fiscal year  
 12 thereafter, the aggregate amount of General Funds appropriated  
 13 for special education programs and support services pursuant to  
 14 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
 15 aggregate amount of General Funds appropriated pursuant to such  
 16 sections for the previous fiscal year, increased by ten percent.  
 17 Sec. 3. Section 81-1111.01, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:  
 19 81-1111.01 For agencies with fewer than seven full-time  
 20 employees, preaudits shall be conducted by the accounting bureau or  
 21 by a state agency authorized by Director of Administrative Services  
 22 to conduct its own preaudits. The Director of Administrative  
 23 Services may authorize departments and agencies that have seven or  
 1 more full-time employees to perform their own preaudits, subject  
 2 to monitoring by the accounting bureau. The preaudits shall be  
 3 performed in accordance with the provisions of subdivisions (3)(a)

4 through (f) of section 81-1111.

5 Sec. 5. Section 81-1125.01, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7 81-1125.01 It shall be the duty of the Director of  
8 Administrative Services to digest, prepare, and report to the  
9 Governor, the Tax Commissioner, ~~and~~ the Clerk of the Legislature,  
10 ~~and the Legislative Fiscal Analyst,~~ at least twenty days before the  
11 commencement of each regular session of the Legislature:

12 (1) ~~A full and detailed statement of The Annual Budgetary~~  
13 ~~Report~~ showing the condition of the treasury, and the amount of the  
14 expenditures for the last fiscal year;

15 (2) ~~A full and detailed statement of the public debt, The~~  
16 ~~Comprehensive Annual Financial Report~~ showing fully all liabilities  
17 and resources of the state; and

18 (3) Such plans as he or she may deem expedient for (a)  
19 the support of public credit, (b) lessening the public expenses,  
20 (c) using the public money to the best advantage, (d) promoting  
21 frugality and economy in public offices, and generally for the  
22 better management and more perfect understanding of the fiscal  
23 affairs of the state, and (e) securing uniformity and efficiency in  
24 the levying and collecting of taxes, systematizing the work to be  
25 done by officers having duties to perform under the revenue law.

26 The ~~report reports~~ submitted to the ~~Clerk of the~~  
27 Legislature shall be submitted electronically. Each member of  
1 the Legislature shall receive an electronic copy of the ~~report~~  
2 ~~reports~~ required by this section by making a request for it to the  
3 director.

4 Sec. 12. Since an emergency exists, this act takes effect  
5 when passed and approved according to law.

6 2. On page 9, line 24, strike "section" and insert  
7 "sections 79-1145, 81-1111.01, and"; and in line 25 strike "and"  
8 and insert a comma and after "81-1113," insert "and 81-1125.01,".

9 3. Renumber the remaining sections and correct internal  
10 references accordingly.

(Signed) Heath Mello, Chairperson

#### Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Dennis W. Leonard - Public Employees Retirement Board

Aye: 6 Conrad, Davis, Karpisek, Kolowski, Mello, Nordquist. Nay: 0.  
Absent: 0. Present and not voting: 0.

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Gail Werner-Robertson - Nebraska Investment Council

Aye: 6 Conrad, Davis, Karpisek, Kolowski, Mello, Nordquist. Nay: 0.  
Absent: 0. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 448.** Introduced by Kolowski, 31.

WHEREAS, Morgan Coil, a senior at Millard West High School, has achieved national recognition for exemplary volunteer service by receiving a 2014 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Morgan earned this award by serving the past two years as president of her school's "40 Assets Club," a leadership and service club, where Morgan planned the majority of activities including an in-depth mentoring program to help children at the Hope Center for Kids develop character and social skills; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Morgan who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Morgan Coil as a recipient of a 2014 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Morgan Coil.

Laid over.

**LEGISLATIVE RESOLUTION 449.** Introduced by Karpisek, 32.

WHEREAS, Brandon Reinsch of Geneva, 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, Brandon has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Brandon organized his Troop 175 and painted all the fire hydrants in Geneva; and

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

WHEREAS, Brandon, 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 Brandon Reinsch on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brandon Reinsch.

Laid over.

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

Senator Mello filed the following amendment to LB371A:  
AM1966

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

Senator Mello filed the following amendment to LB989:  
AM2029

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-382, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 77-382 (1) The department shall prepare a tax expenditure
- 6 report describing (a) the basic provisions of the Nebraska
- 7 tax laws, (b) the actual or estimated revenue loss caused by
- 8 the exemptions, deductions, exclusions, deferrals, credits, and
- 9 preferential rates in effect on July 1 of each year and allowed
- 10 under Nebraska's tax structure and in the property tax, (c) the
- 11 actual or estimated revenue loss caused by failure to impose sales
- 12 and use tax on services purchased for nonbusiness use, and ~~(e)~~(d)
- 13 the elements which make up the tax base for state and local income,
- 14 including income, sales and use, property, and miscellaneous taxes.
- 15 (2) The department shall review the major tax exemptions
- 16 for which state general funds are used to reduce the impact of

17 revenue lost due to a tax expenditure. The report shall indicate an  
18 estimate of the amount of the reduction in revenue resulting from  
19 the operation of all tax expenditures. The report shall list each  
20 tax expenditure relating to sales and use tax under the following  
21 categories:

22 (a) Agriculture, which shall include a separate listing  
23 for the following items: Agricultural machinery; agricultural  
1 chemical; seeds sold to commercial producers; water for irrigation  
2 and manufacturing; commercial artificial insemination; mineral  
3 oil as dust suppressant; animal grooming; oxygen for use in  
4 aquaculture; animal life whose products constitute food for human  
5 consumption; and grains;

6 (b) Business across state lines, which shall include  
7 a separate listing for the following items: Property shipped  
8 out-of-state; fabrication labor for items to be shipped  
9 out-of-state; property to be transported out-of-state; property  
10 purchased in other states to be used in Nebraska; aircraft  
11 delivery to an out-of-state resident or business; state reciprocal  
12 agreements for industrial machinery; and property taxed in another  
13 state;

14 (c) Common carrier and logistics, which shall include a  
15 separate listing for the following items: Railroad rolling stock  
16 and repair parts and services; common or contract carriers and  
17 repair parts and services; common or contract carrier accessories;  
18 and common or contract carrier safety equipment;

19 (d) Consumer goods, which shall include a separate  
20 listing for the following items: Motor vehicles and motorboat  
21 trade-ins; merchandise trade-ins; certain medical equipment and  
22 medicine; newspapers; laundromats; telefloral deliveries; motor  
23 vehicle discounts for the disabled; and political campaign  
24 fundraisers;

25 (e) Energy, which shall include a separate listing for  
26 the following items: Motor fuels; energy used in industry; energy  
27 used in agriculture; aviation fuel; and minerals, oil, and gas  
1 severed from real property;

2 (f) Food, which shall include a separate listing for the  
3 following items: Food for home consumption; Supplemental Nutrition  
4 Assistance Program; school lunches; meals sold by hospitals; meals  
5 sold by institutions at a flat rate; food for the elderly,  
6 handicapped, and Supplemental Security Income recipients; and meals  
7 sold by churches;

8 (g) General business, which shall include a separate  
9 listing for the following items: Component and ingredient parts;  
10 manufacturing machinery; containers; film rentals; molds and dies;  
11 syndicated programming; intercompany sales; intercompany leases;  
12 sale of a business or farm machinery; and transfer of property in a  
13 change of business ownership;

14 (h) Lodging and shelter, which shall include a  
15 separate listing for the following item: Room rentals by certain

16 institutions;

17 (i) Miscellaneous, which shall include a separate listing

18 for the following items: Cash discounts and coupons; separately

19 stated finance charges; casual sales; lease-to-purchase agreements;

20 and separately stated taxes;

21 (j) Nonprofits, governments, and exempt entities, which

22 shall include a separate listing for the following items: Purchases

23 by political subdivisions of the state; purchases by churches

24 and nonprofit colleges and medical facilities; purchasing agents

25 for public real estate construction improvements; contractor as

26 purchasing agent for public agencies; Nebraska lottery; admissions

27 to school events; sales on Native American Indian reservations;

1 school-supporting fundraisers; fine art purchases by a museum;

2 purchases by the Nebraska State Fair Board; purchases by the

3 Nebraska Investment Finance Authority and licensees of the State

4 Racing Commission; purchases by the United States Government;

5 public records; and sales by religious organizations;

6 (k) Recent sales tax expenditures, which shall include a

7 separate listing for each sales tax expenditure created by statute

8 or rule and regulation after July 19, 2012; ~~and~~

9 (l) Services purchased for nonbusiness use, which shall

10 include a separate listing for each such service, including, but

11 not limited to, the following items: Motor vehicle cleaning,

12 maintenance, and repair services; cleaning and repair of clothing;

13 cleaning, maintenance, and repair of other tangible personal

14 property; maintenance, painting, and repair of real property;

15 entertainment admissions; personal care services; lawn care,

16 gardening, and landscaping services; pet-related services; storage

17 and moving services; household utilities; other personal services;

18 taxi, limousine, and other transportation services; legal services;

19 accounting services; other professional services; and other real

20 estate services; and

21 ~~(m)~~ (m) Telecommunications, which shall include a

22 separate listing for the following items: Telecommunications

23 access charges; prepaid calling arrangements; conference bridging

24 services; and nonvoice data services.

25 (3) It is the intent of the Legislature that nothing

26 in the Tax Expenditure Reporting Act shall cause the valuation or

27 assessment of any property exempt from taxation on the basis of its

1 use exclusively for religious, educational, or charitable purposes.

2 Sec. 2. Section 77-383, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 77-383 The department may request from any state or local

5 official or agency any information necessary to complete the ~~report~~

6 reports required under section 77-382 and subsection (2) of section

7 77-385. All state and local officials or agencies shall cooperate

8 with the department with respect to any such request.

9 Sec. 3. Section 77-385, Revised Statutes Supplement,

10 2013, is amended to read:

11 77-385 (1) The report required under section 77-382 and  
12 a summary of the report shall be submitted to the Governor, the  
13 Executive Board of the Legislative Council, and the chairpersons  
14 of the Legislature's Revenue and Appropriations Committees on or  
15 before October 15, 1991, and October 15 of every even-numbered year  
16 thereafter. The report submitted to the executive board and the  
17 committees shall be submitted electronically. The department shall,  
18 on or before December 1 of each even-numbered year, appear at a  
19 joint hearing of the Appropriations Committee of the Legislature  
20 and the Revenue Committee of the Legislature and present the  
21 report. Any supplemental information requested by three or more  
22 committee members shall be presented within thirty days after the  
23 request. The summary shall be included with or appended to the  
24 Governor's budget presented to the Legislature in odd-numbered  
25 years.

26 (2)(a) In addition to the tax expenditure report required  
27 under section 77-382, the department shall prepare an annual report  
1 that focuses specifically on the tax expenditures relating to sales  
2 and use tax as follows:

3 (i) For 2014 and every fourth year thereafter, the report  
4 shall analyze the actual or estimated revenue loss caused by the  
5 tax expenditures described in subdivisions (2)(a) through (c) of  
6 section 77-382;

7 (ii) For 2015 and every fourth year thereafter, the  
8 report shall analyze the actual or estimated revenue loss caused by  
9 the tax expenditures described in subdivisions (2)(d) through (f)  
10 of section 77-382;

11 (iii) For 2016 and every fourth year thereafter, the  
12 report shall analyze the actual or estimated revenue loss caused by  
13 the tax expenditures described in subdivisions (2)(g) through (j)  
14 of section 77-382; and

15 (iv) For 2017 and every fourth year thereafter, the  
16 report shall analyze the actual or estimated revenue loss caused by  
17 the tax expenditures described in subdivisions (2)(k) through (m)  
18 of section 77-382.

19 (b) The report required under this subsection shall be  
20 submitted to the Governor, the Executive Board of the Legislative  
21 Council, and the chairpersons of the Revenue Committee of the  
22 Legislature and the Appropriations Committee of the Legislature  
23 on or before October 15 of each year. The report submitted  
24 to the executive board and the committees shall be submitted  
25 electronically. The department shall, on or before December 1  
26 of each year, appear at a joint hearing of the Appropriations  
27 Committee of the Legislature and the Revenue Committee of the  
1 Legislature and present the report. Any supplemental information  
2 requested by three or more committee members shall be presented  
3 within thirty days after the request.

4 Sec. 4. Section 81-125, Revised Statutes Supplement,  
5 2013, is amended to read:

6 81-125 The Governor shall on or before January 15 of  
7 each odd-numbered year present to the Legislature a complete budget  
8 for all the activities of the state receiving appropriations or  
9 requesting appropriations, except that the Governor during his  
10 or her first year in office shall present such budget to the  
11 Legislature on or before February 1. Such budget shall be a  
12 tentative work program for the coming biennium, shall contain a  
13 full and itemized report of the expenditures from appropriations  
14 made by the previous Legislature and the items which the Governor  
15 deems worthy of consideration for the coming biennium, for the  
16 respective departments, offices, and institutions, and for all  
17 other purposes, and shall contain the estimated revenue from  
18 taxation, the estimated revenue from sources other than taxation,  
19 an estimate of the amount required to be raised by taxation and  
20 the sales and income tax rates necessary to raise such amount, the  
21 revenue foregone by operation of laws in effect at the time of  
22 such report granting tax expenditures and reduced tax liabilities  
23 as identified in the report required by section 77-5731, and  
24 recommendations as to deficiency funding requirements pursuant to  
25 section 81-126. The summary of the tax expenditure report prepared  
26 pursuant to ~~the Tax Expenditure Reporting Act subsection (1) of~~  
27 section 77-385 and a summary of the report required by section  
1 77-5731 shall be included with or appended to the budget presented  
2 to the Legislature. The Governor may make recommendations whether  
3 to continue or eliminate, in whole or in part, each tax expenditure  
4 and incentive program or to limit the duration of particular tax  
5 expenditures and incentives to a fixed number of years and shall  
6 include his or her reasoning for each recommendation, if any. The  
7 recommendations shall be transmitted to the Revenue Committee of  
8 the Legislature at the same time the Governor submits a budget  
9 as required in this section. The budget as transmitted to the  
10 Legislature shall show the estimated requirements for each activity  
11 of the state as prepared by the Department of Administrative  
12 Services and the final recommendation of the Governor. The budget  
13 shall comprise the complete report to the Legislature of all  
14 appropriations made for the current biennium and expenditures  
15 therefrom by all agencies receiving appropriations, and the report  
16 of expenditures contained in the budget shall be in lieu of all  
17 other biennial or other financial reports required by statute  
18 to the Legislature by expending agencies of appropriations and  
19 expenditures for their own activities except the biennial report of  
20 the State Treasurer and Director of Administrative Services.  
21 Sec. 5. Original section 77-383, Reissue Revised Statutes  
22 of Nebraska, and sections 77-382, 77-385, and 81-125, Revised  
23 Statutes Supplement, 2013, are repealed.



**NOTICE OF COMMITTEE HEARING**

Executive Board

Room 2102

Tuesday, March 4, 2014 12:00 p.m.

LR444

(Signed) John Wightman, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 920A.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 920, One Hundred Third Legislature, Second Session, 2014.

**GENERAL FILE**

**LEGISLATIVE BILL 920.** Title read. Considered.

Committee AM1781, found on page 464, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

**ANNOUNCEMENT**

Speaker Adams designates LBs 51, 132, 251, 259, 373, 546, 660, 674, 692, 700, 717, 719, 728, 744, 751, 799, 810, 811, 851, 908, 923, 982, 994, 1076, and 1115 as Speaker priority bills.

**AMENDMENT - Print in Journal**

Senator McGill filed the following amendment to LB901:  
AM2033

- 1 1. On page 3, line 9, strike "and pharmacists", show as
- 2 stricken, and insert "pharmacists, and physician assistants".

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LB752. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB829. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB1091. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 24 student dental hygienists from UNMC dental school from across the state; Rick Hurst from Columbus; 25 members of the Nebraska State Bar Association from across the state; 3 members of the Nebraska Chapters of Delta Sigma from Omaha and Lincoln; 30 students from the Trio Programs at Metro Community College and Northwest High School; and 100 fourth-grade students, teachers, and sponsors from Waverly.

### **ADJOURNMENT**

At 12:08 p.m., on a motion by Senator Mello, the Legislature adjourned until 10:00 a.m., Monday, February 24, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-FIRST DAY - FEBRUARY 24, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 24, 2014

**PRAYER**

The prayer was offered by Pastor Glenn Wapelhorst, Christ the King Church, Norfolk.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Conrad and Murante who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 191.** Placed on Select File with amendment. ER138 is available in the Bill Room.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**  
Banking, Commerce and Insurance

**LEGISLATIVE BILL 751.** Placed on General File.

(Signed) Mike Gloor, Chairperson

Revenue

**LEGISLATIVE BILL 987.** Placed on General File.

(Signed) Galen Hadley, Chairperson

**MOTION - Approve Appointments**

Senator Gloor moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 581:

Nebraska Exchange Stakeholder Commission

Patrick Booth  
 Craig D. Buescher  
 Shari Flowers  
 James "JJ" Green  
 Michael Groene  
 Laura S. Gyhra  
 Kyle Kollmorgen  
 Britt A. Thedinger  
 Sherry Wupper

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Bolz	Hadley	Pirsch
Avery	Christensen	Mello	Scheer

Excused and not voting, 2:

Conrad      Murante

The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 983A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 920A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 901.** Title read. Considered.

Senator McGill offered her amendment, AM2033, found on page 617.

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

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

**LEGISLATIVE BILL 690.** Title read. Considered.

Committee AM1681, found on page 502, was offered.

Pending.

### COMMITTEE REPORTS

#### Agriculture

**LEGISLATIVE BILL 941.** Placed on General File with amendment. AM2023

- 1 1. On page 2, strike beginning with "supplying" in line
- 2 20 through "milk" in line 22 and insert "the capacity of instate
- 3 processors to utilize increased instate milk production, (iii) the
- 4 potential for expansion of self-processing and direct marketing of
- 5 Nebraska milk and dairy products".
- 6 2. On page 3, line 13, strike "and local governments" and
- 7 insert "government".

(Signed) Ken Schilz, Chairperson

#### Judiciary

**LEGISLATIVE BILL 780.** Placed on General File.

**LEGISLATIVE BILL 1028.** Placed on General File.

**LEGISLATIVE RESOLUTION 399.** Reported to the Legislature for further consideration.

**LEGISLATIVE BILL 551.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

## Urban Affairs

**LEGISLATIVE BILL 1012.** Placed on General File.

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

(Signed) Amanda McGill, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 450.** Introduced by Hadley, 37.

WHEREAS, Jessie Harris, an esteemed resident of Kearney, Nebraska, and a junior at Kearney High School, has achieved national recognition for exemplary volunteer service by being selected as a distinguished finalist in the 2014 Prudential Spirit of Community Awards; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Jessie earned this distinction by giving generously of her time and energy. She is an active volunteer with a number of organizations including the historic Frank House at the University of Nebraska at Kearney (UNK), the World Theatre, and the Buffalo County Historical Society. In addition to serving as a tour guide, working the concession stand, and conducting small repair projects, Jessie and a friend co-authored a book on her town's historic homes with the proceeds going to benefit the UNK Frank House and the Buffalo County Historical Society; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Jessie who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Jessie Harris for her selection as a distinguished finalist in the 2014 Prudential Spirit of Community Awards, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Jessie Harris.

Laid over.

**AMENDMENTS - Print in Journal**

Senator B. Harr filed the following amendment to LB348:  
AM1764

(Amendments to Standing Committee amendments, AM642)

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

3 Section 1. Section 77-1333, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 77-1333 (1) The Legislature finds that:

6 (a) The provision of safe, decent, and affordable housing  
7 to all residents of the State of Nebraska is a matter of public  
8 concern and represents a legitimate and compelling state need,  
9 affecting the general welfare of all residents;

10 (b) Rent-restricted housing projects effectively provide  
11 safe, decent, and affordable housing for residents of Nebraska;

12 (c) Such projects are restricted by federal law as to the  
13 rents paid by the tenants thereof;

14 (d) Of all the professionally accepted mass appraisal  
15 methodologies, which include the sales comparison approach, the  
16 income approach, and the cost approach, the utilization of  
17 the income-approach methodology results in the most accurate  
18 determination of the actual value of such projects; and

19 (e) This section is intended to (i) further the provision  
20 of safe, decent, and affordable housing to all residents of  
21 Nebraska and (ii) comply with Article VIII, section 1, of  
22 the Constitution of Nebraska, which empowers the Legislature to  
1 prescribe standards and methods for the determination of value of  
2 real property at uniform and proportionate values.

3 ~~(1)-(2)~~ (2) For purposes of this section, rent-restricted  
4 housing project means a project consisting of five or more houses  
5 or residential units that is financed, in whole or in part, with an  
6 allocation of federal low-income housing tax credits under section  
7 42 of the Internal Revenue Code.

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

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

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

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

23 committee.

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

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

27 (b)(i) The capital asset pricing model used to calculate  
 1 the yield for equity is represented by the following formula:  $Re =$   
 2  $B(Rm - Rf) + Rf$ , where:

3 (A) Re equals return on equity;

4 (B) B equals beta;

5 (C) Rm equals return on the market;

6 (D) Rf equals risk-free rate of return; and

7 (E)  $Rm - Rf$  equals market-risk premium.

8 (ii) The beta is assumed to be one which indicates the  
 9 risk level to be consistent with the market as a whole. The  
 10 risk-free rate of return is calculated by averaging the yield of  
 11 the three-month and six-month non-inflation-indexed United States  
 12 Treasury bonds. The return on the market is calculated based on  
 13 the average annual return on the Standard and Poor's 500 Index or  
 14 by reference to other published secondary sources that reflect the  
 15 rate of return on the market as a whole.

16 (6) The county assessor shall ~~perform~~ utilize an  
 17 income-approach calculation for all rent-restricted housing



18 projects constructed to allow an allocation of low income  
19 housing tax credits under section 42 of the Internal Revenue  
20 Code and approved by the Nebraska Investment Finance Authority  
21 when considering determining the assessed valuation to place  
22 on the property for each assessment year. The income-approach  
23 calculation shall be consistent with this section and any rules  
24 and regulations adopted and promulgated by the Tax Commissioner,  
25 and shall comply with professionally accepted mass appraisal  
26 techniques. Any low-income housing tax credits authorized under  
27 section 42 of the Internal Revenue Code that were granted to  
1 owners of the project shall not be considered income for purposes  
2 of the calculation. Each county assessor, when utilizing the  
3 income-approach calculation, shall utilize the capitalization  
4 rate calculated by the Rent-Restricted Housing Projects Valuation  
5 Committee except as otherwise provided in subsection (7) of this  
6 section, but may be considered in determining the capitalization  
7 rate to be used when capitalizing the income stream. The county  
8 assessor, in determining the actual value of any specific property,  
9 may consider other methods of determining value that are consistent  
10 with professionally accepted mass appraisal methods described in  
11 section 77-112.

12 (7) If a county assessor, based on the facts and  
13 circumstances, believes that the income-approach calculation does  
14 not result in a valuation of a rent-restricted housing project  
15 at actual value or that the market-derived capitalization rate  
16 set by the Rent-Restricted Housing Projects Valuation Committee  
17 to value any rent-restricted housing project does not result  
18 in a valuation at actual value, then the county assessor shall  
19 present such facts and circumstances to the county board of  
20 equalization. If the county board of equalization, based on  
21 such facts and circumstances, concurs with the county assessor,  
22 then the county board of equalization shall petition the Tax  
23 Equalization and Review Commission to consider, respectively,  
24 (a) the county assessor's utilization of another professionally  
25 accepted mass appraisal technique that, based on the facts and  
26 circumstances presented by a county board of equalization, would  
27 result in a substantially different determination of actual value  
1 of the rent-restricted housing project or (b) an adjustment to  
2 the capitalization rate of such rent-restricted housing project.  
3 Petitions must be filed within thirty days after the property is  
4 assessed. Hearings held pursuant to this section may be held by  
5 means of videoconference or telephone conference. The burden of  
6 proof is on the petitioning county board of equalization to show  
7 that failure to make an adjustment, either to the professionally  
8 accepted mass appraisal technique utilized or the capitalization  
9 rate employed, would result in a value that is not equitable and  
10 in accordance with the law. At the hearing, the commission may  
11 receive testimony from any interested person. After a hearing, the  
12 commission shall, within the powers granted in section 77-5023,

13 enter its order based on evidence presented to it at such hearing.  
 14 Payment of taxes shall be suspended, without penalty or interest,  
 15 until the commission enters its order.  
 16 ~~(2)~~(8) The owner of a rent-restricted housing project  
 17 shall file a statement with the county assessor and the  
 18 Rent-Restricted Housing Projects Valuation Committee on or before  
 19 October 1 of each year that details income and expense data for  
 20 the prior year, a description of any land-use restrictions, and  
 21 such other information as the county assessor or the committee may  
 22 require.  
 23 Sec. 2. Section 77-5007, Revised Statutes Cumulative  
 24 Supplement, 2012, is amended to read:  
 25 77-5007 The commission has the power and duty to hear and  
 26 determine appeals of:  
 27 (1) Decisions of any county board of equalization  
 1 equalizing the value of individual tracts, lots, or parcels of  
 2 real property so that all real property is assessed uniformly and  
 3 proportionately;  
 4 (2) Decisions of any county board of equalization  
 5 granting or denying tax-exempt status for real or personal property  
 6 or an exemption from motor vehicle taxes and fees;  
 7 (3) Decisions of the Tax Commissioner determining the  
 8 taxable property of a railroad company, car company, public service  
 9 entity, or air carrier within the state;  
 10 (4) Decisions of the Tax Commissioner determining  
 11 adjusted valuation pursuant to section 79-1016;  
 12 (5) Decisions of any county board of equalization on  
 13 the valuation of personal property or any penalties imposed under  
 14 sections 77-1233.04 and 77-1233.06;  
 15 (6) Decisions of any county board of equalization on  
 16 claims that a levy is or is not for an unlawful or unnecessary  
 17 purpose or in excess of the requirements of the county;  
 18 (7) Decisions of any county board of equalization  
 19 granting or rejecting an application for a homestead exemption;  
 20 (8) Decisions of the Department of Motor Vehicles  
 21 determining the taxable value of motor vehicles pursuant to section  
 22 60-3,188;  
 23 (9) Decisions of the Tax Commissioner made under section  
 24 77-1330;  
 25 (10) Any other decision of any county board of  
 26 equalization;  
 27 (11) Any other decision of the Tax Commissioner regarding  
 1 property valuation, exemption, or taxation;  
 2 (12) Decisions of the Tax Commissioner pursuant to  
 3 section 77-3520;  
 4 (13) Final decisions of a county board of equalization  
 5 appealed by the Tax Commissioner or Property Tax Administrator  
 6 pursuant to section 77-701; ~~and~~  
 7 (14) Determinations of the Rent-Restricted Housing

8 Projects Valuation Committee regarding the market-derived  
 9 capitalization rate to be used to value rent-restricted housing  
 10 projects pursuant to section 77-1333 or the requirement under such  
 11 section that an income-approach calculation be used by county  
 12 assessors to value rent-restricted housing projects; and  
 13 ~~(14)-(15)~~ Any other decision, determination, action, or  
 14 order from which an appeal to the commission is authorized.  
 15 The commission has the power and duty to hear and grant  
 16 or deny relief on petitions.  
 17 Sec. 3. Original section 77-1333, Reissue Revised  
 18 Statutes of Nebraska, and section 77-5007, Revised Statutes  
 19 Cumulative Supplement, 2012, are repealed.

Senator Adams filed the following amendment to LB438:  
 AM1934

(Amendments to AM1580)

1 1. On page 4, strike beginning with "significant" in line  
 2 8 through "are" in line 9 and insert "(a) a significant revision of  
 3 the progress plan is necessary, (b) an entirely new progress plan  
 4 is developed, or (c) an alternative administrative structure is".

Senator Coash filed the following amendment to LB699:  
 AM2046

(Amendments to Standing Committee amendments, AM1754)

1 1. On page 1, line 9, strike "developmentally disabled"  
 2 and after "person" insert "who has a developmental disability  
 3 and"; in lines 15 and 22 strike "developmentally disabled"; and  
 4 in lines 16 and 23 after "person" insert "who has a developmental  
 5 disability".  
 6 2. On page 2, line 1, strike "developmentally disabled";  
 7 in line 2 after "person" insert "who has a developmental  
 8 disability"; in line 3 strike "developmentally"; in line 4 strike  
 9 "disabled" and after "person" insert "who has a developmental  
 10 disability"; in line 5 strike "developmentally disabled" and insert  
 11 "developmental disability has the same meaning as"; and strike line  
 12 6.  
 13 3. On page 4, line 13, strike "developmentally disabled"  
 14 and after "person" insert "who has a developmental disability,";  
 15 and in line 15 after "act" insert an underscored comma.  
 16 4. On page 5, line 10, strike "developmentally disabled"  
 17 and after "persons" insert "who have a developmental disability and  
 18 who are".

**COMMITTEE REPORT**

## Agriculture

The Agriculture Committee desires to report that the committee voted not to confirm the appointment listed below. The Committee suggests the appointment be rejected by the Legislature and suggests a record vote.

Mark Fahleson - Nebraska State Fair Board

Aye: 5 Chambers, B. Harr, Johnson, Lathrop, Wallman. Nay: 3 Bloomfield, Hansen, Schilz. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Schilz asked unanimous consent to add his name as cointroducer to LB1057. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Mayor Rick Jeffrey from Holdrege; Matt Viljoen from South Africa and Beth Fort from York; Dr. Edward and Mary Jane Truemper from Wann; and 16 members of Nebraska Propane Gas Association from across the state.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Avery, the Legislature adjourned until 9:00 a.m., Tuesday, February 25, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SECOND DAY - FEBRUARY 25, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-SECOND DAY**

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

**PRAYER**

The prayer was offered by Pastor Arin Hess, Community Bible Church, Norfolk.

**ROLL CALL**

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

The roll was called and all members were present except Senator Lautenbaugh who was excused; and Senators Ashford, Christensen, Coash, Conrad, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORTS**

## Revenue

**LEGISLATIVE BILL 1092.** Placed on General File with amendment. AM2067 is available in the Bill Room.

(Signed) Galen Hadley, Chairperson

## Judiciary

**LEGISLATIVE BILL 503.** Placed on General File with amendment. AM1967 is available in the Bill Room.

**LEGISLATIVE BILL 693.** Placed on General File with amendment. AM1782

- 1 1. On page 2, strike the new matter in line 19 and insert
- 2 "real estate taxes and interest thereon if any is due at the time
- 3 of death".

**LEGISLATIVE BILL 908.** Placed on General File with amendment.  
AM1911

- 1 1. On page 19, strike beginning with "and" in line
- 2 14 through line 15 and insert ", the guardian, and the young
- 3 adult, as defined in section 43-4503, to continue the guardianship
- 4 assistance. The guardian shall ensure that any guardianship
- 5 assistance funds provided by the department and received by the
- 6 guardian for the purpose of an extended guardianship shall be used
- 7 for the benefit of the young adult. The department shall adopt and
- 8 promulgate rules and regulations defining services and supports
- 9 encompassed by such benefit."

**LEGISLATIVE BILL 1001.** Placed on General File with amendment.  
AM2022

- 1 1. On page 2, strike beginning with "Except" in line 14
- 2 through line 25.
- 3 2. On page 3, strike lines 1 through 8.

(Signed) Brad Ashford, Chairperson

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 755.** Placed on Select File with amendment.  
ER137

- 1 1. On page 2, line 8; and page 3, line 3, after
- 2 "insurance" insert "contract".
- 3 2. On page 4, strike line 10 and insert "accident and
- 4 health insurance contracts".
- 5 3. On page 6, line 12, strike "reserve liabilities" and
- 6 insert "reserves".
- 7 4. On page 8, line 4, after "information" insert an
- 8 underscored comma.
- 9 5. On page 10, line 13, after "contracts" insert
- 10 "issued".
- 11 6. On page 14, line 5, strike "subdivision," , show as
- 12 stricken, and insert "subsection".
- 13 7. On page 32, line 13, strike "that".
- 14 8. On page 33, lines 1 and 12, strike the period and
- 15 insert an underscored semicolon.
- 16 9. On page 34, line 21, strike the semicolon and insert
- 17 an underscored colon.
- 18 10 On page 35, line 1, strike "policies" and insert
- 19 "policies"; and in line 2 strike "reflects" and insert "the
- 20 valuation must reflect".
- 21 11. On page 37, line 8, after "act" insert an underscored
- 22 comma.
- 23 12. On page 38, line 18, after "produced" insert an
- 1 underscored comma.

- 2 13. On page 39, line 13, strike the comma.  
 3 14. On page 40, line 23, strike "subdivision" and insert  
 4 "subdivisions".  
 5 15. On page 41, line 19, after "8" insert "of this act".  
 6 16. On page 51, line 20, after "percent" insert an  
 7 underscored comma.

**LEGISLATIVE BILL 749.** Placed on Select File with amendment.  
 ER135

- 1 1. On page 1, line 4, strike "21-317,"; and in line 15  
 2 after the first semicolon insert "to change provisions relating to  
 3 occupation taxes;"  
 4 2. On page 5, line 1, strike "chairman" and insert  
 5 "chairperson".  
 6 3. On page 6, line 25, after "220" insert "of this act".  
 7 4. On page 8, line 7, strike the colon.  
 8 5. On page 16, line 19, after "capitals" insert an  
 9 underscored comma.  
 10 6. On page 18, line 4, strike "(a)" and insert "(i)"; and  
 11 in line 5 strike "(b)" and insert "(ii)".  
 12 7. On page 20, lines 19 and 21, after "bylaws" insert  
 13 an underscored comma; and in line 22 after "members" insert an  
 14 underscored comma.  
 15 8. On page 21, line 23, after "52" insert "or 53 to 83";  
 16 and in line 25 strike "act" and insert "Nebraska Model Business  
 17 Corporation Act".  
 18 9. On page 24, line 14, after "shareholders" insert an  
 19 underscored comma.  
 20 10. On page 27, line 6, strike "(f)" and insert "(g)".  
 21 11. On page 28, line 22, after "(ii)" insert "of this  
 22 section".  
 23 12. On page 30, line 4, after "demanded" insert an  
 1 underscored comma.  
 2 13. On page 33, line 25, strike "involuntary" and insert  
 3 "involuntarily".  
 4 14. On page 34, line 12, after the semicolon insert "or".  
 5 15. On page 55, line 21, after "corporation" insert an  
 6 underscored comma.  
 7 16. On page 68, line 14, strike the comma.  
 8 17. On page 74, line 19, strike "continues" and insert  
 9 "continue"; and in line 20 strike "dates" and insert "date".  
 10 18. On page 76, line 14, strike "in" and insert "an".  
 11 19. On page 77, line 16, after "attorney" insert an  
 12 underscored comma.  
 13 20. On page 88, line 23, strike the semicolon and insert  
 14 an underscored period.  
 15 21. On page 90, line 1, after "bylaws" insert an  
 16 underscored comma and after "action" insert an underscored comma.  
 17 22. On page 92, line 2, after the second "office" insert

- 18 an underscored comma; and in line 22 after the second "directors"  
19 insert an underscored comma.
- 20 23. On page 93, line 20, strike "determinates" and insert  
21 "determines".
- 22 24. On page 94, line 11, after "motion" insert an  
23 underscored comma.
- 24 25. On page 100, line 7, strike "chair" and insert  
25 "chairperson".
- 26 26. On page 105, line 3, after "begins" insert an  
27 underscored comma.
- 1 27. On page 113, line 13, after "incorporation" insert an  
2 underscored comma.
- 3 28. On page 115, line 3, after "corporation" insert an  
4 underscored comma and after "directors" insert an underscored  
5 comma; in line 6 after the second "corporation" insert an  
6 underscored comma; and in line 15 after "reports" insert an  
7 underscored comma.
- 8 29. On page 123, line 13, after the first "directors"  
9 insert an underscored comma; and in line 19 after "permissible"  
10 insert an underscored comma.
- 11 30. On page 125, line 8, after "entity" insert an  
12 underscored comma; and in line 10 after "officer" insert an  
13 underscored comma.
- 14 31. On page 128, line 22, after "niece" insert an  
15 underscored comma.
- 16 32. On page 133, line 15, after "act" insert an  
17 underscored comma.
- 18 33. On page 136, lines 11 and 15 and 16, strike "section  
19 125 of this act and this section" and insert "sections 125 to 149  
20 of this act".
- 21 34. On page 137, line 5, strike "section" and insert  
22 "act".
- 23 35. On page 139, line 18, strike "require" and insert  
24 "requires".
- 25 36. On page 140, line 13, after "requires" insert  
26 "action".
- 27 37. On page 147, line 25, after "note" insert an  
1 underscored comma.
- 2 38. On page 149, line 21, after "rights" insert an  
3 underscored comma.
- 4 39. On page 152, line 14; page 161, line 24; page 183,  
5 line 3; page 184, line 1; page 186, line 15; and page 187, line 6,  
6 after "securities" insert an underscored comma.
- 7 40. On page 153, line 20, strike "shareholders" and  
8 insert "shareholder".
- 9 41. On page 158, line 4, strike the comma.
- 10 42. On page 160, line 2, after "interests" insert  
11 an underscored comma; and in line 3 after "shares" insert an  
12 underscored comma.



- 13 43. On page 169, line 5, after "interests" insert an  
14 underscored comma.
- 15 44. On page 173, line 4, after "incorporation" insert an  
16 underscored comma.
- 17 45. On page 176, line 17, strike "subsections" and insert  
18 "subsection".
- 19 46. On page 179, line 25, strike "reserve" and insert  
20 "reserves".
- 21 47. On page 182, line 11, after "shares" insert an  
22 underscored comma.
- 23 48. On page 185, line 19, after "approved" insert an  
24 underscored comma; in line 20 after "effectuated" insert an  
25 underscored comma and after "exercised" insert an underscored  
26 comma; and in line 23 after "interests" insert an underscored  
27 comma.
- 1 49. On page 187, line 13, strike "Section 163 of this  
2 act" and insert "This section".
- 3 50. On page 188, line 15, after "purpose" insert an  
4 underscored comma and after "purposes" insert an underscored comma.
- 5 51. On page 189, line 16, strike "or" and insert  
6 an underscored comma; in line 17 after "securities" insert an  
7 underscored comma; and in line 21 after "corporation" insert an  
8 underscored comma.
- 9 52. On page 190, line 10, after "entity" insert an  
10 underscored comma.
- 11 53. On page 192, line 20, after the second "group" insert  
12 an underscored comma.
- 13 54. On page 194, line 13, strike "or" and insert an  
14 underscored comma; and in line 14 after "securities" insert an  
15 underscored comma.
- 16 55. On page 198, line 20, strike "(i)" and insert "(1)";  
17 in line 22 strike "(ii)" and insert "(2)"; and in line 23 strike  
18 "(b)(i) or (ii)" and insert "(b)(1) or (2)".
- 19 56. On page 199, line 9, after "purpose" insert  
20 an underscored comma; in line 10 after "purposes" insert an  
21 underscored comma; in line 11 after "disposition" insert an  
22 underscored comma; and in line 24 after "shareholders" insert an  
23 underscored comma.
- 24 57. On page 203, line 14, strike the semicolon and insert  
25 an underscored period.
- 26 58. On page 206, line 8, strike the second "or".
- 27 59. On page 208, line 25, strike "assets" and insert  
1 "asserts".
- 2 60. On page 211, line 7, after "except" insert "that".
- 3 61. On page 213, line 14, strike beginning with  
4 "subsection" through "notice" and insert "appraisal notice under  
5 subsection (a) of this section"; and in line 22 strike the first  
6 "subsection" and insert "subdivision".
- 7 62. On page 214, line 2, strike "subsection" and insert

- 8 "subdivision".  
9 63. On page 215, line 24, after "information" insert an  
10 underscored comma.  
11 64. On page 216, line 14, after "not" insert an  
12 underscored comma.  
13 65. On page 219, line 19, strike "(i)" and insert "(1)";  
14 and in line 22 strike "(ii)" and insert "(2)".  
15 66. On page 220, line 15; page 221, line 4; and page 231,  
16 lines 5 and 8, strike "sections" and insert "section".  
17 67. On page 221, line 9, after "172" insert "of this  
18 act"; and in line 11 after "rescinded" insert an underscored comma.  
19 68. On page 223, line 22, after "purpose" insert an  
20 underscored comma; and in line 23 after "purposes" insert an  
21 underscored comma.  
22 69. On page 230, line 22, strike "even" and insert  
23 "event".  
24 70. On page 233, line 3, after "(a)" insert "of this  
25 section".  
26 71. On page 234, line 9, strike "section" and insert  
27 "subsection".  
1 72. On page 240, strike beginning with "subdivision" in  
2 line 23 through "proceedings" in line 24 and insert "proceedings  
3 under subdivision (a)(2) of section 197 of this act".  
4 73. On page 241, line 23, strike "subdivisions" and  
5 insert "subdivision" and strike "and" and insert "or"; and in line  
6 25 strike "subsections" and insert "subsection".  
7 74. On page 242, line 22, strike "subsections" and insert  
8 "subsection".  
9 75. On page 263, line 2, after "meeting" insert an  
10 underscored comma.  
11 76. On page 264, line 6, strike "221" and insert "222".  
12 77. On page 265, line 4, strike "(b) and (c)" and insert  
13 "(c) and (d)".  
14 78. On page 268, line 3, strike "rule" and insert  
15 "rules"; and in line 4 strike "State" and insert "States".  
16 79. On page 270, lines 19 and 20 and 23, strike  
17 "this legislative bill" and insert "the Nebraska Model Business  
18 Corporation Act"; and in line 21 strike "sections".  
19 80. On page 286, line 25, strike "a" and show as  
20 stricken.  
21 81. On page 297, line 1, strike the last "the", show as  
22 stricken, and insert "this"; and in line 25 strike "the", show as  
23 stricken, and insert "this".  
24 82. On page 299, line 1, strike "36" and insert "212";  
25 and in line 13 after "revoked" insert an underscored comma.  
26 83. On page 308, line 19, after "Act" insert an  
27 underscored comma.  
1 84. On page 330, lines 7 and 8 and 22; and page 331, line  
2 6, reinstate the stricken "provisions of the".

- 3 85. On page 340, line 5, strike "53 to 83" and insert  
 4 "171 to 183"; in line 12 strike "the" and show as stricken; in  
 5 lines 12 and 13 strike the new matter; and in line 13 after the  
 6 second comma insert "the Nebraska Model Business Corporation Act".  
 7 86. On page 341, line 4, strike "21-317,".

**LEGISLATIVE BILL 983.** Placed on Select File with amendment.

ER139

- 1 1. In the Standing Committee amendment, AM1820:  
 2 a. On page 2, line 9, strike "shall mean", show as  
 3 stricken, and insert "means";  
 4 b. On page 21, line 9, after the first "or" insert "an";  
 5 c. On page 22, line 20, strike the comma after  
 6 "60-6,114.01" and show as stricken; and  
 7 d. On page 44, line 1, after "applicant" insert an  
 8 underscored comma.  
 9 2. On page 1, line 13, after the semicolon insert "to  
 10 adopt federal regulations by reference; to define and redefine  
 11 terms; to change provisions for issuing temporary documents and  
 12 canceling certain motor vehicle operators' licenses under the Motor  
 13 Vehicle Operator's License Act; to provide and change requirements  
 14 for covered farm vehicles;".  
 15 3. On page 2, line 1, after the semicolon insert "to  
 16 change operating restrictions for certain motor vehicles; to  
 17 provide and change penalty provisions;".

(Signed) John Murante, Chairperson

**COMMITTEE REPORT**  
 Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Esther Casmer - Board of Parole

Aye: 8 Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**AMENDMENT - Print in Journal**

Senator Cook filed the following amendment to LB359:  
AM1737

(Amendments to E & R amendments, ER119)

- 1 1. On page 2, line 2, after "disregarded" insert "after
- 2 twelve continuous months on the program and at each subsequent
- 3 redetermination".

**COMMUNICATION**

Received communication from Joseph M. Acierno, M.D., J.D., Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the appointments of the following three scientists to the Stem Cell Research Advisory Committee:

- Dr. Dennis Roop
- Dr. Rebecca Jane Morris
- Dr. Gerald Spangrude

**MOTIONS - Approve Appointments**

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 610:

- Public Employees Retirement Board
- Dennis W. Leonard

Voting in the affirmative, 34:

Adams	Crawford	Johnson	McGill	Seiler
Bloomfield	Davis	Karpisek	Mello	Smith
Bolz	Garrett	Kintner	Murante	Sullivan
Brasch	Haar, K.	Kolowski	Nelson	Wallman
Campbell	Hadley	Krist	Nordquist	Watermeier
Carlson	Harms	Larson	Schilz	Wightman
Chambers	Harr, B.	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Avery	Dubas	Hansen	Janssen	Scheer
Cook	Gloor	Howard	Lathrop	

Excused and not voting, 6:

Ashford	Coash	Lautenbaugh
Christensen	Conrad	Pirsch

The appointment was confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 611:

Nebraska Investment Council  
Gail Werner-Robertson

Voting in the affirmative, 31:

Bloomfield	Davis	Howard	McGill	Sullivan
Bolz	Garrett	Karpisek	Mello	Wallman
Brasch	Gloor	Kintner	Murante	Wightman
Campbell	Haar, K.	Kolowski	Nelson	
Chambers	Hadley	Krist	Nordquist	
Cook	Hansen	Larson	Schumacher	
Crawford	Harms	McCoy	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Dubas	Johnson	Schilz
Avery	Harr, B.	Lathrop	Seiler
Carlson	Janssen	Scheer	Watermeier

Excused and not voting, 6:

Ashford	Coash	Lautenbaugh
Christensen	Conrad	Pirsch

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 690.** Committee AM1681, found on page 502 and considered on page 621, was renewed.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Senator Bolz moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Bolz requested a roll call vote on the committee amendment.

Voting in the affirmative, 40:

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

Voting in the negative, 4:

Brasch	Christensen	Janssen	Kintner
--------	-------------	---------	---------

Present and not voting, 3:

McCoy	Pirsch	Schilz
-------	--------	--------

Excused and not voting, 2:

Larson	Lautenbaugh
--------	-------------

The committee amendment was adopted with 40 ayes, 4 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kintner offered the following amendment:

FA201  
Strike Section 1.

Pending.

**COMMITTEE REPORTS**

Judiciary

**LEGISLATIVE BILL 775.** Placed on General File with amendment.

AM2038

- 1 1. Insert the following new sections:
- 2 Sec. 5. Section 30-2201, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,
- 5 and 30-4001 to 30-4045 and section 6 of this act shall be known and
- 6 may be cited as the Nebraska Probate Code.
- 7 Sec. 6. (1) For purposes of this section:

8 (a) Custodian means a bank, savings and loan association,  
9 credit union, or other institution acting as a lessor of a safe  
10 deposit box; and

11 (b) Representative of a custodian means an authorized  
12 officer or employee of a custodian.

13 (2)(a) If a decedent at the time of his or her death  
14 was a sole or last surviving joint lessee of a safe deposit box,  
15 the custodian shall, prior to notice that a personal representative  
16 or special administrator has been appointed for such decedent's  
17 estate, allow access to the safe deposit box to determine whether  
18 the safe deposit box contains an instrument that appears to be an  
19 original will of the decedent, a deed to a burial plot, or burial  
20 instructions. The following persons may have such access:

21 (i) A person who presents an affidavit described in  
22 subsection (4) of this section that affiant reasonably believes  
23 that he or she is either (A) an heir at law of the decedent,

1 (B) a devisee of the decedent or a person nominated as a personal  
2 representative as shown in a photocopy of a will which is attached  
3 to such affidavit, or (C) the agent or attorney specifically  
4 authorized in writing by a person described in subdivision  
5 (2)(a)(i)(A) or (B) of this section; or

6 (ii) A person who, under the terms of the safe deposit  
7 box lease or a power of attorney at the time of the decedent's  
8 death, was legally permitted to enter the safe deposit box, unless  
9 otherwise provided by the lease or the power of attorney.

10 (b) If a person described in subdivision (2)(a) of this  
11 section desires access to a safe deposit box but does not possess  
12 a key to the box, the custodian may open the safe deposit box  
13 by any means necessary at the person's request and expense or the  
14 custodian may require the person to obtain a court order for the  
15 custodian to open the safe deposit box at the requesting person's  
16 expense. The custodian shall retain, in a secure location at such  
17 person's expense, the contents of the box other than a purported  
18 will, deed to a burial plot, and burial instructions. A custodian  
19 shall deliver a purported will as described in subdivision (5)(b)  
20 of this section. A person described in subdivision (2)(a)(i) of  
21 this section may remove a deed to a burial plot and burial  
22 instructions that are not part of a purported will pursuant to  
23 subdivision (5)(d) of this section, and the custodian shall not  
24 prevent the removal. Expenses incurred by a custodian or by the  
25 person seeking the documents pursuant to this section shall be  
26 considered an estate administration expense.

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

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

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

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

11 (c) That the affiant:

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

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

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

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

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

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

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

12 (c) At the request of the person or persons authorized  
13 to have access to the safe deposit box under subsection (2) of  
14 this section, the representative of the custodian shall copy each  
15 purported will of the decedent, at the expense of the requesting  
16 person, and shall deliver the copy of each purported will to the  
17 person, or if directed by the person, to the person's agent or  
18 attorney. In copying any purported will, the representative of the  
19 custodian shall not remove any staples or other fastening devices  
20 or disassemble the purported will in any way.

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

1 (6) This section does not limit the right of a personal



2 representative or a special administrator for the decedent, or a  
3 successor of the decedent pursuant to section 30-24,125, to have  
4 access to the safe deposit box as otherwise provided by law.

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

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

13 Sec. 7. The Revisor of Statutes shall assign section 6 of  
14 this act within Chapter 30, article 24, part 1.

15 2. On page 7, line 4, strike "or 30-24,127".

16 3. Renumber the remaining section and correct the  
17 repealer accordingly.

**LEGISLATIVE BILL 828.** Placed on General File with amendment.  
AM1722

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

3 Section 1. Section 29-4201, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 29-4201 It is the intent and purpose of sections 29-4201  
6 to 29-4207 to authorize the usage of audiovisual court appearances  
7 and certain ~~district court arraignments by writing~~ written waivers  
8 and pleas in criminal proceedings consistent with the statutory and  
9 constitutional rights guaranteed by the Constitution of the United  
10 States and the Constitution of Nebraska.

11 Sec. 2. Section 29-4206, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 29-4206 (1) The county courts and district courts may  
14 accept a written waiver of preliminary hearing and a written  
15 waiver of arraignment and plea of not guilty from any defendant.  
16 The written waivers shall only be accepted if the defendant is  
17 represented by counsel. The ~~form~~ written waivers shall contain the  
18 necessary consent and waiver of the right to a physical appearance  
19 and comply with subsection (2) of this section, shall be signed by  
20 the defendant and his or her counsel of record, ~~if any,~~ and shall  
21 be filed with the clerk of the court.

22 (2) The written waivers authorized under subsection (1)  
23 of this section shall be in substantially the following form:

1 STATE OF NEBRASKA, PLEA OF NOT GUILTY/  
2 Plaintiff, WAIVER OF APPEARANCE  
3 -vs- Case No. ....  
4 ..... Arrest No. ....  
5 (Print or Type) Defendant

6 I, the defendant in the above-entitled action, advise the  
7 court that I have retained .....

8 to represent me in this matter. I understand that  
 9 I have been charged with the following violation(s):  
 10 .....  
 11 .....  
 12 Preliminary Hearing Date or Arraignment Date  
 13 ..... and in the event that the charges have been  
 14 amended or new charges added I wish to waive a formal preliminary  
 15 hearing or arraignment before the court and ask the court to enter  
 16 plea(s) of not guilty on my behalf. My attorney has advised me of  
 17 my rights: The right to trial and to a jury trial, if appropriate;  
 18 my right to confront accusers; to subpoena witnesses; to remain  
 19 silent; to counsel; to have this matter transferred to juvenile  
 20 court, if appropriate; and my right to be presumed innocent until  
 21 proven guilty beyond reasonable doubt. My attorney has also advised  
 22 me of the possible penalties for the violations with which I am  
 23 charged, and the possibility that I will be required to make  
 24 restitution for damages, if appropriate.  
 25 I understand that my attorney will notify me of all  
 26 appearance dates in this matter.  
 27 Date: ..... Defendant's Signature: .....

APPEARANCE OF COUNSEL

1 I, ....., advise the court  
 2 that I am the attorney of record for the above-named defendant. I  
 3 have advised my client of all rights and the possible penalties for  
 4 the charges filed against him or her. I understand that the court  
 5 will expect me to represent the defendant in all hearings before  
 6 the court in this matter.  
 7 (Please Print or Type)

8 ..... Attorney's Name  
 9 ..... Attorney's Address  
 10 .....  
 11 .....  
 12 .....  
 13 (Telephone Number) (Attorney Number)  
 14 Date:..... Attorney's Signature: .....

15 (3) A defendant's use of written forms under this  
 16 section shall not prevent his or her right to all other process,  
 17 procedures, and defenses allowed by state and federal law.  
 18 Sec. 3. Original sections 29-4201 and 29-4206, Reissue  
 19 Revised Statutes of Nebraska, are repealed.

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

- LEGISLATIVE BILL 746.** Placed on General File.
- LEGISLATIVE BILL 817.** Placed on General File.
- LEGISLATIVE BILL 825.** Placed on General File.
- LEGISLATIVE BILL 937.** Placed on General File.
- LEGISLATIVE BILL 980.** Placed on General File.

**LEGISLATIVE BILL 1058.** Placed on General File.

**LEGISLATIVE BILL 833.** Placed on General File with amendment.  
AM1919

1 1. On page 3, line 1, strike "this" and show as stricken  
2 and after "subsection" insert "(2) of this section"; in line 10  
3 after "(2)" insert "or (4)"; and in line 17 after "22-417" insert  
4 "and in subsection (3) of this section".

5 2. On page 4, after line 11, insert the following new  
6 subsections:

7 "(3) If a county having a population of less than one  
8 hundred fifty thousand inhabitants has an elected county surveyor  
9 in office on January 1, 2020, the county board may, prior to  
10 February 1, 2020, following a public hearing, adopt a resolution  
11 to continue to elect the county surveyor for the county and not to  
12 submit the question pursuant to subsection (2) of this section.

13 (4)(a) Beginning in 2021, in each county having a  
14 population of less than one hundred fifty thousand inhabitants,  
15 the county board shall submit the question of electing a county  
16 surveyor in the county to the registered voters of the county at  
17 the next statewide general election if (i) the county board, by  
18 majority vote of all the members of the county board, adopts a  
19 resolution on or before September 1 prior to the next statewide  
20 general election to submit the question to the voters or (ii) a  
21 petition conforming to section 32-628 asking for the submission  
22 of the question to the voters is presented to the election  
23 commissioner or county clerk on or before September 1 prior to the  
1 next statewide general election signed by at least ten percent of  
2 the registered voters of the county. The election commissioner or  
3 county clerk shall verify the signatures pursuant to section 32-631  
4 and place the question on the ballot if he or she determines that  
5 at least ten percent of the registered voters of the county have  
6 signed the petition.

7 (b) The form of submission upon the ballot shall be  
8 as follows: For election of county surveyor; Against election of  
9 county surveyor.

10 (c) If a majority of the votes cast on the question  
11 are against the election of a county surveyor in such county, the  
12 office of county surveyor shall cease as an elected office with  
13 the expiration of the term of the incumbent or shall remain as it  
14 exists if no elected official holds that office. In such counties,  
15 the office shall be filled as provided in subsection (2) of section  
16 23-1901.01.

17 (d) If a majority of the votes cast on the question  
18 are in favor of the election of a county surveyor, the office  
19 shall continue to be elected as provided in subsection (1) of this  
20 section or, if no elected county surveyor is in office, a county  
21 surveyor shall be elected at the next statewide general election as

22 provided in subsection (1) of this section."; and in line 12 strike  
23 "(3)" and insert "(5)".

**LEGISLATIVE BILL 845.** Placed on General File with amendment.  
AM2043

1 1. Insert the following new section:  
2 Sec. 10. Since an emergency exists, this act takes effect  
3 when passed and approved according to law.  
4 2. On page 4, line 9, strike "but not more than two  
5 hundred feet"; in line 15 strike "Be" and insert "Have the top  
6 one-half of the tower"; in line 18 strike "base" and insert "bottom  
7 of the painted area"; in line 21 strike "fifteen" and insert  
8 "twenty"; strike beginning with "a" in line 23 through line 25  
9 and insert "yellow safety sleeves installed on each outer guy wire  
10 extending at least fourteen feet above the anchor point of the guy  
11 wire".  
12 3. On page 5, strike lines 1 through 4; in line 16 after  
13 "act" insert "and which is either lighted, marked with balls at  
14 least twenty-one inches in diameter, painted, or modified in some  
15 other manner so it is recognizable in clear air during daylight  
16 hours from a distance of not less than two thousand feet"; in  
17 line 18 strike "one year after the effective date of this act" and  
18 insert "two years after the effective date of this act or at such  
19 time the tower is taken down for maintenance or other purposes,  
20 whichever occurs first"; in line 19 before "registration" insert  
21 "owner of a tower erected prior to the effective date of this act  
22 which is not lighted, marked, painted, or modified as described in  
23 this subsection shall mark such tower as required by subsection  
1 (2) of this section within ninety days after the effective date of  
2 this act. The"; in line 20 after "owner" insert "of a tower erected  
3 prior to the effective date of this act" and strike "of" and insert  
4 "after"; after line 21 insert:  
5 "(5) A material failure to comply with the marking and  
6 registration requirements of this section shall be admissible as  
7 evidence of negligence on the part of an owner of a meteorological  
8 evaluation tower in an action in tort for property damage, bodily  
9 injury, or death resulting from an aerial collision with such  
10 unmarked or unregistered tower"; and in line 22 strike "(5)" and  
11 insert "(6)".

**LEGISLATIVE BILL 946.** Placed on General File with amendment.  
AM2047 is available in the Bill Room.

**LEGISLATIVE BILL 1048.** Placed on General File with amendment.  
AM1894

1 1. Insert the following new section:  
2 Section 1. Section 32-206, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:  
4 32-206 (1) The Secretary of State shall publish an

5 official election calendar by November 1 prior to the statewide  
 6 primary election. Such calendar, to be approved as to form by the  
 7 Attorney General, shall set forth the various election deadline  
 8 dates and other pertinent data as determined by the Secretary of  
 9 State. The official election calendar shall be merely a guideline  
 10 and shall in no way legally bind the Secretary of State or the  
 11 Attorney General.

12 (2) The Secretary of State shall deliver a copy of the  
 13 official election calendar to the state party headquarters of each  
 14 recognized political party within ten days after publication under  
 15 subsection (1) of this section.

16 ~~(2)~~(3) Except as provided in sections 32-302 and 32-306,  
 17 any filing or other act required to be performed by a specified day  
 18 shall be performed by 5 p.m. of such day, except that if such day  
 19 falls upon a Saturday, Sunday, or legal holiday, performance shall  
 20 be required on the next business day.

21 2. On page 4, line 25, strike "or" and insert an  
 22 underscored comma.

23 3. On page 5, line 1, after "election" insert ", or (iii)  
 1 a combination of the methods listed in subdivisions (i) and (ii) of  
 2 this subdivision".

3 4. Renumber the remaining sections and correct the  
 4 repealer accordingly.

**LEGISLATIVE BILL 1084.** Placed on General File with amendment.  
 AM1843

1 1. On page 3, lines 11 and 12, strike the new matter and  
 2 reinstate the stricken matter.

(Signed) Bill Avery, Chairperson

Judiciary

**LEGISLATIVE BILL 933.** Placed on General File with amendment.  
 AM1926

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

3 Section 1. Section 28-830, Revised Statutes Supplement,  
 4 2013, is amended to read:

5 28-830 For purposes of sections 28-830 and 28-831, the  
 6 following definitions apply:

7 (1) Actor means a person who solicits, procures, or  
 8 supervises the services or labor of another person;

9 (2) Commercial sexual activity means any sex act on  
 10 account of which anything of value is given, promised to, or  
 11 received by any person;

12 (3) Debt bondage means inducing another person to  
 13 provide:

14 (a) Commercial sexual activity in payment toward or

- 15 satisfaction of a real or purported debt; or  
 16 (b) Labor or services in payment toward or satisfaction  
 17 of a real or purported debt if:  
 18 (i) The reasonable value of the labor or services is not  
 19 applied toward the liquidation of the debt; or  
 20 (ii) The length of the labor or services is not limited  
 21 and the nature of the labor or services is not defined.  
 22 ~~(3)-(4)~~ Financial harm means theft by extortion as  
 23 described by section 28-513;  
 1 ~~(4)-(5)~~ Forced labor or services means labor or services  
 2 that are performed or provided by another person and are obtained  
 3 or maintained through:  
 4 (a) Inflicting or threatening to inflict serious personal  
 5 injury, to the other person as defined by section 28-318, on  
 6 another person;  
 7 (b) Physically restraining or threatening to physically  
 8 restrain the other person;  
 9 (c) Abusing or threatening to abuse the legal process  
 10 against another person to cause arrest or deportation for violation  
 11 of federal immigration law;  
 12 (d) Controlling or threatening to control another  
 13 person's access to a controlled substance listed in Schedule I, II  
 14 or III of section 28-405;  
 15 (e) Exploiting another person's substantial functional  
 16 impairment as defined in section 28-368 or substantial mental  
 17 impairment as defined in section 28-369;  
 18 ~~(e)-(f)~~ Knowingly destroying, concealing, removing,  
 19 confiscating, or possessing any actual or purported passport  
 20 or other immigration document or any other actual or purported  
 21 government identification document of the other person; or  
 22 ~~(d)-(g)~~ Causing or threatening to cause financial harm to  
 23 the other person; another person, including debt bondage;  
 24 ~~(5)-(6)~~ Labor means work of economic or financial value;  
 25 ~~(6)-(7)~~ Labor trafficking means knowingly recruiting,  
 26 enticing, harboring, transporting, providing, or obtaining by any  
 27 means or attempting to recruit, entice, harbor, transport, provide,  
 1 or obtain by any means a person eighteen years of age or older  
 2 intending or knowing that the person will be subjected to forced  
 3 labor or services;  
 4 ~~(7)-(8)~~ Labor trafficking of a minor means knowingly  
 5 recruiting, enticing, harboring, transporting, providing, or  
 6 obtaining by any means or attempting to recruit, entice, harbor,  
 7 transport, provide, or obtain by any means a minor intending  
 8 or knowing that the minor will be subjected to forced labor or  
 9 services;  
 10 ~~(8)-(9)~~ Maintain means, in relation to labor or services,  
 11 to secure continued performance thereof, regardless of any initial  
 12 agreement by the other person to perform such type of service;  
 13 ~~(9)-(10)~~ Minor means a person younger than eighteen years

14 of age;

15 ~~(10)~~(11) Obtain means, in relation to labor or services,

16 to secure performance thereof;

17 ~~(11)~~(12) Services means an ongoing relationship between

18 the actor and another person in which the person performs

19 activities under the supervision of or for the benefit of

20 the actor. Commercial sexual activity and sexually-explicit

21 performances are forms of services under this section. Nothing in

22 this subdivision shall be construed to legalize prostitution;

23 ~~(12)~~(13) Sex trafficking means knowingly recruiting,

24 enticing, harboring, transporting, providing, or obtaining by

25 any means or knowingly attempting to recruit, entice, harbor,

26 transport, provide, or obtain by any means a person eighteen years

27 of age or older for the purpose of having such person engage

1 in commercial sexual activity, sexually explicit performance, or

2 the production of pornography or to cause or attempt to cause

3 a person eighteen years of age or older to engage in commercial

4 sexual activity, sexually explicit performance, or the production

5 of pornography;

6 ~~(13)~~(14) Sex trafficking of a minor means knowingly

7 recruiting, enticing, harboring, transporting, providing, or

8 obtaining by any means or knowingly attempting to recruit, entice,

9 harbor, transport, provide, or obtain by any means a minor for the

10 purpose of having such minor engage in commercial sexual activity,

11 sexually explicit performance, or the production of pornography

12 or to cause or attempt to cause a minor to engage in commercial

13 sexual activity, sexually explicit performance, or the production

14 of pornography;

15 ~~(14)~~(15) Sexually-explicit performance means a live or

16 public play, dance, show, or other exhibition intended to arouse or

17 gratify sexual desire or to appeal to prurient interests; and

18 ~~(15)~~(16) Trafficking victim means a person subjected to

19 any act or acts prohibited by section 28-831.

20 Sec. 2. Section 28-831, Revised Statutes Supplement,

21 2013, is amended to read:

22 28-831 (1) No person shall knowingly engage in labor

23 trafficking or sex trafficking.

24 (2) If an actor knowingly engages in labor trafficking or

25 sex trafficking by:

26 (a) Inflicting or threatening to inflict serious personal

27 injury, ~~to the other person~~ as defined by section 28-318, on

1 another person, the actor is guilty of a Class III felony;

2 (b) Physically restraining or threatening to physically

3 restrain the other person, the actor is guilty of a Class III

4 felony;

5 (c) Abusing or threatening to abuse the legal process

6 against another person to cause arrest or deportation for violation

7 of federal immigration law, the actor is guilty of a Class IV

8 felony;

9 (d) Controlling or threatening to control another  
 10 person's access to a controlled substance listed in Schedule I, II  
 11 or III of section 28-405, the actor is guilty of a Class IV felony;  
 12 (e) Exploiting another person's substantial functional  
 13 impairment as defined in section 28-368 or substantial mental  
 14 impairment as defined in section 28-369, the actor is guilty of a  
 15 Class IV felony;  
 16 ~~(f)~~ (f) Knowingly destroying, concealing, removing,  
 17 confiscating, or possessing any actual or purported passport or  
 18 other immigration document, or any other actual or purported  
 19 government identification document, of the other person, the actor  
 20 is guilty of a Class IV felony; or  
 21 ~~(g)~~ (g) Causing or threatening to cause financial harm  
 22 to the other another person, including debt bondage, the actor is  
 23 guilty of a Class I misdemeanor.  
 24 ~~(3)~~ (3) No person shall engage in labor trafficking of  
 25 a minor or sex trafficking of a minor. An actor who engages in  
 26 labor trafficking of a minor or sex trafficking of a minor shall be  
 27 punished as follows:  
 1 (a) In cases in which the actor uses overt force or the  
 2 threat of force against the trafficking victim, the actor is guilty  
 3 of a Class II felony;  
 4 (b) In cases in which the trafficking victim has not  
 5 attained the age of fifteen years, the actor is guilty of a Class  
 6 II felony; or  
 7 (c) In cases involving a trafficking victim between the  
 8 ages of fifteen and eighteen years, and the actor does not use  
 9 overt force or threat of force against the trafficking victim, the  
 10 actor is guilty of a Class III felony.  
 11 ~~(4)~~ (4) Any person who benefits, financially or by  
 12 receiving anything of value, from participation in a venture which  
 13 has, as part of the venture, an act that is in violation of this  
 14 section, is guilty of a Class IV felony.  
 15 Sec. 3. Original sections 28-830 and 28-831, Revised  
 16 Statutes Supplement, 2013, are repealed.

**LEGISLATIVE BILL 998.** Placed on General File with amendment.  
 AM2079

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 60-6,211.11, Revised Statutes  
 4 Cumulative Supplement, 2012, is amended to read:  
 5 60-6,211.11 (1) ~~Any~~ Except as provided in subsection  
 6 (2) of this section, any person who ordered by a court or  
 7 the Department of Motor Vehicles to operate only motor vehicles  
 8 equipped with an ignition interlock device is guilty of a Class I  
 9 misdemeanor if he or she (a) tampers with or circumvents and then  
 10 operates a motor vehicle equipped with an ignition interlock device  
 11 installed under a the court order or Department of Motor Vehicles



12 order while the order is in effect or ~~who~~(b) operates a motor  
 13 vehicle which is not equipped with an ignition interlock device  
 14 in violation of ~~a~~the court order or Department of Motor Vehicles  
 15 order, shall be guilty of a Class IV felony.

16 (2) Any person ordered by a court or the Department of  
 17 Motor Vehicles to operate only motor vehicles equipped with an  
 18 ignition interlock device is guilty of a Class IV felony if he  
 19 or she (a)(i) tampers with or circumvents and then operates a  
 20 motor vehicle equipped with an ignition interlock device installed  
 21 under the court order or Department of Motor Vehicles order while  
 22 the order is in effect or (ii) operates a motor vehicle which  
 23 is not equipped with an ignition interlock device in violation  
 1 of the court order or Department of Motor Vehicles order and (b)  
 2 operates the motor vehicle as described in subdivision (a)(i) or  
 3 (ii) of this subsection when he or she has a concentration of  
 4 two-hundredths of one gram or more by weight of alcohol per one  
 5 hundred milliliters of his or her blood or a concentration of  
 6 two-hundredths of one gram or more by weight of alcohol per two  
 7 hundred ten liters of his or her breath.

8 ~~(2)~~(3) Any person who otherwise operates a motor vehicle  
 9 equipped with an ignition interlock device in violation of the  
 10 requirements of the court order or Department of Motor Vehicles  
 11 order under which the device was installed shall be guilty of a  
 12 Class III misdemeanor.

13 Sec. 2. Section 83-1,127.02, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 83-1,127.02 (1) The Board of Pardons may, in its sole  
 16 discretion, when granting a reprieve to any person who has made  
 17 application pursuant to section 60-6,209, order such person to  
 18 obtain an ignition interlock permit and to operate only motor  
 19 vehicles equipped with an ignition interlock device approved by  
 20 the Director of Motor Vehicles. The Board of Pardons may order the  
 21 person to hold the ignition interlock permit and use an ignition  
 22 interlock device for a period of time not to exceed any period of  
 23 revocation the applicant is subject to at the time the application  
 24 for a license reinstatement is made.

25 (2) Any person ordered by the Board of Pardons to operate  
 26 only motor vehicles equipped with such an ignition interlock device  
 27 shall make application to the director for the issuance of an  
 1 ignition interlock permit pursuant to section 60-4,118.06.

2 ~~(3)~~ Any (3)(a) Except as provided in subdivision (3)(b)  
 3 of this subsection, any such person restricted to operating a  
 4 motor vehicle equipped with such an ignition interlock device ~~who~~  
 5 is guilty of a Class I misdemeanor if he or she (i) operates  
 6 upon the highways of this state a motor vehicle without such  
 7 an ignition interlock device, ~~who~~ (ii) operates a motor vehicle  
 8 equipped with such an ignition interlock device which has been  
 9 disabled, bypassed, or altered in any way, or ~~who~~ (iii) operates  
 10 a motor vehicle equipped with such an ignition interlock device

11 without obtaining an ignition interlock permit, ~~is guilty of a~~  
 12 ~~Class IV felony.~~  
 13 (b) Any such person restricted to operating a motor  
 14 vehicle equipped with such an ignition interlock device is guilty  
 15 of a Class IV felony if he or she (i)(A) operates upon the  
 16 highways of this state a motor vehicle without such an ignition  
 17 interlock device, (B) operates a motor vehicle equipped with such  
 18 an ignition interlock device which has been disabled, bypassed, or  
 19 altered in any way, or (C) operates a motor vehicle equipped with  
 20 such an ignition interlock device without obtaining an ignition  
 21 interlock permit and (ii) operates the motor vehicle as described  
 22 in subdivision (i)(A), (B), or (C) of this subdivision when he or  
 23 she has a concentration of two-hundredths of one gram or more by  
 24 weight of alcohol per one hundred milliliters of his or her blood  
 25 or a concentration of two-hundredths of one gram or more by weight  
 26 of alcohol per two hundred ten liters of his or her breath.  
 27 (4) The court shall, as a part of the judgment  
 1 of conviction for a violation of subdivision (3)(b) of this  
 2 subsection, order such person not to drive any motor vehicle for  
 3 any purpose for a period of fifteen years from the date ordered by  
 4 the court. The court shall also order that the operator's license  
 5 of such person be revoked for a like period. The revocation shall  
 6 be administered upon sentencing, upon the final judgment of any  
 7 appeal or review, or upon the date that any probation is revoked.  
 8 Sec. 3. Original section 83-1,127.02, Reissue Revised  
 9 Statutes of Nebraska, and section 60-6,211.11, Revised Statutes  
 10 Cumulative Supplement, 2012, are repealed.  
 11 Sec. 4. Since an emergency exists, this act takes effect  
 12 when passed and approved according to law.

(Signed) Brad Ashford, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Andrew Loudon - Nebraska Accountability and Disclosure Commission

Aye: 7 Avery, Bloomfield, Garrett, Karpisek, Murante, Scheer, Wallman.  
 Nay: 0. Absent: 1 Lautenbaugh. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John L. Grimes - State Emergency Response Commission  
Benjamin Salo - State Emergency Response Commission

Aye: 7 Avery, Bloomfield, Garrett, Karpisek, Murante, Scheer, Wallman.  
Nay: 0. Absent: 1 Lautenbaugh. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Sherry Blaha - State Emergency Response Commission

Aye: 8 Avery, Bloomfield, Garrett, Karpisek, Lautenbaugh, Murante, Scheer, Wallman. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Transportation and Telecommunications

Room 1113

Tuesday, March 4, 2014 12:30 p.m.

Dorest Harvey - Nebraska Information Technology Commission  
Randy Meininger - Nebraska Information Technology Commission  
Dan Shundoff - Nebraska Information Technology Commission  
Gerald (Gary) Warren - Nebraska Information Technology Commission  
Walter Weir - Nebraska Information Technology Commission

Tuesday, March 18, 2014 9:00 a.m.

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board  
Donald Hansen - Nebraska Motor Vehicle Industry Licensing Board  
Angela Quinn - Nebraska Motor Vehicle Industry Licensing Board

(Signed) Annette Dubas, Chairperson

**AMENDMENTS - Print in Journal**

Senator Schumacher filed the following amendment to LB867:  
AM2011

(Amendments to Standing Committee amendments, AM1954)

- 1 1. Insert the following new sections:
- 2 Sec. 6. Section 77-2701.11, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2701.11 Delivery charges means charges by the seller
- 5 of personal property or services for preparation and delivery to

6 a location designated by the purchaser of personal property or  
7 services, including, but not limited to, transportation, shipping,  
8 postage, handling, crating, and packing. Delivery charges does not  
9 include United States postage charges on direct mail that are  
10 separately stated on the invoice, bill of sale, or similar document  
11 given to the purchaser.

12 Sec. 7. Section 77-2701.35, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 77-2701.35 (1) Sales price applies to the measure subject  
15 to sales tax and means the total amount of consideration, including  
16 cash, credit, property, and services, for which personal property  
17 or services are sold, leased, or rented, valued in money, whether  
18 received in money or otherwise, without any deduction for the  
19 following:

20 (a) The seller's cost of the property sold;

21 (b) The cost of materials used, the cost of labor or  
22 service, interest, losses, all costs of transportation to the  
1 seller, all taxes imposed on the seller, and any other expense of  
2 the seller;

3 (c) Charges by the seller for any services necessary to  
4 complete the sale;

5 (d) Delivery charges; and

6 (e) Installation charges.

7 (2) Sales price includes consideration received by the  
8 seller from third parties if:

9 (a) The seller actually receives consideration from a  
10 party other than the purchaser and the consideration is directly  
11 related to a price reduction or discount on the sale;

12 (b) The seller has an obligation to pass the price  
13 reduction or discount through to the purchaser;

14 (c) The amount of the consideration attributable to the  
15 sale is fixed and determinable by the seller at the time of the  
16 sale of the item to the purchaser; and

17 (d) One of the following criteria is met:

18 (i) The purchaser presents a coupon, certificate, or  
19 other documentation to the seller to claim a price reduction  
20 or discount when the coupon, certificate, or documentation is  
21 authorized, distributed, or granted by a third party with the  
22 understanding that the third party will reimburse any seller to  
23 whom the coupon, certificate, or documentation is presented;

24 (ii) The purchaser identifies himself or herself to the  
25 seller as a member of a group or organization entitled to a price  
26 reduction or discount. A preferred customer card that is available  
27 to any patron does not constitute membership in such a group; or

1 (iii) The price reduction or discount is identified as a  
2 third-party price reduction or discount on the invoice received by  
3 the purchaser or on a coupon, certificate, or other documentation  
4 presented by the purchaser.

5 (3) Sales price does not include:

6 (a) Any discounts, including cash, terms, or coupons that  
7 are not reimbursed by a third party that are allowed by a seller  
8 and taken by a purchaser on a sale;

9 (b) Interest, financing, and carrying charges from credit  
10 extended on the sale of personal property or services, if the  
11 amount is separately stated on the invoice, bill of sale, or  
12 similar document given to the purchaser;

13 (c) Any taxes legally imposed directly on the consumer  
14 that are separately stated on the invoice, bill of sale, or similar  
15 document given to the purchaser; ~~and~~

16 (d) United States postage charges on direct mail that are  
17 separately stated on the invoice, bill of sale, or similar document  
18 given to the purchaser; and

19 ~~(d)~~(e) Credit for any trade-in as follows:

20 (i) The value of property taken by a seller in trade as  
21 all or a part of the consideration for a sale of property of any  
22 kind or nature; or

23 (ii) The value of a motor vehicle or motorboat taken by  
24 any person in trade as all or a part of the consideration for a  
25 sale of another motor vehicle or motorboat.

26 Sec. 9. (1) Sales and use taxes shall not be imposed  
27 on the gross receipts from the sale, lease, or rental of and the  
1 storage, use, or other consumption in this state of currency or  
2 bullion.

3 (2) For purposes of this section:

4 (a) Bullion means bars, ingots, or commemorative  
5 medallions of gold, silver, platinum, or palladium, or a  
6 combination of these, for which the value of the metal depends on  
7 its content and not the form; and

8 (b) Currency means a coin or currency made of gold,  
9 silver, or other metal or paper which is or has been used as legal  
10 tender.

11 2. On page 6, lines 5 and 10, strike "section 6" and  
12 insert "sections 8 and 9".

13 3. Renumber the remaining sections and correct internal  
14 references accordingly.

15 4. Correct the operative date and repealer sections so  
16 that the sections added by this amendment become operative on  
17 October 1, 2014.

Senator Cook filed the following amendment to LB359A:  
AM2074

(Amendments to AM1622)

1 1. On page 1, line 11, strike "\$300,960" and insert  
2 "\$361,152".

Senator Crawford filed the following amendment to LB719:

AM2066

1 1. Insert the following new section:

2 Sec. 2. Section 84-907.10, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 84-907.10 ~~(1) After an agency submits a copy of each~~  
5 ~~amendment or rule or regulation pursuant to section 84-907.06, or~~  
6 ~~any time thereafter, (1) If any member of the Legislature who feels~~

7 aggrieved by a rule or regulation or by the proposed adoption,

8 amendment, or repeal of a rule, or regulation pursuant to section

9 84-907.06 or believes that ~~the (a) a rule or regulation or the~~

10 adoption, amendment, rule, or regulation or repeal of a rule or

11 regulation is in excess of the statutory authority or jurisdiction

12 of the agency, is unconstitutional, ~~or~~ is inconsistent with the

13 legislative intent of the authorizing statute, or creates an undue

14 burden in a manner that significantly outweighs its benefit to

15 the public, (b) circumstances have changed since the passage of

16 the statute which a rule or regulation implements, or (c) a rule

17 or regulation or an amendment or repeal overlaps, duplicates, or

18 conflicts with federal, state, or local laws, rules, regulations,

19 or ordinances, the member may file a complaint with the Chairperson

20 of the Executive Board of the Legislative Council. The complaint

21 shall explain in detail the member's contentions.

22 (2) The chairperson of the executive board or a committee

23 staff member of the executive board shall refer the complaint

1 to the chairperson of the standing committee of the Legislature

2 which has subject matter jurisdiction over the issue involved in

3 the rule or regulation or which has traditionally handled the

4 issue and, if practicable, to the member of the Legislature who

5 was the primary sponsor of the legislative bill that granted

6 the agency the rulemaking authority if the member is still

7 serving or, if the legislative bill was amended to include the

8 rulemaking authority, to the primary sponsor of the amendment

9 granting rulemaking authority if the member is still serving.

10 (3) The standing committee and primary sponsor of the

11 legislative bill or amendment granting rulemaking authority may

12 consider the complaint and, if such committee or primary sponsor

13 concludes that the complaint has merit, then such committee or

14 primary sponsor may request a written response from the agency

15 which shall include, but not be limited to (a) a description of the

16 amendment or rule or regulation, (b) when applicable, a description

17 of the legislative intent of the statute granting the agency

18 rulemaking authority and a statement explaining how the rule or

19 regulation or the adoption, amendment, or repeal of the ~~or~~ rule or

20 regulation is within the authority or jurisdiction of the agency,

21 is constitutional, is consistent with legislative intent, or is not

22 an undue burden, (c) if the description required in subdivision (b)

23 of this subsection is inapplicable, an explanation as to why the

24 rule or regulation or the adoption, amendment, or repeal ~~or rule or~~

25 ~~regulation~~ is necessary, and (d) an explanation of the extent to  
 26 which and how any public comment was taken into consideration by  
 27 the agency with respect to the rule or regulation or the adoption,  
 1 amendment, or repeal. ~~or rule or regulation.~~ The agency shall  
 2 respond within sixty days of a request, and such response shall be  
 3 a public record.  
 4 (4) Nothing in this section shall be construed to  
 5 prohibit the adoption or promulgation of the rule or regulation  
 6 in accordance with other ~~sections~~ provisions of the Administrative  
 7 Procedure Act.  
 8 2. On page 3, line 7, strike "section 84-907.04" and  
 9 insert "sections 84-907.04 and 84-907.10"; and in line 8 strike  
 10 "is" and insert "are".  
 11 3. Renumber the remaining section accordingly.

### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Morris, Rebecca Jane - Stem Cell Research Advisory Committee - Health  
 and Human Services  
 Roop, Dennis - Stem Cell Research Advisory Committee - Health and  
 Human Services  
 Spangrude, Gerald - Stem Cell Research Advisory Committee - Health and  
 Human Services

(Signed) John Wightman, Chairperson  
 Executive Board

### UNANIMOUS CONSENT - Add Cointroducers

Senator Murante asked unanimous consent to add his name as cointroducer  
 to LB923. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to  
 LB699. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to  
 LB865 and LB1101. No objections. So ordered.

Senators Avery, Hadley, Howard, Kolowski, Krist, and Wallman asked  
 unanimous consent to add their names as cointroducers to LB505. No  
 objections. So ordered.

Senator K. Haar asked unanimous consent to add his name as cointroducer  
 to LB505. No objections. So ordered.

### WITHDRAW - Cointroducer

Senator Karpisek withdrew his name as cointroducer to LR399.

**VISITORS**

Visitors to the Chamber were Senator McCoy's daughter, Eleanor, from Elkhorn; 9 tenth- through twelfth-grade students and sponsor from Park Avenue Christian School in Norfolk; 70 members from Autism Speaks, Autism Society of Nebraska, Autism Family Network, Autism Center of Nebraska, Autism Action Partnership, and ARC of Nebraska; and 17 ninth-grade students from Lincoln East.

**ADJOURNMENT**

At 12:06 p.m., on a motion by Senator Hadley, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-THIRD DAY - FEBRUARY 26, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 26, 2014

**PRAYER**

The prayer was offered by Pastor John Hogue, Arlington Community Church, Arlington.

**ROLL CALL**

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

The roll was called and all members were present except Senators Lautenbaugh and Murante who were excused; and Senator Conrad who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-second day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 993.** Placed on General File.

**LEGISLATIVE BILL 735.** Placed on General File with amendment.  
AM2081

- 1 1. On page 2, line 4, before "entitled" insert "legally";
- 2 and in line 5 after "death" insert "if the request has been made
- 3 within one year after the insured's death".

(Signed) Mike Gloor, Chairperson

Health and Human Services

**LEGISLATIVE BILL 276.** Placed on General File.

**LEGISLATIVE BILL 994.** Placed on General File.

**LEGISLATIVE BILL 887.** Placed on General File with amendment.  
AM2032 is available in the Bill Room.

**LEGISLATIVE BILL 931.** Placed on General File with amendment.  
AM1924

- 1 1. On page 2, line 5, strike "and"; in line 9 after
- 2 "crisis" insert "; and
- 3 (3) A mental health first aid program is an education
- 4 program recognized on the Substance Abuse and Mental Health
- 5 Services Administration's National Registry of Evidence-based
- 6 Programs and Practices"; in line 15 after "The" insert "Division
- 7 of Behavioral Health of the"; and in line 23 strike "through" and
- 8 insert "administered by".
- 9 2. On page 3, line 21, strike "Department" through
- 10 "Services" and insert "behavioral health regions established
- 11 pursuant to section 71-807"; in line 22 strike "to" and insert
- 12 "and work with"; and strike line 25 and insert "agencies, and local
- 13 health departments".
- 14 3. On page 4, line 1, strike "authorities," and after
- 15 "to" insert "develop a program that offers grants to"; and in line
- 16 2 after "Act" insert "in ways that are representative and inclusive
- 17 with respect to the economic and cultural diversity of this state".

**LEGISLATIVE BILL 1050.** Placed on General File with amendment.  
AM1827

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 71-1911, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-1911 (1) A person may operate child care for three or
- 5 fewer children without having a license issued by the department.
- 6 A person who is not required to be licensed may choose to apply
- 7 for a license and, upon obtaining a license, shall be subject to
- 8 the Child Care Licensing Act. A person who has had a license issued
- 9 pursuant to this section and has had such license suspended or
- 10 revoked other than for nonpayment of fees shall not operate or
- 11 offer to operate a program for or provide care to any number of
- 12 children until the person is licensed pursuant to this section.
- 13 (2) No person shall operate or offer to operate a program
- 14 for four or more children under his or her direct supervision,
- 15 care, and control at any one time from families other than that
- 16 of such person without having in full force and effect a written
- 17 license issued by the department upon such terms as may be
- 18 prescribed by the rules and regulations adopted and promulgated
- 19 by the department. The license may be a provisional license or
- 20 an operating license. A city, village, or county which has rules,
- 21 regulations, or ordinances in effect on July 10, 1984, which apply
- 22 to programs operating for two or three children from different
- 23 families may continue to license persons providing such programs.
- 1 If the license of a person is suspended or revoked other than
- 2 for nonpayment of fees, such person shall not be licensed by any
- 3 city, village, or county rules, regulations, or ordinances until

4 the person is licensed pursuant to this section.

5 (3) A provisional license shall be issued to all  
6 applicants following the completion of preservice orientation  
7 training approved or delivered by the department for the first  
8 year of operation. At the end of one year of operation, the  
9 department shall either issue an operating license, extend the  
10 provisional license, or deny the operating license. The provisional  
11 license may be extended once for a period of no more than six  
12 months. The decision regarding extension of the provisional license  
13 is not appealable. The provisional license may be extended if:

14 (a) A licensee is unable to comply with all licensure  
15 requirements and standards, is making a good faith effort to  
16 comply, and is capable of compliance within the next six months;

17 (b) The effect of the current inability to comply with  
18 a rule or regulation does not present an unreasonable risk to the  
19 health, safety, or well-being of children or staff; and

20 (c) The licensee has a written plan of correction that  
21 has been approved by the department which is to be completed within  
22 the renewal period.

23 (4) The department may place a provisional or operating  
24 license on corrective action status. Corrective action status  
25 is voluntary and may be in effect for up to six months. The  
26 decision regarding placement on corrective action status is not  
27 a disciplinary action and is not appealable. If the written plan  
1 of correction is not approved by the department, the department  
2 may discipline the license. A probationary license may be issued  
3 for the licensee to operate under corrective action status if the  
4 department determines that:

5 (a) The licensee is unable to comply with all licensure  
6 requirements and standards or has had a history of noncompliance;

7 (b) The effect of noncompliance with any rule or  
8 regulation does not present an unreasonable risk to the health,  
9 safety, or well-being of children or staff; and

10 (c) The licensee has a written plan of correction that  
11 has been approved by the department.

12 (5) Operating licenses issued under the Child Care  
13 Licensing Act shall remain in full force and effect subject to  
14 annual inspections and fees. The department may amend a license  
15 upon change of ownership or location. Amending a license requires  
16 a site inspection by the department at the time of amendment, ~~;~~  
17 ~~except that for amendment of a family child care home I license,~~  
18 ~~an inspection shall occur within sixty days.~~ When a program is to  
19 be permanently closed, the licensee shall return the license to the  
20 department within one week after the closing.

21 (6) The license, including any applicable status or  
22 amendment, shall be displayed by the licensee in a prominent place  
23 so that it is clearly visible to parents and others. License record  
24 information and inspection reports shall be made available by the  
25 licensee for public inspection upon request.

26 2. Renumber the remaining sections and amend the repealer  
27 accordingly.

**LEGISLATIVE BILL 1072.** Placed on General File with amendment.  
AM1955

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 71-2454, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 71-2454 It is the intent of the Legislature that  
6 an entity described in section 71-2455 establish a system of  
7 prescription drug monitoring for the purposes of (1) preventing  
8 the misuse of ~~prescription drugs controlled substances that are~~  
9 prescribed in an efficient and cost-effective manner and (2)  
10 allowing doctors and pharmacists to monitor the care and treatment  
11 of patients for whom such a prescription drug is prescribed  
12 to ensure that such prescription drugs are used for medically  
13 appropriate purposes and that the State of Nebraska remains on the  
14 cutting edge of medical information technology.

15 Sec. 2. Section 71-2455, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:  
17 71-2455 The Department of Health and Human Services, in  
18 collaboration with the Nebraska Health Information Initiative or  
19 any successor public-private statewide health information exchange  
20 that facilitates the secure exchange of clinical information  
21 among physicians and other health care providers in real time  
22 at the point of care, shall enhance or establish technology for  
23 prescription drug monitoring to carry out the purposes of section  
1 71-2454. ~~No state funding shall be used to implement or operate the~~  
2 ~~prescription drug monitoring system provided for in this section.~~  
3 The department may use state funds and accept grants, gifts, or  
4 other funds in order to implement and operate the technology.  
5 The department may adopt and promulgate rules and regulations to  
6 authorize use of electronic health information, if necessary to  
7 carry out the purposes of sections 71-2454 and 71-2455.

8 Sec. 3. The Prescription Drug Monitoring Program Fund  
9 is created. The Department of Health and Human Services shall  
10 administer the fund which shall include any state funds, grants, or  
11 gifts received by the department for the purposes of carrying out  
12 the purposes of sections 71-2454 and 71-2455. Any money in the fund  
13 available for investment shall be invested by the state investment  
14 officer pursuant to the Nebraska Capital Expansion Act and the  
15 Nebraska State Funds Investment Act.

16 Sec. 4. (1) The Prescription Drug Monitoring Program Task  
17 Force is created. The task force members shall include:

18 (a) The chief medical officer of the Department of Health  
19 and Human Services;

20 (b) A representative of a statewide organization that  
21 represents physicians;

22 (c) A physician who works in the field of pain  
23 management;  
24 (d) A representative of a statewide organization that  
25 represents pharmacists and pharmaceutical representatives;  
26 (e) A representative from a statewide health information  
27 exchange program;  
1 (f) A representative of a company that provides health  
2 insurance plans in Nebraska;  
3 (g) A representative of a pharmacy benefit manager in  
4 Nebraska; and  
5 (h) A representative of a statewide association that  
6 represents hospitals and health systems.  
7 (2) The members of the task force designated in  
8 subdivisions (1)(b) through (h) of this section shall be appointed  
9 by the Governor on or before July 1, 2014. The Governor shall  
10 appoint the chairperson of the task force from among the members of  
11 the task force. Members shall be reimbursed for their actual and  
12 necessary expenses incurred while serving as a member of the task  
13 force as provided in sections 81-1174 to 81-1177.  
14 (3) The task force may gather information from interested  
15 parties through public hearings and other appropriate means to  
16 assure ample opportunities for outside input to be received for  
17 consideration. The Division of Public Health of the Department  
18 of Health and Human Services shall provide administrative support  
19 to the task force and shall be responsible for production and  
20 distribution of the final report. The task force shall complete  
21 its work and issue a final report outlining its findings and  
22 recommendations to the Governor and the Legislature no later than  
23 December 1, 2014.  
24 (4) The task force shall study the following topics and  
25 make recommendations for policies and potential legislation to the  
26 Governor and the Legislature:  
27 (a) The effectiveness and history of prescription drug  
1 monitoring programs in other states;  
2 (b) The effectiveness and history of the Nebraska Health  
3 Information Exchange as a prescription drug monitoring program;  
4 (c) Options available to Nebraska for establishing and  
5 monitoring a new prescription drug monitoring program or enhancing  
6 any existing prescription drug monitoring program;  
7 (d) The costs involved in establishing and maintaining an  
8 effective and widely used prescription drug monitoring program;  
9 (e) Options for funding any costs involved in  
10 establishing and maintaining an effective and widely used  
11 prescription drug monitoring program; and  
12 (f) Legislation that would be required to establish an  
13 effective and widely used prescription drug monitoring program in  
14 Nebraska.  
15 (5) It is the intent of the Legislature that any  
16 money appropriated by the Legislature for this study shall be

17 appropriated to the Division of Public Health of the Department of  
 18 Health and Human Services.  
 19 Sec. 5. Original sections 71-2454 and 71-2455, Revised  
 20 Statutes Cumulative Supplement, 2012, are repealed.

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORTS**  
 Enrollment and Review

**LEGISLATIVE BILL 661.** Placed on Select File with amendment.  
 ER140 is available in the Bill Room.

**LEGISLATIVE BILL 661A.** Placed on Select File.

**LEGISLATIVE BILL 474.** Placed on Select File with amendment.  
 ER141

1 1. On page 1, strike lines 2 through 11 and insert  
 2 "14-109, 15-202, 15-203, 16-205, and 17-525, Reissue Revised  
 3 Statutes of Nebraska; to change provisions relating to occupation  
 4 taxes imposed by cities and villages; and to repeal the original  
 5 sections."

**LEGISLATIVE BILL 671.** Placed on Select File with amendment.  
 ER142

1 1. On page 1, lines 1 and 2, strike "sections 37-452 and  
 2 37-559" and insert "section 37-452"; and in line 5 strike the first  
 3 "sections" and insert "section" and strike "sections 37-472 and"  
 4 and insert "section".

**LEGISLATIVE BILL 920.** Placed on Select File.

**LEGISLATIVE BILL 920A.** Placed on Select File.

**LEGISLATIVE BILL 983A.** Placed on Select File.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator Johnson filed the following amendment to LB980:  
 AM2069

1 1. On page 2, line 12, after "attempts" insert ",  
 2 including, but not limited to, by publishing notice of the  
 3 vacancies in a newspaper of general circulation in the county  
 4 and on the county web site, if applicable."

Senator Dubas filed the following amendment to LB983:  
 AM1984 is available in the Bill Room.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 451.** Introduced by Johnson, 23.

WHEREAS, the David City High School wrestling team won the 2014 Class C State Wrestling Championship; and

WHEREAS, the David City Scouts showed outstanding determination, teamwork, and skill in winning the state championship with a team score of 125 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 David City High School wrestling team on winning the 2014 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the David City High School wrestling team.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1028A.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1028, One Hundred Third Legislature, Second Session, 2014; to provide an operative date; and to declare an emergency.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 441, 442, 443, and 445 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 441, 442, 443, and 445.

**SENATOR KRIST PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 690.** Senator Kintner renewed his amendment, FA201, found on page 638.

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Senator Kintner withdrew his amendment.

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

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

Voting in the affirmative, 31:

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

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	McCoy
Brasch	Garrett	Johnson	Pirsch
Carlson	Hansen	Kintner	

Present and not voting, 3:

Coash	Schilz	Smith
-------	--------	-------

Excused and not voting, 4:

Larson	Lautenbaugh	Murante	Watermeier
--------	-------------	---------	------------

Advanced to Enrollment and Review Initial with 31 ayes, 11 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1114A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1114, One Hundred Third Legislature, Second Session, 2014.



**LEGISLATIVE BILL 751A.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 751, One Hundred Third Legislature, Second Session, 2014.

**LEGISLATIVE BILL 901A.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 901, One Hundred Third Legislature, Second Session, 2014.

#### AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB1114:

AM2051

1 1. On page 4, line 1, strike "studies" and insert "a  
2 study"; and strike lines 9 through 23 and insert:  
3 "(2) It is the intent of the Legislature that fifty  
4 thousand dollars of General Funds be appropriated to the High  
5 Growth Business Development Cash Fund for the department to  
6 contract with the private, nonprofit organization selected  
7 pursuant to subsection (3) of section 81-12,133 to provide  
8 research, analysis of best practices in other states, and make  
9 recommendations on ways to support and increase venture capital in  
10 Nebraska. A report of the findings of the research and analysis and  
11 recommendations shall be presented to the Clerk of the Legislature  
12 no later than December 1, 2014. The report shall be submitted  
13 electronically."

Senator Watermeier filed the following amendment to LB986:

AM2060

(Amendments to Standing Committee amendments, AM2041)

1 1. Insert the following new section:  
2 Sec. 4. Section 77-3513, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 77-3513 (1) Except as required by section 77-3514, if  
5 an owner is granted a homestead exemption as provided in section  
6 77-3507 or 77-3509 or subdivision (1)(b)(ii), ~~or (iii), or (iv)~~  
7 of section 77-3508, no reapplication need be filed for succeeding  
8 years, in which case the county assessor and Tax Commissioner  
9 shall determine whether the claimant qualifies for the homestead  
10 exemption in such succeeding years as otherwise provided in  
11 sections 77-3501 to 77-3529 as though a claim were made.  
12 (2) It shall be the duty of each claimant who wants the  
13 homestead exemption provided in subdivision (1)(b)(i) of section  
14 77-3508 to file an application therefor with the county assessor on  
15 or before June 30 of each year. Failure to do so shall constitute a

16 waiver of the exemption for such year, except that:

17 (a) The county board of the county in which the homestead  
18 is located may, by majority vote, extend the deadline for an  
19 applicant to on or before July 20. An extension shall not  
20 be granted to an applicant who received an extension in the  
21 immediately preceding year; and

22 (b) A claimant may file a late application pursuant  
1 to section 77-3514.01 if he or she includes documentation of a  
2 medical condition which impaired the claimant's ability to file the  
3 application in a timely manner.

4 (3) The county assessor shall mail a notice on or before  
5 April 1 to claimants who are the owners of a homestead which  
6 was granted an exemption under subdivision (1)(b)(i) of section  
7 77-3508 in the preceding year unless the claimant has already filed  
8 the application for the current year or the county assessor has  
9 reason to believe there has been a change of circumstances so that  
10 the claimant no longer qualifies. The notice shall include the  
11 claimant's name, the application deadlines for the current year, a  
12 list of documents that must be filed with the application, and the  
13 county assessor's office address and telephone number.

14 2. On page 4, line 12, strike "and" and show as stricken;  
15 in line 15 strike the period, show as stricken, and insert "; and";  
16 after line 15 insert the following new subdivision:

17 "(iv) Beginning January 1, 2015, individuals who have a  
18 developmental disability as defined in section 83-1205."; in line  
19 20 strike "or", show as stricken, and insert an underscored comma;  
20 in line 23 after "subsection" insert ", or certification from the  
21 Department of Health and Human Services for subdivision (b)(iv) of  
22 this subsection"; and in line 25 after "nurse" insert "or from the  
23 Department of Health and Human Services".

24 3. Renumber the remaining sections and correct the  
25 repealer accordingly.

### COMMITTEE REPORT

#### Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Larry Johnson - State Emergency Response Commission

Aye: 6 Avery, Bloomfield, Garrett, Karpisek, Scheer, Wallman. Nay: 0.  
Absent: 2 Lautenbaugh, Murante. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 452.** Introduced by Janssen, 15; Avery, 28; Bloomfield, 17; Carlson, 38; Coash, 27; Cook, 13; Crawford, 45; Garrett, 3; Hadley, 37; Harms, 48; Karpisek, 32; Kintner, 2; McCoy, 39; Mello, 5; Nordquist, 7; Pirsch, 4; Schilz, 47; Seiler, 33; Smith, 14; Sullivan, 41.

WHEREAS, Donald K. Schwab, a native of Hooper, Nebraska, who served his country in the 3rd Infantry Division of the United States Army during World War II, will be awarded the Medal of Honor on March 18, 2014; and

WHEREAS, Donald Schwab, who was also awarded the Distinguished Service Cross, the Bronze Star, and three Purple Hearts during service in North Africa, Sicily, Italy, and France, will become only the 21st Nebraska recipient ever to receive the Medal of Honor; and

WHEREAS, Donald Schwab, serving as a first lieutenant in France on September 17, 1944, heroically charged a German pistol nest alone, captured the gunner, and brought him back behind friendly lines all while under a hail of machine gun fire; and

WHEREAS, Donald Schwab's actions on the battlefield so disorganized the enemy's troops that they abandoned their posts and withdrew; and

WHEREAS, through his extraordinary bravery and sense of duty, Donald Schwab saved countless American lives and inspired his company and fellow servicemen to press on for Allied victory in Europe; and

WHEREAS, after his service to his country, Donald Schwab returned to Dodge County, Nebraska, becoming a successful farmer and later a rural mail carrier for the United States Postal Service until his retirement in 1980; and

WHEREAS, in honor of his actions, and through a comprehensive twelve-year review by the Pentagon of military service during World War II, the Korean War, and the Vietnam War, Donald Schwab, who passed away on February 19, 2005, will be awarded the Medal of Honor posthumously by the President at the White House.

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

1. That the Legislature commends Donald K. Schwab for his gallant service to his country and honors him as a posthumous recipient of the Medal of Honor.

2. That a copy of this resolution be sent to the family of Donald K. Schwab.

Laid over.

**SENATOR COASH PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 776.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 844.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1016.** Title read. Considered.

Committee AM1884, found on page 512, was offered.

Senator Nordquist offered the following amendment to the committee amendment:

AM2082

(Amendments to Standing Committee amendments, AM1884)

- 1 1. On page 4, after line 19 insert the following new
- 2 subsection:
- 3 "(5) It is the intent of the Legislature that the use of
- 4 state-owned, chartered, or rented aircraft by the department shall
- 5 be for the sole purpose of state business. The department shall
- 6 electronically file with the Clerk of the Legislature a quarterly
- 7 report on the department's use of all state-owned, chartered, or
- 8 rented aircraft that includes the following information for each
- 9 trip: The name of the agency or other entity traveling; the
- 10 name of each individual passenger; all purposes of the trip; the
- 11 destination and intermediate stops; and the miles flown."

The Nordquist amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Pending.

**AMENDMENTS - Print in Journal**

Senator Harms filed the following amendment to LB728:

AM2093

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 83-1217.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 83-1217.01 ~~Employees~~ (1) Each employee of state-operated
- 6 services and facilities providing developmental disabilities
- 7 services shall be subject to the criminal history record
- 8 information check requirements of subdivision (9) of section

9 83-1217 and ~~section 83-1217.02~~, shall file a complete set of his  
 10 or her legible fingerprints with the department. The department  
 11 shall transmit such fingerprints to the Nebraska State Patrol  
 12 which shall transmit a copy of the applicant's fingerprints to the  
 13 Identification Division of the Federal Bureau of Investigation for  
 14 a national criminal history record information check.

15 (2) The national criminal history record information  
 16 check shall include information concerning the employee from  
 17 federal repositories of such information and repositories of such  
 18 information in other states if authorized by federal law for use by  
 19 the department.

20 (3) The Nebraska State Patrol shall undertake a search  
 21 for Nebraska criminal history record information concerning the  
 22 employee. The Nebraska State Patrol shall issue a report to the  
 23 department which contains the results of the criminal history  
 1 record information check conducted by the Nebraska State Patrol.

2 (4) Criminal history record information subject to  
 3 federal confidentiality requirements shall remain confidential  
 4 and may be released only upon the written authorization of the  
 5 employee.

6 (5) The department, in cooperation with the Nebraska  
 7 State Patrol, shall adopt and promulgate rules and regulations to  
 8 carry out this section.

9 Sec. 2. Original section 83-1217.01, Reissue Revised  
 10 Statutes of Nebraska, is repealed.

11 Sec. 3. The following section is outright repealed:

12 Section 83-1217.02, Revised Statutes Cumulative Supplement, 2012.

Senator Larson filed the following amendment to LB699:  
 AM2102

(Amendments to Standing Committee amendments, AM1754)

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

### COMMITTEE REPORT

#### Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Barbara J. Keegan - Board of Public Roads Classifications and Standards  
 James Litchfield - Board of Public Roads Classifications and Standards  
 Mick Syslo - Board of Public Roads Classifications and Standards  
 Edward Wootton - Board of Public Roads Classifications and Standards

Aye: 8 Brasch, Dubas, Hadley, Janssen, McCoy, Murante, Smith, Watermeier. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

**COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 892.** Placed on General File.

**LEGISLATIVE BILL 930.** Placed on General File with amendment. AM2039

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 76-2301, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 76-2301 Sections 76-2301 to 76-2330 and section 2 of this
- 6 act shall be known and may be cited as the One-Call Notification
- 7 System Act.
- 8 Sec. 2. Unless otherwise agreed by the operator and
- 9 excavator in writing, no excavation shall be performed within
- 10 twenty-five feet of an underground natural gas transmission line
- 11 as defined in 49 C.F.R. Part 192.3 unless a representative of
- 12 the operator of the underground natural gas transmission line
- 13 is present at the planned excavation area. If the representative
- 14 of the operator fails to appear at the proposed excavation area
- 15 at the time work is scheduled to commence, the excavator shall
- 16 notify the operator that the representative failed to appear and
- 17 excavation operations can begin if reasonable precautions are
- 18 taken to protect the underground facility. This section does
- 19 not prohibit an operator from either voluntarily having its
- 20 representative present during excavation or from entering into
- 21 an agreement voluntarily with an excavator that allows an operator
- 22 representative to be present during excavation.
- 23 Sec. 3. Section 76-2323, Reissue Revised Statutes of
- 1 Nebraska, is amended to read:
- 2 76-2323 (1) Upon receipt of the information contained in
- 3 the notice pursuant to section 76-2321, an operator shall advise
- 4 the excavator of the approximate location of underground facilities
- 5 in the area of the proposed excavation by marking or identifying
- 6 the location of the underground facilities with stakes, flags,
- 7 paint, or any other clearly identifiable marking or reference point
- 8 and shall indicate if the underground facilities are subject to
- 9 section 2 of this act. The location of the underground facility
- 10 given by the operator shall be within a strip of land eighteen
- 11 inches on either side of the marking or identification plus
- 12 one-half of the width of the underground facility. If in the
- 13 opinion of the operator the precise location of a facility cannot
- 14 be determined and marked as required, the operator shall provide

15 all pertinent information and field locating assistance to the  
16 excavator at a mutually agreed to time. The location shall be  
17 marked or identified using color standards prescribed by the  
18 center. The operator shall respond no later than two business  
19 days after receipt of the information in the notice or at a time  
20 mutually agreed to by the parties.

21 (2) The marking or identification shall be done in a  
22 manner that will last for a minimum of five business days on  
23 any nonpermanent surface and a minimum of ten business days on  
24 any permanent surface. If the excavation will continue for longer  
25 than five business days, the operator shall remark or reidentify  
26 the location of the underground facility upon the request of the  
27 excavator. The request for remarking or reidentification shall be  
1 made through the center.

2 (3) An operator who determines that it does not have any  
3 underground facility located in the area of the proposed excavation  
4 shall notify the excavator of the determination prior to the date  
5 of commencement of the excavation.

6 Sec. 4. Section 76-2324, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 76-2324 An excavator who fails to give notice of an  
9 excavation pursuant to section 76-2321 or who fails to comply with  
10 section 2 of this act and who damages an underground facility by  
11 such excavation shall be strictly liable to the operator of the  
12 underground facility for the cost of all repairs to the underground  
13 facility. An excavator who gives the notice and who damages an  
14 underground facility shall be liable to the operator for the cost  
15 of all repairs to the underground facility unless the damage to  
16 the underground facility was due to the operator's failure to  
17 comply with section 76-2323. An excavator who fails to give notice  
18 of an excavation pursuant to section 76-2321 and who damages an  
19 underground facility that is operated by the excavator shall not be  
20 in violation of the One-Call Notification System Act.

21 In addition to any liability provided in this section an  
22 operator of a damaged underground facility shall be entitled to any  
23 other remedies available at law or in equity provided by statute or  
24 otherwise.

25 Sec. 5. Section 76-2325, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 76-2325 Any person who violates the provisions of section  
1 76-2320, 76-2321, 76-2322, 76-2323, 76-2326, or 76-2330 or section  
2 2 of this act shall be subject to a civil penalty as follows:

3 (1) For a violation related to a gas or hazardous liquid  
4 underground pipeline facility, an amount not to exceed ten thousand  
5 dollars for each violation for each day the violation persists, up  
6 to a maximum of five hundred thousand dollars; and

7 (2) For a violation related to any other underground  
8 facility, an amount not to exceed five hundred dollars for each day  
9 the violation persists, up to a maximum of five thousand dollars.

10 An action to recover a civil penalty shall be brought  
 11 by the Attorney General or a prosecuting attorney on behalf of  
 12 the State of Nebraska in any court of competent jurisdiction of  
 13 this state. The trial shall be before the court, which shall  
 14 consider the nature, circumstances, and gravity of the violation  
 15 and, with respect to the person found to have committed the  
 16 violation, the degree of culpability, the absence or existence of  
 17 prior violations, whether the violation was a willful act, any  
 18 good faith attempt to achieve compliance, and such other matters as  
 19 justice may require in determining the amount of penalty imposed.  
 20 All penalties shall be ~~handled and distributed pursuant to~~ remitted  
 21 to the State Treasurer for distribution in accordance with Article  
 22 VII, section 5, of the Constitution of Nebraska.  
 23 Sec. 6. Original sections 76-2323, 76-2324, and 76-2325,  
 24 Reissue Revised Statutes of Nebraska, and section 76-2301, Revised  
 25 Statutes Supplement, 2013, are repealed.

(Signed) Annette Dubas, Chairperson

#### UNANIMOUS CONSENT - Add Cointroducers

Senator Garrett asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB171, LB390, and LB1110. No objections. So ordered.

#### VISITORS

Visitors to the Chamber were 35 Farmers Insurance Agents and Employees from across the state; 30 members of the Nebraska Civic Leadership Program from UNO; 25 people celebrating Madison County Day at the Capitol from Norfolk; and 46 fourth-grade students, teachers, and sponsors from Arlington.

The Doctor of the Day was Dr. Kip Anderson from Columbus.

#### ADJOURNMENT

At 11:59 a.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Thursday, February 27, 2014.

Patrick J. O'Donnell  
 Clerk of the Legislature



**THIRTY-FOURTH DAY - FEBRUARY 27, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 27, 2014

**PRAYER**

The prayer was offered by Father Paul Rutten, Lincoln.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 453.** Introduced by Carlson, 38.

WHEREAS, Audrey Worthing, a seventh-grade student at Elm Creek Schools, has achieved national recognition for exemplary volunteer service by receiving a 2014 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Audrey earned this award by serving as one of the first junior volunteers at the National Audubon Society's Rowe Sanctuary in south-central Nebraska where she helped preserve and educate others about an ecosystem that is a major roosting site for sandhill cranes; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Audrey who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Audrey Worthing as a recipient of a 2014 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Audrey Worthing.

Laid over.

**LEGISLATIVE RESOLUTION 454.** Introduced by Wallman, 30.

WHEREAS, Chance Helmick, a senior at Beatrice High School, won the 2014 Class B State Wrestling Championship in the 170-pound division; and

WHEREAS, Chance successfully defended his state championship title, having also won the gold medal in 2013, and is only the second wrestler in Orangemen history to win more than one state championship; and

WHEREAS, Chance finished his senior season with a perfect 40-0 unbeaten record; 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 Chance Helmick on his state wrestling championship and his career achievements.

2. That a copy of this resolution be sent to Chance Helmick.

Laid over.

**LEGISLATIVE RESOLUTION 455.** Introduced by Johnson, 23.

WHEREAS, Martin Phillips, a senior at David City High School, won the 2014 Class C State Wrestling Championship in the 145-pound division; and

WHEREAS, Martin's victory helped the David City Scouts take a one-point lead over O'Neill High School and win their first wrestling team state title in 30 years; 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 Martin Phillips on winning the 2014 Class C State Wrestling Championship in the 145-pound division and helping his team win the Class C state title.

2. That a copy of this resolution be sent to Martin Phillips.

Laid over.

**MESSAGE FROM THE GOVERNOR**

February 26, 2014

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 838e was received in my office on February 21, 2014. This bill was signed and delivered to the Secretary of State on February 26, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

**GENERAL FILE****LEGISLATIVE BILL 901A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1016.** Senator Nordquist offered the following amendment, to the committee amendment:

AM2115

(Amendments to AM2082)

- 1 1. On page 1, line 11, strike the second "and" and after
- 2 "flown" insert ", and the duration of the trip".

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

Senator Krist offered the following amendment to the committee amendment:

AM2103

(Amendments to Standing Committee amendments, AM1884)

- 1 1. Strike section 2.
- 2 2. On page 1, line 9, strike "acquire" and insert
- 3 "purchase"; and in line 11 strike "acquisition" and insert
- 4 "purchase".
- 5 3. On page 4, line 3, strike the new matter and reinstate
- 6 the stricken matter; strike beginning with "lease" in line 11
- 7 through the first "and" in line 12; strike beginning with "The" in
- 8 line 15 through "(4)" in line 17; in line 20 strike "sections 3-104
- 9 and" and insert "section"; and in line 21 strike "are" and insert

10 "is".

11 4. Renumber the remaining sections accordingly.

The Krist amendment was adopted with 29 ayes, 4 nays, 14 present and not voting, and 2 excused and not voting.

Committee AM1884, found on page 512 and considered on page 668, as amended, was renewed.

The committee amendment, as amended, was adopted with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 3 nays, and 15 present and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 456.** Introduced by Kolowski, 31.

WHEREAS, Nadia Maudhoo, a senior at Millard West High School, began studying violin at the age of seven and also studies viola and piano; and

WHEREAS, Nadia has performed with the Omaha Area Youth Orchestras, the Omaha Symphony, the Hastings Symphony, and the Millard West High Symphony, and has won numerous musical awards and competitions; and

WHEREAS, Nadia performs regularly in recitals and special events around Omaha, volunteers her talents by performing at retirement homes, churches, schools, and fundraisers, and teaches young children in her community; 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 recognizes Nadia Maudhoo for her musical talents and contributions to her community and congratulates Nadia on her personal achievements.

2. That a copy of this resolution be sent to Nadia Maudhoo.

Laid over.

**LEGISLATIVE RESOLUTION 457.** Introduced by Kolowski, 31.

WHEREAS, Michal P. Lisowyj was a drum major for the Millard West High School Band, which won a Nebraska state championship in 1998; and

WHEREAS, Michal was a two-time Drum Corps International world champion in 1999 and 2003; and

WHEREAS, Michal has been a marching band instructor and marching band judge throughout the Midwest since 2000; and

WHEREAS, Michal has provided dedicated service and creative input as a marching band instructor to the Millard West High School Band since 2007.

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

1. That the Legislature recognizes Michal P. Lisowyj for his achievements and dedicated service to the Millard West High School Band.
2. That a copy of this resolution be sent to Michal P. Lisowyj and Millard West High School.

Laid over.

**LEGISLATIVE RESOLUTION 458.** Introduced by Hadley, 37.

WHEREAS, Matthew Alexander Case of Kearney, Nebraska, son of Anita Petersen and Steven Case, 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. For his community service project, Matthew built playground equipment for the First Presbyterian Church in Kearney; 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 Alexander Case on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Matthew Alexander Case.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 699.** Title read. Considered.

Committee AM1754, found on page 504, was offered.

Senator Coash offered his amendment, AM2046, found on page 627, to the committee amendment.

The Coash amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Senator Larson offered his amendment, AM2102, found on page 669, to the committee amendment.

**SPEAKER ADAMS PRESIDING**

The Larson amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Coash offered the following amendment to the committee amendment:

FA202

Amend AM1754

Page 2, line 5, after "others" add: "while engaged in hunting with a firearm".

**SENATOR GLOOR PRESIDING**

The Coash amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Adams	Christensen	Haar, K.	Lautenbaugh	Seiler
Avery	Coash	Hadley	McGill	Smith
Bloomfield	Crawford	Hansen	Mello	Sullivan
Brasch	Davis	Howard	Murante	
Campbell	Garrett	Kolowski	Nordquist	
Carlson	Gloor	Larson	Scheer	

Voting in the negative, 1:

Chambers

Present and not voting, 16:

Ashford	Dubas	Kintner	Pirsch
Bolz	Harms	Krist	Schilz
Conrad	Harr, B.	Lathrop	Schumacher
Cook	Karpisek	Nelson	Wallman

Excused and not voting, 5:

Janssen	Johnson	McCoy	Watermeier	Wightman
---------	---------	-------	------------	----------

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 546.** Title read. Considered.

Committee AM833, found on page 838, First Session, 2013, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

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

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 901.** Placed on Select File with amendment.

ER143

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 71-830, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 71-830 (1) The Behavioral Health Education Center is
- 6 created ~~beginning July 1, 2009,~~ and shall be administered by the
- 7 University of Nebraska Medical Center.
- 8 (2) The center shall:
- 9 (a)(i) Provide funds for two additional medical residents
- 10 in a Nebraska-based psychiatry program each year starting in 2010
- 11 until a total of eight additional psychiatry residents are added in
- 12 2013. ~~Beginning in 2011 and every year thereafter, the~~ The center
- 13 shall provide psychiatric residency training experiences that serve
- 14 rural Nebraska and other underserved areas. As part of his or her
- 15 residency training experiences, each center-funded resident shall
- 16 participate in the rural training for a minimum of one year.

17 ~~Beginning in 2012, a~~ A minimum of two of the eight center-funded  
 18 residents shall be active in the rural training each year; and

19 (ii) Provide funds for five one-year doctoral-level  
 20 psychology internships in Nebraska within twelve months after the  
 21 effective date of this act and every year thereafter and increase  
 22 the number of interns in the program to ten within thirty-six  
 23 months after the effective date of this act. The interns shall be  
 1 placed in communities so as to increase access to behavioral health  
 2 services for patients residing in rural and underserved areas of  
 3 Nebraska;

4 (b) Focus on the training of behavioral health  
 5 professionals in telehealth techniques, including taking advantage  
 6 of a telehealth network that exists, and other innovative means  
 7 of care delivery in order to increase access to behavioral health  
 8 services for all Nebraskans;

9 (c) Analyze the geographic and demographic availability  
 10 of Nebraska behavioral health professionals, including  
 11 psychiatrists, social workers, community rehabilitation workers,  
 12 psychologists, substance abuse counselors, licensed mental health  
 13 practitioners, behavioral analysts, peer support providers, primary  
 14 care physicians, nurses, nurse practitioners, ~~and~~ pharmacists, and  
 15 physician assistants;

16 (d) Prioritize the need for additional professionals by  
 17 type and location;

18 (e) Establish learning collaborative partnerships with  
 19 other higher education institutions in the state, hospitals, law  
 20 enforcement, community-based agencies, and consumers and their  
 21 families in order to develop evidence-based, recovery-focused,  
 22 interdisciplinary ~~curriculum-curricula~~ and training for behavioral  
 23 health professionals delivering behavioral health services  
 24 in community-based agencies, hospitals, and law enforcement.  
 25 Development and dissemination of such ~~curriculum-curricula~~ and  
 26 training shall address the identified priority needs for behavioral  
 27 health professionals; and

1 (f) Beginning in 2011, develop two interdisciplinary  
 2 behavioral health training sites each year until a total of  
 3 six sites have been developed. Four of the six sites shall  
 4 be in counties with a population of fewer than fifty thousand  
 5 inhabitants. Each site shall provide annual interdisciplinary  
 6 training opportunities for a minimum of three behavioral health  
 7 professionals.

8 (3) ~~No later than December 1, 2011, and no later than~~  
 9 ~~December 1~~ of every odd-numbered year, ~~thereafter,~~ the center shall  
 10 prepare a report of its activities under the Behavioral Health  
 11 Workforce Act. The report shall be filed electronically with the  
 12 Clerk of the Legislature and shall be provided electronically to  
 13 any member of the Legislature upon request.

14 Sec. 2. Original section 71-830, Revised Statutes  
 15 Cumulative Supplement, 2012, is repealed.



16 2. On page 1, line 4, after the semicolon insert "to  
 17 change duties of the Behavioral Health Education Center; to  
 18 eliminate obsolete provisions;".

**LEGISLATIVE BILL 901A.** Placed on Select File.

**LEGISLATIVE BILL 690.** Placed on Select File with amendment.  
 ER144

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. (1) The Department of Health and Human  
 4 Services shall apply to the United States Department of Health  
 5 and Human Services for a grant under the State Balancing Incentive  
 6 Payments Program enacted in section 10202 of the federal Patient  
 7 Protection and Affordable Care Act. Funds from the grant shall  
 8 be used to develop a comprehensive and coordinated system of home  
 9 and community-based long-term care services. The department shall  
 10 file the grant application not later than July 31, 2014, and the  
 11 application shall meet the requirements of section 10202 of the  
 12 federal Patient Protection and Affordable Care Act.

13 (2) On or before December 1, 2014, the Department of  
 14 Health and Human Services shall report to the Health and Human  
 15 Services Committee of the Legislature on the status of the grant  
 16 application.

17 Sec. 2. (1) The Aging Nebraskans Task Force is created.  
 18 The purpose of the task force is to develop and facilitate  
 19 implementation of a statewide strategic plan for addressing the  
 20 needs of the aging population in the state. The nine-member  
 21 task force shall provide a permanent forum for collaboration  
 22 among state, local, community, public, and private stakeholders in  
 23 long-term care programs.

1 (2)(a) The executive committee of the task force shall  
 2 include as voting members the chairperson of the Health and  
 3 Human Services Committee of the Legislature, a member of the  
 4 Appropriations Committee of the Legislature appointed by the  
 5 Executive Board of the Legislative Council, and a member of the  
 6 Health and Human Services Committee of the Legislature appointed by  
 7 the Executive Board of the Legislative Council.

8 (b) The chief executive officer of the Department of  
 9 Health and Human Services or his or her designee and the Chief  
 10 Justice of the Supreme Court or his or her designee shall be  
 11 nonvoting, ex officio members of the executive committee of the  
 12 task force.

13 (c) The remaining four members of the task force shall  
 14 be appointed by the executive committee of the task force through  
 15 an application and selection process, representing stakeholders in  
 16 the long-term care system and may include a representative of  
 17 the Division of Medicaid and Long-Term Care Advisory Committee  
 18 on Aging, representatives of health care providers, elder law

19 attorneys, representatives of the long-term care ombudsman program,  
20 health care economists, geriatric specialists, family caregivers  
21 of seniors in at-home care, providers of services to the elderly,  
22 seniors currently or previously in institutional care, and aging  
23 advocacy organizations.

24 (3) The executive committee of the task force shall  
25 advise the task force regarding the interaction among the three  
26 branches of government related to long-term care programs and  
27 services. The members of the executive committee shall each  
1 represent his or her own branch of government, and no member  
2 of the executive committee shall participate in actions that could  
3 be deemed to be the exercise of the duties and prerogatives  
4 of another branch of government or that improperly delegate the  
5 powers and duties of any branch of government to another branch of  
6 government.

7 (4) The task force shall work with administrators  
8 of area agencies on aging, nursing home and assisted-living  
9 residence providers, hospitals, rehabilitation centers, managed  
10 care companies, senior citizen centers, community stakeholders,  
11 advocates for elder services and programs, the Center for Public  
12 Affairs Research of the College of Public Affairs and Community  
13 Service at the University of Nebraska at Omaha, and seniors  
14 statewide to establish effective community collaboration for  
15 informed decisionmaking that supports the provisions of effective  
16 and efficient long-term care services.

17 (5) The task force shall create a statewide strategic  
18 plan for long-term care services in Nebraska which shall consider,  
19 but not be limited to:

20 (a) Promotion of independent living through provision of  
21 long-term care services and support that enable an individual to  
22 live in the setting of his or her choice;

23 (b) Provision of leadership to support sound fiscal  
24 management of long-term care budgets so that Nebraska will be able  
25 to meet the increasing demand for long-term care services as a  
26 growing portion of the state's population reaches the age of eighty  
27 years;

1 (c) Expedited creation of workforce development and  
2 training programs specific to the needs of and in response to  
3 Nebraska's growing aging population;

4 (d) A systemwide evaluation by a national entity with  
5 expertise in evaluating long-term state budgeting for long-term  
6 care services and support that is necessary to sustain an efficient  
7 and effective system of care;

8 (e) The identification of gaps in the service delivery  
9 system that contribute to the inefficient and ineffective delivery  
10 of services; and

11 (f) Development of a process for evaluating the quality  
12 of residential and home and community-based long-term care services  
13 and support.

14 (6) The executive committee may hire staff to fulfill  
15 the responsibilities of the task force within the limits of  
16 appropriations.  
17 Sec. 3. On or before December 15, 2014, the Aging  
18 Nebraskans Task Force shall present to the Legislature a report  
19 of recommendations for the statewide strategic plan described in  
20 section 2 of this act.  
21 Sec. 4. The Aging Nebraskans Task Force terminates on  
22 June 30, 2016, unless extended by the Legislature.  
23 Sec. 5. Since an emergency exists, this act takes effect  
24 when passed and approved according to law.  
25 2. On page 1, line 4, after the semicolon insert "to  
26 provide a termination date;".

**LEGISLATIVE BILL 776.** Placed on Select File.

**LEGISLATIVE BILL 844.** Placed on Select File.

(Signed) John Murante, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 459.** Introduced by Janssen, 15.

WHEREAS, the Fremont-Logan View boys bowling team won the 2014 Nebraska High School Bowling Federation Class A Boys State Championship; and

WHEREAS, team members Cody Grubb, Austin Harmel, Alec Karr, Zach Karr, Tyler Push, Jared Roberts, and Tyler Synovec displayed remarkable teamwork, sportsmanship, and skill; 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 Fremont-Logan View boys bowling team on winning the 2014 Nebraska High School Bowling Federation Class A Boys State Championship.

2. That a copy of this resolution be sent to the Fremont-Logan View boys bowling team and coaches Dan Grubb, Ryan Karr, and Terry Synovec.

Laid over.

**LEGISLATIVE RESOLUTION 460.** Introduced by Janssen, 15.

WHEREAS, the North Bend boys and girls bowling teams won the 2014 Nebraska High School Bowling Federation Class C State Championships; and

WHEREAS, boys team members Aaron Anderson, Anthony Dodge, Brandon Dodge, Trenton Johnson, and Clayton Muessigmann, and girls

team members Mackenzie Daniels, Brett Juhl, Alex Kohl, Anna Lewis, and Bailey Zeleny displayed remarkable teamwork, sportsmanship, and skill; 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 North Bend boys and girls bowling teams on winning the 2014 Nebraska High School Bowling Federation Class C State Championships.

2. That a copy of this resolution be sent to the North Bend boys and girls bowling teams and their coaches Randy Dodge, Shawn Juhl, and Matt Muessigmann.

Laid over.

**LEGISLATIVE RESOLUTION 461.** Introduced by Gloor, 35; Dubas, 34; Sullivan, 41.

WHEREAS, Central Community College is ranked number one by Military Times Magazine on its 2014 list of best two-year colleges in the nation for veteran and military services; and

WHEREAS, the Veterans and Military Resource Centers at Central Community College on its Grand Island, Hastings, and Columbus campuses have served over 575 veterans and 325 family members since the establishment of the program in 2011; and

WHEREAS, the "Best for Vets" designation by Military Times Magazine follows Central Community College's listing as a top military friendly school by G.I. Jobs Magazine in 2012, 2013, and 2014; and

WHEREAS, Military Advanced Education Magazine has also designated Central Community College as a top military friendly college in its "2014 Guide to Military-Friendly Colleges and Universities"; and

WHEREAS, Central Community College, the community of Grand Island, and the communities of central Nebraska have given back to our veterans with wholehearted support; and

WHEREAS, the State of Nebraska honors all veterans and supports educational resources provided for their return to successful civilian life following their military service.

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

1. That the Legislature congratulates the staff of the Veterans and Military Resource Centers at Central Community College on being recognized and designated as number one among community colleges for veteran and military services in the United States.

2. That a copy of this resolution be sent to Dr. Greg Smith, President of Central Community College, and Travis Karr, Director of Veteran and

Military Services, on behalf of the Veterans and Military Resource Centers at Central Community College.

Laid over.

**LEGISLATIVE RESOLUTION 462.** Introduced by Avery, 28.

WHEREAS, Wesley Dawkins, a sophomore at Lincoln High School, won the 2014 Class A State Wrestling Championship in the 106-pound division; and

WHEREAS, Wesley pinned an opponent from Millard South in 52 seconds in the championship match at the state wrestling tournament in Omaha; and

WHEREAS, the Lincoln High School wrestling team is coached by Andy Genrich, who has spent 7 years teaching his student-athletes the physical techniques and personal dedication to foster winning seasons; and

WHEREAS, through hard work, practice, and perseverance, Wesley finished the 2013-14 season with a perfect, unbeaten 38-0 record; and

WHEREAS, Wesley also plays baseball and tennis for the Lincoln High School Links and is an exceptional student-athlete; 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 Wesley Dawkins on his state wrestling championship and his exceptional personal achievements.
2. That a copy of this resolution be sent to Wesley Dawkins and Coach Andy Genrich.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Scheer filed the following amendment to LB132:  
AM2116

(Amendments to Standing Committee amendments, AM1802)

- 1 1. On page 2, strike beginning with "physician" in
- 2 line 19 through "state" in line 20 and insert "parent or legal
- 3 guardian".
- 4 2. On page 3, strike beginning with "physician" in line 2
- 5 through "state" in line 3 and insert "parent or legal guardian".
- 6 3. On page 4, strike line 5 and insert "written note from
- 7 the person's parent or legal guardian".

Senator Coash filed the following amendment to LB728:  
AM2112

(Amendments to AM2093)

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator Brasch filed the following amendment to LB144:  
AM2087

- 1 1. On page 2, strike line 20 and insert "candidate for an
- 2 office described in sections 32-512 to 32-550 and".

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 690A.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

**LEGISLATIVE BILL 744A.** Introduced by Avery, 28; Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 744, One Hundred Third Legislature, Second Session, 2014.

**LEGISLATIVE BILL 191A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 191, One Hundred Third Legislature, Second Session, 2014.

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Watermeier has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Mello asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

Senator Janssen asked unanimous consent to add his name as cointroducer to LB902. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Isabelle Skye Vierkandt from Omaha; 32 ninth-grade students, teacher, and sponsor from North Star High School, Lincoln; a group from the American Cancer Society Cancer Action Network from across the state; 65 members of the Hall County Leadership; and 80 fourth-grade students from Ashland/Greenwood.

The Doctor of the Day was Dr. Frank Weirman from Lincoln.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Seiler, the Legislature adjourned until 9:00 a.m., Friday, February 28, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature





**THIRTY-FIFTH DAY - FEBRUARY 28, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 28, 2014

**PRAYER**

The prayer was offered by Pastor John Nelson, Mount Olive Lutheran Church, Norfolk.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, B. Harr, Larson, and Lautenbaugh who were excused; and Senators Conrad, Kintner, and Kolowski who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 27, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Benjamin, Caren  
Americans United for Change  
Levy, David C.  
Commerce Bank (Withdrawn 02/21/2014)  
McKenzie, Janis M.  
Nebraska Association for the Gifted  
Mueller Robak  
Frenchman Cambridge Irrigation District  
Reiser, Richard S.  
Nebraska Trucking Association

Yost, Kurt T.  
Kelley & Jerram, PC, LLO

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### SELECT FILE

**LEGISLATIVE BILL 725.** ER133, found on page 471, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 725A.** ER134, found on page 471, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 755.** ER137, found on page 630, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 749.** ER135, found on page 631, was adopted.

Advanced to Enrollment and Review for Engrossment.

### ANNOUNCEMENT

The Chair announced March 1 is Senator Bolz's birthday.

### SELECT FILE

**LEGISLATIVE BILL 474.** ER141, found on page 662, was adopted.

Senator Krist offered the following B. Harr-Krist amendment:  
AM2044

(Amendments to AM1815)

- 1 1. Insert the following new sections:
- 2 Sec. 6. Section 18-2142.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2142.02 A city may levy a general business occupation
- 5 tax upon the businesses and users of space within an enhanced
- 6 employment area for the purpose of paying all or any part
- 7 of the costs and expenses of any redevelopment project within
- 8 such enhanced employment area. ~~For purposes of the tax imposed~~
- 9 ~~under this section, the governing body may make a reasonable~~
- 10 ~~classification of businesses, users of space, or kinds of~~

11 ~~transactions.~~ After the effective date of this act, any occupation  
 12 tax imposed pursuant to this section shall make a reasonable  
 13 classification of businesses, users of space, or kinds of  
 14 transactions for purposes of imposing such tax, except that no  
 15 occupation tax shall be imposed on any transaction which is subject  
 16 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
 17 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under  
 18 section 77-2704.24. The collection of a tax imposed pursuant to  
 19 this section shall be made and enforced in such a manner as the  
 20 governing body shall by ordinance determine to produce the required  
 21 revenue. The governing body may provide that failure to pay the  
 22 tax imposed pursuant to this section shall constitute a violation  
 1 of the ordinance and subject the violator to a fine or other  
 2 punishment as provided by ordinance. Any such occupation tax agreed  
 3 to by the authority and the city shall remain in effect so long as  
 4 the authority has bonds outstanding which have been issued stating  
 5 such occupation tax as an available source for payment.  
 6 Sec. 7. Section 18-2142.04, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:  
 8 18-2142.04 (1) For purposes of this section:  
 9 (a) Authorized work means the performance of any one or  
 10 more of the following purposes within an enhanced employment area  
 11 designated pursuant to this section:  
 12 (i) The acquisition, construction, maintenance, and  
 13 operation of public offstreet parking facilities for the benefit  
 14 of the enhanced employment area;  
 15 (ii) Improvement of any public place or facility in  
 16 the enhanced employment area, including landscaping, physical  
 17 improvements for decoration or security purposes, and plantings;  
 18 (iii) Construction or installation of pedestrian shopping  
 19 malls or plazas, sidewalks or moving sidewalks, parks, meeting  
 20 and display facilities, bus stop shelters, lighting, benches or  
 21 other seating furniture, sculptures, trash receptacles, shelters,  
 22 fountains, skywalks, and pedestrian and vehicular overpasses and  
 23 underpasses, and any useful or necessary public improvements;  
 24 (iv) Leasing, acquiring, constructing, reconstructing,  
 25 extending, maintaining, or repairing parking lots or parking  
 26 garages, both above and below ground, or other facilities for  
 27 the parking of vehicles, including the power to install such  
 1 facilities in public areas, whether such areas are owned in fee or  
 2 by easement, in the enhanced employment area;  
 3 (v) Creation and implementation of a plan for improving  
 4 the general architectural design of public areas in the enhanced  
 5 employment area;  
 6 (vi) The development of any public activities and  
 7 promotion of public events, including the management, promotion,  
 8 and advocacy of retail trade activities or other promotional  
 9 activities, in the enhanced employment area;  
 10 (vii) Maintenance, repair, and reconstruction of any

11 improvements or facilities authorized by the Community Development  
12 Law;  
13 (viii) Any other project or undertaking for the  
14 betterment of the public facilities in the enhanced employment  
15 area, whether the project is capital or noncapital in nature;  
16 (ix) Enforcement of parking regulations and the provision  
17 of security within the enhanced employment area; or  
18 (x) Employing or contracting for personnel, including  
19 administrators for any improvement program under the Community  
20 Development Law, and providing for any service as may be necessary  
21 or proper to carry out the purposes of the Community Development  
22 Law;

23 (b) Employee means a person employed at a business  
24 located within an enhanced employment area; and

25 (c) Number of new employees means the number of  
26 equivalent employees that are employed at a business located within  
27 an enhanced employment area designated pursuant to this section  
1 during a year that are in excess of the number of equivalent  
2 employees during the year immediately prior to the year the  
3 enhanced employment area was designated pursuant to this section.

4 (2) If an area is not blighted or substandard, a city  
5 may designate an area as an enhanced employment area if the  
6 governing body determines that new investment within such enhanced  
7 employment area will result in at least (a) two new employees  
8 and new investment of one hundred twenty-five thousand dollars in  
9 counties with fewer than fifteen thousand inhabitants, (b) five  
10 new employees and new investment of two hundred fifty thousand  
11 dollars in counties with at least fifteen thousand inhabitants but  
12 fewer than twenty-five thousand inhabitants, (c) ten new employees  
13 and new investment of five hundred thousand dollars in counties  
14 with at least twenty-five thousand inhabitants but fewer than fifty  
15 thousand inhabitants, (d) fifteen new employees and new investment  
16 of one million dollars in counties with at least fifty thousand  
17 inhabitants but fewer than one hundred thousand inhabitants, (e)  
18 twenty new employees and new investment of one million five hundred  
19 thousand dollars in counties with at least one hundred thousand  
20 inhabitants but fewer than two hundred thousand inhabitants, (f)  
21 twenty-five new employees and new investment of two million dollars  
22 in counties with at least two hundred thousand inhabitants but  
23 fewer than four hundred thousand inhabitants, or (g) thirty new  
24 employees and new investment of three million dollars in counties  
25 with at least four hundred thousand inhabitants. Any business  
26 that has one hundred thirty-five thousand square feet or more and  
27 annual gross sales of ten million dollars or more shall provide an  
1 employer-provided health benefit of at least three thousand dollars  
2 annually to all new employees who are working thirty hours per week  
3 or more on average and have been employed at least six months. In  
4 making such determination, the governing body may rely upon written  
5 undertakings provided by any owner of property within such area.

6 (3) Upon designation of an enhanced employment area  
7 under this section, a city may levy a general business occupation  
8 tax upon the businesses and users of space within such enhanced  
9 employment area for the purpose of paying all or any part of  
10 the costs and expenses of authorized work within such enhanced  
11 employment area. ~~For purposes of the tax imposed under this~~  
12 ~~section, the governing body may make a reasonable classification~~  
13 ~~of businesses, users of space, or kinds of transactions. After the~~  
14 ~~effective date of this act, any occupation tax imposed pursuant to~~  
15 this section shall make a reasonable classification of businesses,  
16 users of space, or kinds of transactions for purposes of imposing  
17 such tax, except that no occupation tax shall be imposed on any  
18 transaction which is subject to tax under section 53-160, 66-489,  
19 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or  
20 which is exempt from tax under section 77-2704.24. The collection  
21 of a tax imposed pursuant to this section shall be made and  
22 enforced in such a manner as the governing body shall by ordinance  
23 determine to produce the required revenue. The governing body  
24 may provide that failure to pay the tax imposed pursuant to  
25 this section shall constitute a violation of the ordinance and  
26 subject the violator to a fine or other punishment as provided by  
27 ordinance. Any occupation tax levied by the city under this section  
1 shall remain in effect so long as the city has bonds outstanding  
2 which have been issued under the authority of this section and are  
3 secured by such occupation tax or that state such occupation tax  
4 as an available source for payment. The total amount of occupation  
5 taxes levied shall not exceed the total costs and expenses of  
6 the authorized work including the total debt service requirements  
7 of any bonds the proceeds of which are expended for or allocated  
8 to such authorized work. The assessments or taxes levied must be  
9 specified by ordinance and the proceeds shall not be used for any  
10 purpose other than the making of such improvements and for the  
11 repayment of bonds issued in whole or in part for the financing  
12 of such improvements. The authority to levy the general business  
13 occupation tax contained in this section and the authority to issue  
14 bonds secured by or payable from such occupation tax shall be  
15 independent of and separate from any occupation tax referenced in  
16 section 18-2103.

17 (4) A city may issue revenue bonds for the purpose of  
18 defraying the cost of authorized work and to secure the payment  
19 of such bonds with the occupation tax revenue described in this  
20 section. Such revenue bonds may be issued in one or more series  
21 or issues where deemed advisable, and each such series or issue  
22 may contain different maturity dates, interest rates, priorities  
23 on revenue available for payment of such bonds and priorities on  
24 securities available for guaranteeing payment thereof, and such  
25 other differing terms and conditions as are deemed necessary. The  
26 following shall apply to any such bonds:

27 (a) Such bonds shall be limited obligations of the city.

1 Bonds and interest on such bonds, issued under the authority of  
 2 this section, shall not constitute nor give rise to a pecuniary  
 3 liability of the city or a charge against its general credit or  
 4 taxing powers. Such limitation shall be plainly stated upon the  
 5 face of each of such bonds;

6 (b) Such bonds may (i) be executed and delivered at any  
 7 time and from time to time, (ii) be in such form and denominations,  
 8 (iii) be of such tenor, (iv) be payable in such installments and  
 9 at such time or times not exceeding twenty years from their date,  
 10 (v) be payable at such place or places, (vi) bear interest at such  
 11 rate or rates, payable at such place or places, and evidenced in  
 12 such manner, (vii) be redeemable prior to maturity, with or without  
 13 premium, and (viii) contain such provisions as shall be deemed in  
 14 the best interest of the city and provided for in the proceedings  
 15 of the governing body under which the bonds shall be authorized to  
 16 be issued;

17 (c) The authorization, terms, issuance, execution, or  
 18 delivery of such bonds shall not be subject to sections 10-101 to  
 19 10-126; and

20 (d) Such bonds may be sold at public or private sale  
 21 in such manner and at such time or times as may be determined  
 22 by the governing body to be most advantageous. The city may  
 23 pay all expenses, premiums, and commissions which the governing  
 24 body may deem necessary or advantageous in connection with the  
 25 authorization, sale, and issuance thereof from the proceeds or  
 26 the sale of the bonds or from the revenue of the occupation tax  
 27 described in this section.

1 Sec. 8. Section 19-4018, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:  
 3 19-4018 Pursuant to ~~sections 19-4015 to 19-4038~~ the  
 4 Business Improvement District Act, cities of the metropolitan,  
 5 primary, first, or second class may impose (1) a special assessment  
 6 upon the property within a business improvement district in  
 7 the city or (2) a general business ~~license and~~ occupation tax  
 8 on businesses and users of space within a business improvement  
 9 district. After the effective date of this act, any occupation  
 10 tax imposed pursuant to this section shall make a reasonable  
 11 classification of businesses, users of space, or kinds of  
 12 transactions for purposes of imposing such tax, except that no  
 13 occupation tax shall be imposed on any transaction which is subject  
 14 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
 15 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under  
 16 section 77-2704.24. The proceeds or other available funds may be  
 17 used for the purposes stated in section 19-4019.

18 Sec. 9. Section 19-4031, Reissue Revised Statutes of  
 19 Nebraska, is amended to read:  
 20 19-4031 (1) In addition to or in place of the special  
 21 assessments authorized by ~~sections 19-4015 to 19-4038~~, the Business  
 22 Improvement District Act, a city may levy a general business

23 occupation tax upon the businesses and users of space within  
 24 a district established for acquiring, constructing, maintaining  
 25 or operating public offstreet parking facilities and providing  
 26 in connection therewith other public improvements and facilities  
 27 authorized by ~~sections 19-4015 to 19-4038, the Business Improvement~~  
 1 District Act, for the purpose of paying all or any part of the  
 2 total cost and expenses of any authorized improvement or facility  
 3 within such district. Notice of a hearing on any such tax levied  
 4 under ~~sections 19-4015 to 19-4038 the Business Improvement District~~  
 5 Act shall be given to the businesses and users of space of such  
 6 districts, and appeals may be taken, all in the manner provided in  
 7 section 19-4030.

8 (2) ~~For the purposes of the tax to be imposed under this~~  
 9 ~~section, the city council may make a reasonable classification of~~  
 10 ~~businesses or users of space. After the effective date of this act,~~  
 11 any occupation tax imposed pursuant to this section shall make a  
 12 reasonable classification of businesses, users of space, or kinds  
 13 of transactions for purposes of imposing such tax, except that no  
 14 occupation tax shall be imposed on any transaction which is subject  
 15 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
 16 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under  
 17 section 77-2704.24. The collection of a tax imposed pursuant to  
 18 this section shall be made and enforced in such a manner as the  
 19 city council shall by ordinance determine to produce the required  
 20 revenue. The city council may provide that failure to pay the  
 21 tax imposed pursuant to this section shall constitute a violation  
 22 of the ordinance and subject the violator to a fine or other  
 23 punishment as provided by ordinance.

24 Sec. 10. Section 19-4034, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 19-4034 A city may levy a general business occupation  
 27 tax, or a special assessment against the real estate located  
 1 in a district to the extent of special benefit to such real  
 2 estate, for the purpose of paying all or any part of the  
 3 cost of maintenance, repair, and reconstruction, including utility  
 4 costs of any improvement or facility in the district. Districts  
 5 created for taxation or assessment of maintenance, repair, and  
 6 reconstruction costs, including utility costs of improvements or  
 7 facilities which are authorized by ~~sections 19-4015 to 19-4038,~~  
 8 the Business Improvement District Act, but which were not acquired  
 9 or constructed pursuant to ~~sections 19-4015 to 19-4038, the act,~~  
 10 may be taxed or assessed as provided in ~~sections 19-4015 to~~  
 11 ~~19-4038, the act.~~ Any occupation tax levied under this section  
 12 shall be limited to those improvements and facilities authorized  
 13 by section 19-4030. After the effective date of this act, any  
 14 occupation tax imposed pursuant to this section shall make a  
 15 reasonable classification of businesses, users of space, or kinds  
 16 of transactions for purposes of imposing such tax, except that  
 17 no occupation tax shall be imposed on any transaction which is

18 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
 19 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax  
 20 under section 77-2704.24. The city council may levy such taxes or  
 21 assessments under either of the following methods:

22 (1) The city council, sitting as a board of equalization,  
 23 may, not more frequently than annually, determine the costs of  
 24 maintenance or repair, and reconstruction, of a facility. Such  
 25 costs shall be either assessed to the real estate located in such  
 26 district in accordance with the proposed method of assessment, or  
 27 taxed against the businesses and users of space in the district,  
 1 whichever may be applicable as determined by the ordinance creating  
 2 the district. However, if the city council finds that the method  
 3 of assessment proposed in the ordinance creating the district does  
 4 not provide a fair and equitable method of apportioning such costs,  
 5 then it may assess the costs under such method as the city council  
 6 finds to be fair and equitable. At the hearing on such taxes or  
 7 assessments, objections may be made to the total cost and the  
 8 proposed allocation of such costs among the parcels of real estate  
 9 or businesses in such district; or

10 (2) After notice is given to the owners or businesses  
 11 as provided in section 19-4030 the city council may establish and  
 12 may change from time to time, the percentage of such costs for  
 13 maintenance, repair, and reconstruction which each parcel of real  
 14 estate or each business or user of space in any district shall pay.  
 15 The city council shall annually determine the total amount of such  
 16 costs for each period since costs were last taxed or assessed, and  
 17 shall, after a hearing, tax or assess such costs to the real estate  
 18 in the district in accordance with the percentages previously  
 19 established at such hearing. Notice of such hearing shall be given  
 20 as provided in section 19-4030 and shall state the total costs and  
 21 percentage to be taxed or assessed to each parcel of real estate.  
 22 Unless objections are filed with the city clerk at least five days  
 23 before the hearing, all objections to the amount of total costs and  
 24 the assessment percentages should be deemed to have been waived and  
 25 the assessments shall be levied as stated in such notice except  
 26 that the city council may reduce any assessment percentage.

27 2. On page 1, line 17; page 4, lines 9 and 26; page 5,  
 1 line 19; and page 6, line 11, after "77-4008" insert "or which is  
 2 exempt from tax under section 77-2704.24".

3 3. Renumber the remaining section and correct the  
 4 repealer accordingly.

The B. Harr-Krist amendment was adopted with 31 ayes, 0 nays, 13 present  
 and not voting, and 5 excused and not voting.

Senator Krist offered the following amendment:

FA203

Add the Emergency Clause: "Since an emergency exists, this act takes effect  
 when passed and approved according to law."



The Krist amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 671.** ER142, found on page 662, was adopted.

Senator Davis offered the following amendment:

AM2138

- 1 1. Strike original section 4 and all amendments thereto.
- 2 2. On page 2, lines 3, 4, 6, 7, and 15, strike the new
- 3 matter and reinstate the stricken matter; and after line 16 insert
- 4 the following new subsection:
- 5 "~~(4) A person shall not use dogs to hunt or chase~~
- 6 mountain lions.".

Senator Davis withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 402.** ER92, found on page 1195, First Session, 2013, was adopted.

Senator Mello offered his amendment, AM1237, found on page 1290, First Session, 2013.

The Mello amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Schilz withdrew his amendment, AM1364, found on page 1461, First Session, 2013.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTION

**LEGISLATIVE RESOLUTION 463.** Introduced by Chambers, 11.

WHEREAS, the United States Department of Agriculture is proposing a rule to allow the importation of fresh and chilled beef from fourteen specified states in Brazil.

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

1. That the Legislature urges the United States Department of Agriculture to adopt its proposed rule entitled "Importation of Beef from a Region in Brazil" and to allow the importation of fresh and chilled beef from fourteen specified states in Brazil.

2. That a copy of this resolution be sent to President Barack Obama, to United States Secretary of Agriculture Tom Vilsack, and to each member of the Nebraska congressional delegation.

Laid over.

### SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR463 was referred to the Reference Committee.

### AMENDMENT - Print in Journal

Senator Bolz filed the following amendment to LB901:  
AM2107

(Amendments to E & R amendments, ER143)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Sections 2 to 6 of this act shall be known and
- 3 may be cited as the Nebraska Mental Health First Aid Training Act.
- 4 Sec. 3. The Legislature finds that:
- 5 (1) National statistics show that one in four Americans
- 6 will face a mental illness in his or her lifetime;
- 7 (2) Mental health first aid builds an understanding
- 8 of how mental illness affects Nebraskans, provides an overview
- 9 of common treatments, and teaches basic skills for providing
- 10 assistance to a person who may be developing symptoms or
- 11 experiencing a crisis; and
- 12 (3) A mental health first aid program is an education
- 13 program recognized on the Substance Abuse and Mental Health
- 14 Services Administration's National Registry of Evidence-based
- 15 Programs and Practices.
- 16 Sec. 4. For purposes of the Nebraska Mental Health First
- 17 Aid Training Act, mental health first aid means the help provided
- 18 to a person who is experiencing a mental health or substance
- 19 abuse problem or in a mental health crisis before appropriate
- 20 professional assistance or other supports are secured.
- 21 Sec. 5. (1) The Division of Behavioral Health of the
- 22 Department of Health and Human Services shall establish a mental
- 1 health first aid training program to help the public identify
- 2 and understand the signs of a mental illness or substance abuse
- 3 problem or a mental health crisis and to provide the public with
- 4 skills to help a person who is developing or experiencing a mental
- 5 health or substance abuse problem or a mental health crisis and
- 6 to de-escalate crisis situations if needed. The training program
- 7 shall provide an interactive mental health first aid training
- 8 course administered by the state's regional behavioral health
- 9 authorities. Instructors in the training program shall be certified
- 10 by a national authority for Mental Health First Aid USA or a
- 11 similar organization. The training program shall work cooperatively

12 with local entities to provide training for individuals to become  
 13 instructors.

14 (2) The mental health first aid training program shall  
 15 be designed to train individuals to accomplish the following  
 16 objectives as deemed appropriate considering the trainee's age:

17 (a) Help the public identify, understand, and respond to  
 18 the signs of mental illness and substance abuse;

19 (b) Emphasize the need to reduce the stigma of mental  
 20 illness; and

21 (c) Assist a person who is believed to be developing or  
 22 has developed a mental health or substance abuse problem or who is  
 23 believed to be experiencing a mental health crisis.

24 Sec. 6. The Department of Health and Human Services  
 25 shall ensure that evaluative criteria are established which measure  
 26 the efficacy of the training program, including trainee feedback,  
 27 with the objective of helping the public identify, understand, and  
 1 respond to the signs of mental illness and alcohol and substance  
 2 abuse. The department shall submit an annual report electronically  
 3 to the Legislature on trainee demographics and outcomes of the  
 4 established criteria.

5 Sec. 7. The behavioral health regions established  
 6 pursuant to section 71-807 shall offer services to and work with  
 7 agencies and organizations, including, but not limited to, schools,  
 8 universities, colleges, the State Department of Education, the  
 9 Department of Veterans' Affairs, law enforcement agencies, and  
 10 local health departments, to develop a program that offers grants  
 11 to implement the Nebraska Mental Health First Aid Training Act in  
 12 ways that are representative and inclusive with respect to the  
 13 economic and cultural diversity of this state.

14 Sec. 8. It is the intent of the Legislature to  
 15 appropriate one hundred thousand dollars annually to the Department  
 16 of Health and Human Services to carry out the Nebraska Mental  
 17 Health First Aid Training Act.

18 2. Renumber the remaining section accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 132.** Title read. Considered.

Committee AM1802, found on page 498, was offered.

Senator Scheer offered his amendment, AM2116, found on page 685, to the committee amendment.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?"

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

Senator Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Adams	Cook	Harms	McGill	Watermeier
Avery	Crawford	Howard	Mello	Wightman
Bolz	Dubas	Karpisek	Nordquist	
Campbell	Gloor	Kolowski	Seiler	
Coash	Haar, K.	Krist	Sullivan	
Conrad	Hadley	Lathrop	Wallman	

Voting in the negative, 18:

Bloomfield	Christensen	Johnson	Nelson	Schumacher
Brasch	Davis	Kintner	Pirsch	Smith
Carlson	Garrett	McCoy	Scheer	
Chambers	Hansen	Murante	Schilz	

Absent and not voting, 1:

Janssen

Excused and not voting, 4:

Ashford	Harr, B.	Larson	Lautenbaugh
---------	----------	--------	-------------

The motion to cease debate prevailed with 26 ayes, 18 nays, 1 absent and not voting, and 4 excused and not voting.

Senator Scheer requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Bloomfield	Garrett	McCoy	Scheer	Smith
Brasch	Hansen	Murante	Schilz	Wallman
Carlson	Kintner	Nelson	Schumacher	
Christensen	Krist	Pirsch	Seiler	

Voting in the negative, 18:

Adams	Conrad	Gloor	Karpisek	Nordquist
Avery	Cook	Haar, K.	Kolowski	Sullivan
Campbell	Crawford	Howard	Lathrop	
Coash	Dubas	Johnson	McGill	

Present and not voting, 8:

Bolz	Davis	Harms	Watermeier
Chambers	Hadley	Mello	Wightman

Absent and not voting, 1:

Janssen

Excused and not voting, 4:

Ashford	Harr, B.	Larson	Lautenbaugh
---------	----------	--------	-------------

The Scheer amendment lost with 18 ayes, 18 nays, 8 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Scheer offered the following amendment to the committee amendment:

AM2141

(Amendments to Standing Committee amendments, AM1802)

- 1 1. On page 2, strike beginning with "has" in line 18
- 2 through "state" in line 20 and insert "is accompanied by a parent
- 3 or legal guardian".
- 4 2. On page 3, strike beginning with the first "a" in line
- 5 2 through "state" in line 3 and insert "being accompanied by a
- 6 parent or legal guardian".
- 7 3. On page 4, line 4, strike "a"; and strike line 5
- 8 and insert "being accompanied by the person's parent or legal
- 9 guardian".

Pending.

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR463	Agriculture

(Signed) John Wightman, Chairperson  
Executive Board

#### AMENDMENTS - Print in Journal

Senator Brasch filed the following amendment to LR42:

AM1682

- 1 1. Strike the tenth WHEREAS paragraph and insert
- 2 "WHEREAS, H.J. Res. 50 was introduced in the United
- 3 States House of Representatives during the first session of the

4 113th Congress to provide for an amendment to the Constitution  
 5 of the United States to prevent erosion of the enduring American  
 6 tradition of treating parental rights as fundamental rights, and  
 7 the legislation states:  
 8 "SECTION 1. The liberty of parents to direct the  
 9 upbringing, education, and care of their children is a fundamental  
 10 right.  
 11 "SECTION 2. The parental right to direct education  
 12 includes the right to choose public, private, religious, or home  
 13 schools, and the right to make reasonable choices within public  
 14 schools for one's child.  
 15 "SECTION 3. Neither the United States nor any State shall  
 16 infringe these rights without demonstrating that its governmental  
 17 interest as applied to the person is of the highest order and not  
 18 otherwise served.  
 19 "SECTION 4. This article shall not be construed to apply  
 20 to a parental action or decision that would end life.  
 21 "SECTION 5. No treaty may be adopted nor shall any source  
 22 of international law be employed to supersede, modify, interpret,  
 23 or apply to the rights guaranteed by this article."; and".

Senator Coash filed the following amendment to LB920:  
 AM2098 is available in the Bill Room.

### VISITORS

Visitors to the Chamber were Senator Bolz's mother, Pam Eisenhower, from Sterling, aunt, Valerie Sturdy, from Palmyra, and cousin, Mikayla Roeder, from Bennet; 81 state fair poster contest winners, teachers, and sponsors from across the state; 12 twelfth-grade students and teachers from Johnson-Brock; 40 members from Leadership Scotts Bluff, Gering United Chamber, Leadership Cheyenne County, and Cheyenne County Chamber; Robert and Cynthia Milligan from Lincoln, Jennie, Jonathan, Liberty, Abigail, and Hope Milligan from Omaha; Senator K. Haar's brother and nephew, David and Tim Haar, from Omaha; Nelson Marakalu from Kenya, Mustafa Pala from Turkey, Nataliia Zadorozhna from Ukraine, Isabella Comas from Venezuela, and Lisa Lee of the Lincoln Council for International Visitors.

The Doctor of the Day was Dr. Jason Citta from North Platte.

### ADJOURNMENT

At 11:53 a.m., on a motion by Senator Conrad, the Legislature adjourned until 10:00 a.m., Tuesday, March 4, 2014.

Patrick J. O'Donnell  
 Clerk of the Legislature

**THIRTY-SIXTH DAY - MARCH 4, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 4, 2014

**PRAYER**

The prayer was offered by Pastor Mike Gardner, Harvest Church and Outreach Center, Norfolk.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senator Pirsch who was excused; and Senators Carlson, Conrad, Cook, Dubas, McCoy, Wallman, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1016.** Placed on Select File with amendment.  
ER146

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The Executive Board of the Legislative Council
- 4 pursuant to the authority granted in Laws 2013, LB194, section
- 5 9, commissioned an independent study to enable the Legislature to
- 6 determine whether the state should purchase or otherwise acquire
- 7 an aircraft for state purposes and what type of aircraft should be
- 8 acquired, if any. After completion and review of the study, the
- 9 Legislature authorizes the Department of Aeronautics to purchase
- 10 a new aircraft. It is the intent of the Legislature to fund the
- 11 purchase with General Funds and other funds. The Legislature also
- 12 directs the department, upon taking possession of a new aircraft,
- 13 to sell the state's 1982 Piper Cheyenne aircraft, with the proceeds
- 14 retained by the department for use for preventive maintenance

15 funding for the new aircraft.

16 Sec. 2. Section 3-106, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 3-106 (1) Suitable offices shall be provided for the  
19 department in the State Capitol. It may maintain offices at such  
20 other places in the state as it may designate and may incur  
21 the necessary expense for office furniture, stationery, printing,  
22 and other incidental or necessary expenses for the enforcement of  
23 ~~sections 3-101 to 3-154~~ the State Aeronautics Department Act and  
1 the general promotion of aeronautics within the state.

2 (2) The department may purchase aircraft for the use  
3 of the department. Such state government and may sell any state  
4 aircraft that is not needed or suitable for state uses. State  
5 aircraft shall be subject at all times to the written orders of the  
6 Governor for use and service in any branch of the state government.  
7 The department shall establish an hourly rate for use of a state  
8 aircraft by a state official or agency. The hourly rate shall not  
9 include an amount to recover the cost of acquisition by purchase,  
10 but shall include amounts for items such as variable fuel and  
11 oil costs, routine maintenance costs, landing fees, and preventive  
12 maintenance reserves. with the expense thereof to be paid by the  
13 department. It

14 (3) The department may employ such clerical and other  
15 employees and assistants as it may deem necessary for the proper  
16 transaction of its business.

17 (4) It is the intent of the Legislature that the use of  
18 state-owned, chartered, or rented aircraft by the department shall  
19 be for the sole purpose of state business. The department shall  
20 electronically file with the Clerk of the Legislature a quarterly  
21 report on the department's use of all state-owned, chartered,  
22 or rented aircraft that includes the following information for  
23 each trip: The name of the agency or other entity traveling;  
24 the name of each individual passenger; all purposes of the trip;  
25 the destination and intermediate stops; the miles flown; and the  
26 duration of the trip.

27 Sec. 3. Original section 3-106, Reissue Revised Statutes  
1 of Nebraska, is repealed.

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

4 2. On page 1, strike beginning with "operation" in  
5 line 4 through line 6 and insert "an hourly rate for use of a  
6 state aircraft; to change powers and duties of the Department of  
7 Aeronautics; to state intent; to require reports as prescribed; to  
8 repeal the original section; and to declare an emergency."

**LEGISLATIVE BILL 699.** Placed on Select File with amendment.  
ER147

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



3 Section 1. Section 37-201, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510  
6 and section 2 of this act shall be known and may be cited as the  
7 Game Law.

8 Sec. 2. A hunting permit may be issued to any person  
9 who has a developmental disability and who has a license-purchase  
10 exemption certificate issued by the commission authorizing such  
11 person to purchase a hunting permit. The commission may adopt and  
12 promulgate rules and regulations to establish forms and procedures  
13 for the issuance of license-purchase exemption certificates. Any  
14 license-purchase exemption certificate issued pursuant to this  
15 section shall be issued at no cost to the person who has a  
16 developmental disability and shall clearly state on its face that  
17 the holder must at all times while hunting be accompanied as  
18 described in subsection (4) of section 37-413. No license-purchase  
19 exemption certificate shall be issued to any person who has been  
20 found by any court or mental health board to pose a current  
21 danger to himself or herself or others. As part of the application  
22 process for a license-purchase exemption certificate, a person who  
23 has a developmental disability shall present the commission with  
1 a written authorization signed by a physician indicating that the  
2 person who has a developmental disability is at all times capable  
3 of understanding and following directions given by another person  
4 and that the person who has a developmental disability is not  
5 currently a danger to himself or herself or others while engaged in  
6 hunting with a firearm. For purposes of this section, developmental  
7 disability has the same meaning as in section 83-1205.

8 Sec. 3. Section 37-404, Reissue Revised Statutes of  
9 Nebraska, is amended to read:  
10 37-404 (1) Any resident of the United States who has  
11 resided in this state continuously for a period of thirty days  
12 before applying for a permit under the Game Law and who has a  
13 bona fide intention of becoming a legal resident of this state,  
14 supported by documentary proof, shall be deemed to be a resident  
15 and may be issued a resident permit under the Game Law.

16 (2) No hunting permit shall be issued to any person who  
17 is known to have a significant physical or mental disability and  
18 who is unable to safely carry or use a firearm because of such  
19 disability except as provided in section 2 of this act.

20 (3) The commission may limit the number of days for which  
21 a permit is issued and the number of fish or game birds taken on  
22 one permit. The commission may provide for a method of tagging and  
23 identification of fish and game birds taken under a nonresident  
24 permit.

25 Sec. 4. Section 37-413, Revised Statutes Cumulative  
26 Supplement, 2012, is amended to read:

27 37-413 (1) For the purpose of establishing and  
1 administering a mandatory firearm hunter education program for

2 persons twelve through twenty-nine years of age who hunt with a  
 3 firearm or ~~crossbow-air gun~~ any species of game, game birds, or  
 4 game animals, the commission shall provide a program of firearm  
 5 hunter education training leading to obtaining a certificate of  
 6 successful completion in the safe handling of firearms and shall  
 7 locate and train volunteer firearm hunter education instructors.  
 8 ~~The program shall provide a training course having a minimum of~~  
 9 ~~(a) ten hours of classroom instruction or (b) independent study on~~  
 10 ~~the part of the student sufficient to pass an examination given~~  
 11 ~~by the commission followed by such student's participation in a~~  
 12 ~~minimum of four hours of practical instruction.~~ The program shall  
 13 provide instruction in the areas of safe firearms use, shooting  
 14 and sighting techniques, hunter ethics, game identification, and  
 15 conservation management. The commission shall issue a firearm  
 16 hunter education certificate of successful completion to persons  
 17 having satisfactorily completed a firearm hunter education course  
 18 accredited by the commission and shall print, purchase, or  
 19 otherwise acquire materials as necessary for effective program  
 20 operation. The commission shall adopt and promulgate rules and  
 21 regulations for carrying out and administering such programs.

22 (2) It shall be unlawful for any person twenty-nine years  
 23 of age or younger to hunt with a firearm or ~~crossbow-air gun~~ any  
 24 species of game, game birds, or game animals except:

25 (a) A person under the age of twelve years who is  
 26 accompanied by a person ~~nineteen years of age or older having~~  
 27 ~~a valid hunting permit, as described in subsection (4) of this~~  
 1 section;

2 (b) A person twelve through twenty-nine years of age who  
 3 has on his or her person proof of successful completion of a hunter  
 4 education course as described in subsection (1) of this section or  
 5 a ~~firearm~~ hunter education course issued by the person's state or  
 6 province of residence or by an accredited program recognized by the  
 7 commission; ~~or~~

8 (c) A person twelve through twenty-nine years of age who  
 9 has on his or her person the appropriate hunting permit and an  
 10 apprentice hunter education exemption certificate issued by the  
 11 commission pursuant to subsection (3) of this section and who is  
 12 accompanied as described in subsection (4) of this section; or

13 (d) A person who has a developmental disability, who  
 14 holds the appropriate hunting permit and a license-purchase  
 15 exemption certificate issued pursuant to section 2 of this act, and  
 16 who is accompanied as described in subsection (4) of this section.

17 (3) An apprentice hunter education exemption certificate  
 18 may be issued to a person twelve through twenty-nine years of age,  
 19 once during such person's lifetime with one renewal, upon payment  
 20 of a fee of five dollars and shall expire at midnight on December  
 21 31 of the year for which the apprentice hunter education exemption  
 22 certificate is issued. The commission may adopt and promulgate  
 23 rules and regulations allowing for the issuance of apprentice

24 hunter education exemption certificates. All fees collected under  
25 this subsection shall be remitted to the State Treasurer for credit  
26 to the State Game Fund.

27 (4) For purposes of this section, accompanied means under  
1 the direct supervision of a person who is: (a) Nineteen years  
2 of age or older having a valid hunting permit. If such person  
3 is nineteen years of age or older but not older than twenty-nine  
4 years of age, he or she shall have also completed the required  
5 course of instruction to receive a certificate of completion for  
6 ~~firearm~~ hunter education; ~~if hunting with a firearm or crossbow~~  
7 ~~as described in subdivision (2)(b) of this section or for bow~~  
8 ~~hunter education if hunting with a bow and arrow as described~~  
9 ~~in section 37-414;~~ and (b) at all times in unaided visual and  
10 verbal communication of persons who have a developmental disability  
11 and who are authorized under section 2 of this act or no more  
12 than two persons having an apprentice hunter education exemption  
13 certificate. This subsection does not prohibit the use by such  
14 person nineteen years of age or older of ordinary prescription  
15 eyeglasses or contact lenses or ordinary hearing instruments.

16 Sec. 5. Section 37-414, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 37-414 (1) The commission shall establish and administer  
19 a bow hunter education program ~~consisting of a minimum of (a) ten~~  
20 ~~hours of classroom instruction or (b) independent study on the~~  
21 ~~part of the student sufficient to pass an examination given by the~~  
22 ~~commission followed by such student's participation in a minimum~~  
23 ~~of four hours of practical instruction. The program shall provide~~  
24 providing instruction in the safe use of bow hunting equipment,  
25 the fundamentals of bow hunting, shooting and hunting techniques,  
26 game identification, conservation management, and hunter ethics.  
27 When establishing such a program, the commission shall locate  
1 and train volunteers as bow hunter education instructors. The  
2 commission shall issue a certificate of successful completion to  
3 any person who satisfactorily completes a bow hunter education  
4 program ~~established~~ accredited by the commission and shall print,  
5 purchase, or otherwise acquire materials necessary for effective  
6 program operation. The commission shall adopt and promulgate rules  
7 and regulations for carrying out and administering such program.

8 (2) A person twelve through twenty-nine years of age who  
9 is hunting antelope, deer, elk, or mountain sheep with a bow and  
10 arrow or crossbow pursuant to any provision of sections 37-447 to  
11 37-453 shall ~~have on his or her person~~ (a) have on his or her  
12 person proof of successful completion of a bow hunter education  
13 course issued by his or her state or province of residence or  
14 by an accredited program recognized by the commission, ~~or~~ (b)  
15 have on his or her person the appropriate hunting permit and an  
16 apprentice hunter education exemption certificate issued by the  
17 commission pursuant to subsection (3) of section 37-413 and be  
18 accompanied as described in subsection (4) of section 37-413, or

19 (c) hold the appropriate hunting permit and a license-purchase  
 20 exemption certificate issued pursuant to section 2 of this  
 21 act if required pursuant to such section, and an apprentice  
 22 hunter education exemption certificate issued and enforced by the  
 23 commission pursuant to section 37-413.

24 Sec. 6. Original sections 37-404 and 37-414, Reissue  
 25 Revised Statutes of Nebraska, and sections 37-201 and 37-413,  
 26 Revised Statutes Cumulative Supplement, 2012, are repealed.

27 Sec. 7. Since an emergency exists, this act takes effect  
 1 when passed and approved according to law.  
 2 2. On page 1, strike beginning with "hunting" in line 1  
 3 through line 10 and insert "the Game Law; to amend sections 37-404  
 4 and 37-414, Reissue Revised Statutes of Nebraska, and sections  
 5 37-201 and 37-413, Revised Statutes Cumulative Supplement, 2012;  
 6 to authorize hunting permits as prescribed for persons who have a  
 7 developmental disability; to authorize license-purchase exemption  
 8 certificates; to change provisions relating to mandatory firearm  
 9 hunter education programs and bow hunter education programs; to  
 10 change provisions relating to firearm, air gun, bow and arrow, and  
 11 crossbow hunting; to harmonize provisions; to repeal the original  
 12 sections; and to declare an emergency."

**LEGISLATIVE BILL 546.** Placed on Select File with amendment.  
 ER149 is available in the Bill Room.

(Signed) John Murante, Chairperson

#### MESSAGES FROM THE GOVERNOR

February 28, 2014

Mr. President, Speaker Adams  
 and Members of the Legislature  
 State Capitol  
 Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed  
 to the Crime Victim's Reparations Committee:

Rita G. Sanders, 507 Martin Drive North, Bellevue, NE 68005

The aforementioned appointee is respectfully submitted for your  
 consideration. Copies of the certificate and background information are  
 included for your review.

Sincerely,  
 (Signed) Dave Heineman

Governor

Enclosures

February 28, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Joshua M. Vest, DPM, 9839 Thornwood Circle, Lincoln, NE 68512

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB464:  
AM2164

- 1 1. Insert the following sections:
- 2 Sec. 9. Section 79-209, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 79-209 (1) In all school districts in this state, any
- 5 superintendent, principal, teacher, or member of the school board
- 6 who knows of any violation of subsection (2) of section 79-201 ~~on~~
- 7 ~~the part of any child of school age, his or her parent, the person~~
- 8 ~~in actual or legal control of such child, or any other person shall~~
- 9 within three days report such violation to the attendance officer
- 10 of the school, who shall immediately investigate the case. When of
- 11 his or her personal knowledge, or by report or complaint from any
- 12 resident of the district, ~~or by report or complaint as provided~~
- 13 ~~in this section,~~ the attendance officer believes that ~~any child is~~
- 14 ~~unlawfully absent from school,~~ there is a violation of subsection
- 15 (2) of section 79-201, the attendance officer shall immediately
- 16 investigate such alleged violation.
- 17 (2) All school ~~districts-boards~~ shall have a written
- 18 policy on ~~excessive absenteeism-attendance~~ developed and annually
- 19 reviewed in collaboration with the county attorney of the county

20 in which the principal office of the school district is located.  
 21 The policy shall include a provision indicating how the school  
 22 district ~~and the county attorney~~ will handle cases in which  
 23 excessive absences are due to ~~documented illness, that makes~~  
 1 ~~attendance impossible or impracticable, and the~~ The policy shall  
 2 also state the circumstances and number of absences or the hourly  
 3 equivalent upon the occurrence of which the school shall render  
 4 all services in its power to compel such child to attend some  
 5 public, private, denominational, or parochial school, which the  
 6 person having control of the child shall designate, in an attempt  
 7 to address the problem of excessive absenteeism. The number of  
 8 absences in the policy shall not exceed five days per quarter  
 9 or the hourly equivalent. School districts may use excused and  
 10 unexcused absences for purposes of the policy, to address barriers  
 11 to attendance. Such services shall include, but need not be limited  
 12 to:

13 (a) Verbal or written communication by school officials  
 14 with the person or persons who have legal or actual charge or  
 15 control of any child;

16 ~~(a)-(b)~~ One or more meetings between, at a minimum,  
 17 a school attendance officer, a school social worker, a school  
 18 administrator or his or her designee, the person who has legal or  
 19 actual charge or control of the child, or the school principal or a  
 20 member of the school administrative staff designated by the school  
 21 administration if such school does not have a school social worker,  
 22 the child's parent or guardian, and the child, if necessary,  
 23 when appropriate, to report and to attempt to solve the problem  
 24 of excessive absenteeism; address the barriers to attendance.  
 25 The result of the meeting or meetings shall be to develop a  
 26 collaborative plan to reduce barriers identified to improve regular  
 27 attendance. The plan shall consider, but not be limited to:

1 (i) Illness related to physical or behavioral health of  
 2 the child;

3 (ii) Educational counseling;

4 (iii) Educational evaluation;

5 (iv) Referral to community agencies for economic  
 6 services;

7 (v) Family or individual counseling; and

8 (vi) Assisting the family in working with other community  
 9 services.

10 (3) The school may report to the county attorney of the  
 11 county in which the person resides when the school has documented  
 12 the efforts it has made as required by subsection (2) of this  
 13 section that the collaborative plan to reduce barriers identified  
 14 to improve regular attendance has not been successful and that the  
 15 child has been absent more than twenty days per year. The school  
 16 shall notify the child's family in writing prior to referring the  
 17 child to the county attorney. Failure by the school to document the  
 18 efforts required by subsection (2) of this section is a defense to

19 prosecution under section 79-201 and adjudication for educational  
20 neglect under subdivision (3)(a) of section 43-247 and habitual  
21 truancy under subdivision (3)(b) of section 43-247. Illness that  
22 makes attendance impossible or impracticable shall not be the basis  
23 for referral to the county attorney.

24 ~~(b) Educational counseling to determine whether~~  
25 ~~curriculum changes, including, but not limited to, enrolling the~~  
26 ~~child in an alternative education program that meets the specific~~  
27 ~~educational and behavioral needs of the child, would help solve the~~  
1 ~~problem of excessive absenteeism;~~

2 ~~(c) Educational evaluation, which may include a~~  
3 ~~psychological evaluation, to assist in determining the specific~~  
4 ~~condition, if any, contributing to the problem of excessive~~  
5 ~~absenteeism, supplemented by specific efforts by the school to help~~  
6 ~~remedy any condition diagnosed; and~~

7 ~~(d) Investigation of the problem of excessive absenteeism~~  
8 ~~by the school social worker, or if such school does not have~~  
9 ~~a school social worker, by the school principal or a member~~  
10 ~~of the school administrative staff designated by the school~~  
11 ~~administration, to identify conditions which may be contributing to~~  
12 ~~the problem. If services for the child and his or her family are~~  
13 ~~determined to be needed, the school social worker or the school~~  
14 ~~principal or a member of the school administrative staff performing~~  
15 ~~the investigation shall meet with the parent or guardian and the~~  
16 ~~child to discuss any referral to appropriate community agencies~~  
17 ~~for economic services, family or individual counseling, or other~~  
18 ~~services required to remedy the conditions that are contributing to~~  
19 ~~the problem of excessive absenteeism.~~

20 ~~(3) If the child is absent more than twenty days per~~  
21 ~~year or the hourly equivalent and all of the absences are~~  
22 ~~due to documented illness that makes attendance impossible or~~  
23 ~~impracticable or are otherwise excused by school authorities,~~  
24 ~~the attendance officer may report such information to the county~~  
25 ~~attorney of the county in which the person resides. If the~~  
26 ~~child is absent more than twenty days per year or the hourly~~  
27 ~~equivalent and any of such absences are not excused, the attendance~~  
1 ~~officer shall file a report with the county attorney of the~~  
2 ~~county in which the person resides on a form which includes~~  
3 ~~the following two statements, one of which must be designated~~  
4 ~~by the school representative signing the report: (a) The school~~  
5 ~~representative requests additional time to work with the student~~  
6 ~~prior to intervention by the county attorney; and (b) the school~~  
7 ~~representative believes that the school has used all reasonable~~  
8 ~~efforts to resolve the student's excessive absenteeism without~~  
9 ~~success and recommends county attorney intervention. If further~~  
10 ~~action is necessary to address the child's attendance, the initial~~  
11 ~~meeting between the parent or guardian of the child, the school,~~  
12 ~~and the county attorney or his or her designee shall be at a~~  
13 ~~location determined by the school.~~

14 (4) Nothing in this section shall preclude a county  
 15 attorney from being involved at any stage in the process to address  
 16 excessive absenteeism.

17 Sec. 10. Section 79-527.01, Revised Statutes Supplement,  
 18 2013, is amended to read:

19 ~~79-527.01 (1)(a) The Truancy Intervention Task Force~~  
 20 Council on Student Attendance is created. The ~~task force council~~  
 21 shall consist of:

22 (i) A member of a school board in any class of school  
 23 district to be appointed by the State Board of Education;

24 (ii) Two parents not related to each other who have  
 25 children attending school in this state to be appointed by the  
 26 State Board of Education;

27 (iii) A superintendent or his or her designee of a school  
 1 district to be appointed by the State Board of Education;

2 (iv) A student attending school in this state to be  
 3 appointed by the State Board of Education;

4 (v) A representative of a community or advocacy  
 5 organization to be appointed by the State Board of Education;

6 (vi) A county attorney to be appointed by the State Board  
 7 of Education;

8 ~~(vii)~~ The probation administrator or his or her  
 9 designee;

10 ~~(viii)~~ The Commissioner of Education or his or her  
 11 designee; and

12 ~~(ix)~~ The chief executive officer of the Department of  
 13 Health and Human Services or his or her designee.

14 (b) The members of the council appointed by the State  
 15 Board of Education shall serve three-year staggered terms, as  
 16 designated by the board.

17 (c) The members of the council shall serve on the council  
 18 without any additional compensation, but they shall be entitled to  
 19 receive reimbursement for any actual expenses incurred as necessary  
 20 incident to such service as provided in sections 81-1174 to  
 21 81-1177.

22 (2) The ~~task force council~~ shall: ~~study~~

23 (a) Study and evaluate the data contained in the reports  
 24 required by subsection (2) of section 79-527; and shall develop

25 (b) Develop recommendations to reduce incidents of  
 26 excessive absenteeism;:-

27 (c) Consider whether school district policies and  
 1 practices for addressing absenteeism are operational and  
 2 effectively working to address absenteeism and make recommendations  
 3 for improvements where necessary; and

4 (d) Review all school district policies developed under  
 5 subsection (2) of section 79-209 and make specific recommendations  
 6 for school district policy improvement.

7 The ~~task force council~~ may contact a school district or  
 8 a county attorney for additional information in order to carry



9 out its duties under this section. ~~The task force shall report~~  
 10 ~~electronically to the Legislature on or before October 1 of each~~  
 11 ~~year.~~

12 (3) The council shall report on its activities  
 13 electronically to the Legislature on or before October 1 of each  
 14 year.

15 2. Renumber the remaining sections and correct the  
 16 internal references and repealer accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 132.** Senator Scheer withdrew his amendment, AM2141, found on page 701.

### SENATOR KRIST PRESIDING

Senator Scheer offered the following amendment to the committee amendment:

AM2170

(Amendments to Standing Committee amendments, AM1802)

1 1. On page 2, strike beginning with "has" in line 18  
 2 through "state" in line 20 and insert "is accompanied by a parent  
 3 or legal guardian. Before each use of tanning equipment by any  
 4 person less than sixteen years of age, the operator, owner, or  
 5 lessee shall secure a statement signed at the tanning facility  
 6 by the minor's parent or legal guardian stating that the person  
 7 signing the statement is the minor's parent or legal guardian, that  
 8 the parent or legal guardian has read and understood the warnings  
 9 given by the tanning facility, that the parent or legal guardian  
 10 consents to the minor's use of tanning equipment, and that the  
 11 parent or legal guardian agrees that the minor will use protective  
 12 eyewear while using the tanning equipment".

13 2. On page 3, strike beginning with the first "a" in line  
 14 2 through "state" in line 3 and insert "being accompanied by the  
 15 parent or legal guardian who signed the statement required under  
 16 section 5 of this act".

17 3. On page 4, line 4, strike "a"; and strike line 5  
 18 and insert "being accompanied by the person's parent or legal  
 19 guardian".

The Scheer amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Pending.

### COMMITTEE REPORTS

Health and Human Services

**LEGISLATIVE BILL 1088.** Placed on General File.

**LEGISLATIVE BILL 1107.** Placed on General File.

**LEGISLATIVE BILL 1078.** Placed on General File with amendment.  
AM2091

- 1 1. Strike original section 7.
- 2 2. Renumber the remaining sections accordingly.

**LEGISLATIVE RESOLUTION 422.** Reported to the Legislature for further consideration.

(Signed) Kathy Campbell, Chairperson

General Affairs

**LEGISLATIVE BILL 914.** Placed on General File.

**LEGISLATIVE BILL 863.** Placed on General File with amendment.  
AM2131 is available in the Bill Room.

(Signed) Russ Karpisek, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1037.** Placed on General File.

**LEGISLATIVE BILL 737.** Placed on General File with amendment.  
AM2078

- 1 1. On page 2, line 17, reinstate the stricken matter and
- 2 strike the new matter; in line 18, after the stricken matter insert
- 3 "continuously for at least one year immediately"; and in line 19
- 4 after "position" insert ", except that if there is no applicant
- 5 for county veterans service officer in a county who will have been
- 6 a bona fide resident of the State of Nebraska continuously for
- 7 at least one year prior to assuming such position, the one-year
- 8 residency requirement may be waived".

**LEGISLATIVE RESOLUTION 395.** Reported to the Legislature for further consideration.

(Signed) Bill Avery, Chairperson

**NOTICE OF COMMITTEE HEARING**

General Affairs

Room 1510

Monday, March 31, 2014 1:00 p.m.

Jeffrey Galyen - State Racing Commission  
Dennis Lee - State Racing Commission  
Edward F. Hoffman - Nebraska Commission on Problem Gambling  
Marla Bruder - Nebraska Commission on Problem Gambling  
Janelle Holt - Nebraska Commission on Problem Gambling

(Signed) Russ Karpisek, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 464.** Introduced by Coash, 27.

WHEREAS, Terence "Bud" Crawford of Omaha, Nebraska, defeated Ricky Burns to become the World Boxing Organization lightweight champion; and

WHEREAS, with the victory, Bud Crawford became Nebraska's first world champion boxer since 1914; and

WHEREAS, the Legislature recognizes the outstanding athletic achievements of Nebraska residents.

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

1. That the Legislature congratulates Terence "Bud" Crawford on becoming the World Boxing Organization lightweight champion.
2. That a copy of this resolution be sent to Terence "Bud" Crawford.

Laid over.

**LEGISLATIVE RESOLUTION 465.** Introduced by Krist, 10; B. Harr, 8.

WHEREAS, the Benson High School Junior Reserve Officer Training Corps (JROTC) was originally chartered at Benson High School in September 1936, one of the original such programs in Omaha; and

WHEREAS, the Benson High School JROTC is an outstanding program, having earned for the 20th consecutive year the coveted Honor Unit with Distinction and Gold Star designation and award; and

WHEREAS, the Benson High School JROTC has been selected to represent the State of Nebraska at events commemorating the 70th anniversary of the June 6, 1944, Allied invasion of Europe, which will take place in Normandy, France, in June 2014.

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

1. That the Legislature encourages Nebraskans to support the Benson High School JROTC in their efforts to attend the events commemorating the 70th anniversary of the Allied invasion of Europe.

2. That the Legislature salutes the Benson High School JROTC and designates Friday, March 28, 2014, as Benson JROTC Day.

3. That a copy of this resolution be sent to the Benson High School JROTC.

Laid over.

#### AMENDMENTS - Print in Journal

Senator Brasch filed the following amendment to LB1093:

AM2145

- 1 1. Strike section 2 and insert the following section:  
 2 Sec. 2. (1) It is the intent of the Legislature to  
 3 transfer four hundred fifty thousand dollars in General Funds from  
 4 the Department of Health and Human Services' 2014-15 budget to the  
 5 office of the State Court Administrator's budget for the purpose  
 6 of making the State Court Administrator directly responsible for  
 7 contracting and paying for court-connected prehearing conferences,  
 8 family group conferencing, expedited family group conferencing,  
 9 child welfare mediation, permanency prehearing conferences,  
 10 termination of parental rights prehearing conferences, juvenile  
 11 victim-offender dialogue, and other related services. Such funds  
 12 shall be transferred on or before October 15, 2014.  
 13 (2) The Department of Health and Human Services  
 14 shall continue to be responsible for contracting with Office  
 15 of Dispute Resolution-approved mediation centers to provide  
 16 family group conferencing, mediation, and related services for  
 17 non-court-involved and voluntary child welfare or juvenile cases  
 18 through June 30, 2017, unless extended by the Legislature.  
 19 2. Strike beginning on page 2, line 20, through page 3,  
 20 line 2, and insert:  
 21 "(a) Expedited family group conferencing service means  
 22 an expedited and limited-scope facilitated planning meeting which  
 23 engages a child's or juvenile's parents, the child or juvenile  
 1 themselves when appropriate, other critical family members,  
 2 services providers, and either Department of Health and Human  
 3 Services staff or Office of Probation Administration staff to  
 4 address immediate placement issues for the child or juvenile;  
 5 (b) Family group conferencing service means a facilitated  
 6 meeting involving a child's or juvenile's family, the child or  
 7 juvenile themselves when appropriate, available extended family  
 8 members from across the United States, other significant and close  
 9 persons to the family, service providers, and either Department

- 10 of Health and Human Services staff or Office of Probation  
 11 Administration staff to develop a family-centered plan for the  
 12 best interests of the child and to address the essential issues of  
 13 safety, permanency, and well-being of the child;".

Senator Krist filed the following amendment to LB464:  
 AM2163 is available in the Bill Room.

**COMMITTEE REPORTS**  
 Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mary Beth Hanus - Nebraska Child Abuse Prevention Fund Board

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Anthony Moravec - State Board of Health

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Troy Hiemer - Board of Emergency Medical Services  
 Timothy Hoffman - Board of Emergency Medical Services  
 Charles LaFollette - Board of Emergency Medical Services

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Lisa L. Mlnarik - Nebraska Rural Health Advisory Commission  
 Noah L. Piskorski - Nebraska Rural Health Advisory Commission

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Matthew Anselmo - Nebraska Commission on Problem Gambling  
 Marla Bruder - Nebraska Commission on Problem Gambling  
 Mark Canada - Nebraska Commission on Problem Gambling  
 Janelle Holt - Nebraska Commission on Problem Gambling  
 Paul Leckband - Nebraska Commission on Problem Gambling  
 Susan Lutz - Nebraska Commission on Problem Gambling  
 Terry Scoville - Nebraska Commission on Problem Gambling  
 Teresa "Teri" A. Teutsch - Nebraska Commission on Problem Gambling

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kim West Dinsdale - Nebraska Arts Council  
 Paula L. Pflueger - Nebraska Arts Council

Aye: 8 Bloomfield, Coash, Crawford, Johnson, Karpisek, Krist, Lautenbaugh, Schilz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 132.** Senator Kintner offered the following amendment to the committee amendment:

AM2168

(Amendments to Standing Committee amendments, AM1802)

- 1 1. On page 2, strike beginning with "physician" in line
- 2 19 through "state" in line 20 and insert "pastor or rabbi".
- 3 2. On page 3, strike beginning with "physician" in line 2
- 4 through "state" in line 3 and insert "pastor or rabbi".
- 5 3. On page 4, strike line 5 and insert "written note from
- 6 the person's pastor or rabbi".

Senator Kintner withdrew his amendment.

Senator Kintner offered the following amendment to the committee amendment:

AM2169

(Amendments to Standing Committee amendments, AM1802)

- 1 1. On page 2, strike beginning with "has" in line 18
- 2 through "state" in line 20 and insert "is accompanied by a pastor
- 3 or rabbi".
- 4 2. On page 3, strike beginning with the first "a" in line
- 5 2 through "state" in line 3 and insert "being accompanied by a
- 6 pastor or rabbi".
- 7 3. On page 4, line 4, strike "a"; and strike line 5 and
- 8 insert "being accompanied by the person's pastor or rabbi".

Senator Kintner withdrew his amendment.

Committee AM1802, found on page 498 and considered on page 699, as amended, was renewed.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

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

**LEGISLATIVE BILL 728.** Title read. Considered.

Senator Harms offered his amendment, AM2093, found on page 668.

Senator Coash offered his amendment, AM2112, found on page 686, to the Harms amendment.

The Coash amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Harms amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 884.** Title read. Considered.

Committee AM1785, found on page 489, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

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

**AMENDMENTS - Print in Journal**

Senator Kolowski filed the following amendment to LB359:  
AM2030

(Amendments to E & R amendments, ER119)

1 1. Strike section 2 and insert the following new  
2 sections:  
3 Section 1. In determining eligibility for the Medical  
4 Assistance Act, for the program for aid to dependent children  
5 pursuant to section 43-512, for the Supplemental Nutrition  
6 Assistance Program administered by the State of Nebraska pursuant  
7 to the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011  
8 et seq., and for the child care subsidy program established  
9 pursuant to section 68-1202, the following shall not be included  
10 in determining assets or income:

11 (1) Assets in or income from an educational savings  
12 account, a Coverdell educational savings account described in 26  
13 U.S.C. 530, a qualified tuition program established pursuant to 26  
14 U.S.C. 529, or any similar savings account or plan established to  
15 save for qualified higher education expenses as defined in section  
16 85-1802;

17 (2) Income from scholarships or grants related to  
18 postsecondary education, whether merit-based, need-based, or a  
19 combination thereof; and

20 (3) Income from postsecondary educational work-study  
21 programs, whether federally funded, funded by a postsecondary  
22 educational institution, or funded from any other source.

1 Sec. 2. Section 43-512, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3 43-512 (1) Any dependent child as defined in section  
4 43-504 or any relative or eligible caretaker of such a dependent  
5 child may file with the Department of Health and Human Services  
6 a written application for financial assistance for such child on  
7 forms furnished by the department.

8 (2) The department, through its agents and employees,  
9 shall make such investigation pursuant to the application as it  
10 deems necessary or as may be required by the county attorney  
11 or authorized attorney. If the investigation or the application  
12 for financial assistance discloses that such child has a parent  
13 or stepparent who is able to contribute to the support of such  
14 child and has failed to do so, a copy of the finding of such  
15 investigation and a copy of the application shall immediately be  
16 filed with the county attorney or authorized attorney.

17 (3) The department shall make a finding as to whether the  
18 application referred to in subsection (1) of this section should  
19 be allowed or denied. If the department finds that the application  
20 should be allowed, the department shall further find the amount  
21 of monthly assistance which should be paid with reference to such  
22 dependent child. Except as may be otherwise provided, payments



23 shall be made by state warrant, and the amount of payments shall  
24 not exceed three hundred dollars per month when there is but  
25 one dependent child and one eligible caretaker in any home, plus  
26 an additional seventy-five dollars per month on behalf of each  
27 additional eligible person. No payments shall be made for amounts  
1 totaling less than ten dollars per month except in the recovery of  
2 overpayments.

3 (4) The amount which shall be paid as assistance with  
4 respect to a dependent child shall be based in each case upon the  
5 conditions disclosed by the investigation made by the department.  
6 An appeal shall lie from the finding made in each case to the  
7 chief executive officer of the department or his or her designated  
8 representative. Such appeal may be taken by any taxpayer or by any  
9 relative of such child. Proceedings for and upon appeal shall be  
10 conducted in the same manner as provided for in section 68-1016.

11 (5)(a) For the purpose of preventing dependency, the  
12 department shall adopt and promulgate rules and regulations  
13 providing for services to former and potential recipients of aid to  
14 dependent children and medical assistance benefits. The department  
15 shall adopt and promulgate rules and regulations establishing  
16 programs and cooperating with programs of work incentive, work  
17 experience, job training, and education. The provisions of this  
18 section with regard to determination of need, amount of payment,  
19 maximum payment, and method of payment shall not be applicable  
20 to families or children included in such programs. Income and  
21 assets described in section 1 of this act shall not be included in  
22 determination of need under this section.

23 (b) If a recipient of aid to dependent children becomes  
24 ineligible for aid to dependent children as a result of increased  
25 hours of employment or increased income from employment after  
26 having participated in any of the programs established pursuant to  
27 subdivision (a) of this subsection, the recipient may be eligible  
1 for the following benefits, as provided in rules and regulations of  
2 the department in accordance with sections 402, 417, and 1925 of  
3 the federal Social Security Act, as amended, Public Law 100-485,  
4 in order to help the family during the transition from public  
5 assistance to independence:

6 (i) An ongoing transitional payment that is intended to  
7 meet the family's ongoing basic needs which may include food,  
8 clothing, shelter, utilities, household goods, personal care items,  
9 and general incidental expenses during the five months following  
10 the time the family becomes ineligible for assistance under the aid  
11 to dependent children program, if the family's earned income is at  
12 or below one hundred eighty-five percent of the federal poverty  
13 level at the time the family becomes ineligible for the aid to  
14 dependent children program. Payments shall be made in five monthly  
15 payments, each equal to one-fifth of the aid to dependent children  
16 payment standard for the family's size at the time the family  
17 becomes ineligible for the aid to dependent children program. If

18 during the five-month period, (A) the family's earnings exceed one  
19 hundred eighty-five percent of the federal poverty level, (B) the  
20 family members are no longer working, (C) the family ceases to  
21 be Nebraska residents, (D) there is no longer a minor child in  
22 the family's household, or (E) the family again becomes eligible  
23 for the aid to dependent children program, the family shall become  
24 ineligible for any remaining transitional benefits under this  
25 subdivision;

26 (ii) Child care as provided in subdivision (1)(c) of  
27 section 68-1724; and

1 (iii) Except as may be provided in accordance with  
2 subsection (2) of section 68-1713 and subdivision (1)(c) of section  
3 68-1724, medical assistance for up to twelve months after the month  
4 the recipient becomes employed and is no longer eligible for aid to  
5 dependent children.

6 (6) For purposes of sections 43-512 to 43-512.18:

7 (a) Authorized attorney shall mean an attorney, employed  
8 by the county subject to the approval of the county board, employed  
9 by the department, or appointed by the court, who is authorized  
10 to investigate and prosecute child, spousal, and medical support  
11 cases. An authorized attorney shall represent the state as provided  
12 in section 43-512.03;

13 (b) Child support shall be defined as provided in section  
14 43-1705;

15 (c) Medical support shall include all expenses associated  
16 with the birth of a child, cash medical support as defined  
17 in section 42-369, health care coverage as defined in section  
18 44-3,144, and medical and hospital insurance coverage or membership  
19 in a health maintenance organization or preferred provider  
20 organization;

21 (d) Spousal support shall be defined as provided in  
22 section 43-1715;

23 (e) State Disbursement Unit shall be defined as provided  
24 in section 43-3341; and

25 (f) Support shall be defined as provided in section  
26 43-3313.

27 Sec. 4. Section 68-1713, Reissue Revised Statutes of  
1 Nebraska, is amended to read:

2 68-1713 (1) The Department of Health and Human Services  
3 shall implement the following policies:

4 (a) Permit Work Experience in Private for-Profit  
5 Enterprises;

6 (b) Permit Job Search;

7 (c) Permit Employment to be Considered a Program  
8 Component;

9 (d) Make Sanctions More Stringent to Emphasize  
10 Participant Obligations;

11 (e) Alternative Hearing Process;

12 (f) Permit Adults in Two-Parent Households to Participate

- 13 in Activities Based on Their Self-Sufficiency Needs;
- 14 (g) Eliminate Exemptions for Individuals with Children
- 15 Between the Ages of 12 Weeks and Age Six;
- 16 (h) Providing Poor Working Families with Transitional
- 17 Child Care to Ease the Transition from Welfare to Self-Sufficiency;
- 18 (i) Provide Transitional Health Care for 12 Months After
- 19 Termination of ADC if funding for such transitional medical
- 20 assistance is available under Title XIX of the federal Social
- 21 Security Act, as amended, as described in section 68-906;
- 22 (j) Require Adults to Ensure that Children in the Family
- 23 Unit Attend School;
- 24 (k) Encourage Minor Parents to Live with Their Parents;
- 25 (l) Establish a Resource Limit of \$4,000 for a single
- 26 individual and \$6,000 for two or more individuals for ADC;
- 27 (m) Exclude the Value of One Vehicle Per Family When
- 1 Determining ADC Eligibility;
- 2 (n) Exclude the Cash Value of Life Insurance Policies in
- 3 Calculating Resources for ADC;
- 4 (o) Establish the Supplemental Nutrition Assistance
- 5 Program as a Continuous Benefit with Eligibility Reevaluated with
- 6 Yearly Redeterminations;
- 7 (p) Establish a Budget the Gap Methodology Whereby
- 8 Countable Earned Income is Subtracted from the Standard of the
- 9 Need and Payment is Based on the Difference or Maximum Payment
- 10 Level, Whichever is Less. That this Gap be Established at a Level
- 11 that Encourages Work but at Least at a Level that Ensures that
- 12 Those Currently Eligible for ADC do not Lose Eligibility Because of
- 13 the Adoption of this Methodology;
- 14 (q) Adopt an Earned Income Disregard of Twenty Percent of
- 15 Gross Earnings in the ADC Program, ~~and One Hundred Dollars in the~~
- 16 ~~Related Medical Assistance Program, and Income and Assets Described~~
- 17 in section 1 of this act;
- 18 (r) Disregard Financial Assistance ~~Received~~ Described in
- 19 section 1 of this act and Other Financial Assistance Intended for
- 20 Books, Tuition, or Other Self-Sufficiency Related Use;
- 21 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of
- 22 Work Requirement, and The 30-Day Unemployed/Underemployed Period
- 23 for ADC-UP Eligibility; and
- 24 (t) Make ADC a Time-Limited Program.
- 25 (2) The Department of Health and Human Services shall (a)
- 26 apply for a waiver to allow for a sliding-fee schedule for the
- 27 population served by the caretaker relative program or (b) pursue
- 1 other public or private mechanisms, to provide for transitional
- 2 health care benefits to individuals and families who do not
- 3 qualify for cash assistance. It is the intent of the Legislature
- 4 that transitional health care coverage be made available on a
- 5 sliding-scale basis to individuals and families with incomes up to
- 6 one hundred eighty-five percent of the federal poverty level if
- 7 other health care coverage is not available.

8 Sec. 5. Section 68-1726, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 68-1726 Based on the comprehensive assets assessment,  
11 each individual and family receiving assistance under the Welfare  
12 Reform Act shall reach for his or her highest level of economic  
13 self-sufficiency or the family's highest level of economic  
14 self-sufficiency. The following eligibility factors shall apply:

15 (1) Financial resources, excluding the primary home and  
16 furnishings and the primary automobile, shall not exceed four  
17 thousand dollars in value for a single individual and six thousand  
18 dollars in value for two or more individuals;

19 (2) Available resources, including, but not limited to,  
20 savings accounts and real estate, shall be used in determining  
21 financial resources, except that income and assets described in  
22 section 1 of this act shall not be included in determination of  
23 available resources under this section;

24 (3) Income received by family members, except income  
25 earned by children attending school and except as provided in  
26 section 1 of this act, shall be considered in determining total  
family income. Income earned by an individual or a family by  
1 working shall be treated differently than unearned income in  
2 determining the amount of cash assistance as follows:

3 (a) Earned income shall be counted in determining the  
4 level of cash assistance after disregarding an amount of earned  
5 income equal to twenty percent of earned income or other incentives  
6 to work;

7 (b) Financial assistance provided by other programs that  
8 support the transition to economic self-sufficiency shall be  
9 considered to the extent the payments are intended to provide  
10 for life's necessities; and

11 (c) Financial assistance or those portions of it intended  
12 for books, tuition, or other self-sufficiency-related expenses  
13 shall not be counted in determining financial resources. Such  
14 assistance shall include, but not be limited to, school grants,  
15 scholarships, vocational rehabilitation payments, Job Training  
16 Partnership Act payments, income or assets described in section  
17 1 of this act, and education-related loans or other loans that are  
18 expected to be repaid; and

19 (4) Individuals and families shall pursue potential  
20 sources of economic support, including, but not limited to,  
21 unemployment compensation and child support.

22 Sec. 6. Original sections 68-1713 and 68-1726, Reissue  
23 Revised Statutes of Nebraska, section 43-512, Revised Statutes  
24 Cumulative Supplement, 2012, and section 68-1206, Revised Statutes  
25 Supplement, 2013, are repealed.

26 2. Renumber the remaining section accordingly.

Senator Krist filed the following amendment to LB1016:  
AM2150

(Amendments to E&R amendments, ER146)

1 1. Insert the following new section:

2 Sec. 3. Section 84-612, Revised Statutes Supplement,  
3 2013, is amended to read:

4 84-612 (1) There is hereby created within the state  
5 treasury a fund known as the Cash Reserve Fund which shall be under  
6 the direction of the State Treasurer. The fund shall only be used  
7 pursuant to this section.

8 (2) The State Treasurer shall transfer funds from the  
9 Cash Reserve Fund to the General Fund upon certification by the  
10 Director of Administrative Services that the current cash balance  
11 in the General Fund is inadequate to meet current obligations. Such  
12 certification shall include the dollar amount to be transferred.  
13 Any transfers made pursuant to this subsection shall be reversed  
14 upon notification by the Director of Administrative Services that  
15 sufficient funds are available.

16 (3) In addition to receiving transfers from other funds,  
17 the Cash Reserve Fund shall receive federal funds received by the  
18 State of Nebraska for undesignated general government purposes,  
19 federal revenue sharing, or general fiscal relief of the state.

20 (4) On July 7, 2009, the State Treasurer shall transfer  
21 five million dollars from the Cash Reserve Fund to the Roads  
22 Operations Cash Fund. The Department of Roads shall use such  
1 funds to provide the required state match for federal funding made  
2 available to the state through congressional earmarks.

3 (5) The State Treasurer shall transfer a total of  
4 thirty-seven million dollars from the Cash Reserve Fund to the  
5 General Fund on or before June 30, 2012, on such dates and in  
6 such amounts as directed by the budget administrator of the budget  
7 division of the Department of Administrative Services.

8 (6) The State Treasurer shall transfer a total of  
9 sixty-eight million dollars from the Cash Reserve Fund to the  
10 General Fund on or before June 30, 2013, on such dates and in  
11 such amounts as directed by the budget administrator of the budget  
12 division of the Department of Administrative Services.

13 (7) The State Treasurer, at the direction of the  
14 budget administrator of the budget division of the Department  
15 of Administrative Services, shall transfer not to exceed twelve  
16 million dollars in total between July 1, 2011, and November  
17 30, 2012, from the Cash Reserve Fund to the Ethanol Production  
18 Incentive Cash Fund, for ethanol production incentive credits,  
19 on such dates and in such amounts as certified by the Tax  
20 Commissioner.

21 (8) The State Treasurer, at the direction of the  
22 budget administrator of the budget division of the Department  
23 of Administrative Services, shall transfer an amount equal to the  
24 total amount transferred pursuant to subsection (7) of this section

25 from the Ethanol Production Incentive Cash Fund to the Cash Reserve  
 26 Fund in such amounts as certified by the Tax Commissioner on or  
 27 before November 30, 2012.

1 (9) The State Treasurer, at the direction of the  
 2 budget administrator of the budget division of the Department  
 3 of Administrative Services, shall transfer eighty million dollars  
 4 from the Cash Reserve Fund to the Nebraska Capital Construction  
 5 Fund on or before August 15, 2012.

6 (10) The State Treasurer, at the direction of the  
 7 budget administrator of the budget division of the Department  
 8 of Administrative Services, shall transfer one million dollars from  
 9 the Cash Reserve Fund to the Affordable Housing Trust Fund on or  
 10 before August 15, 2012.

11 (11) The State Treasurer shall transfer ten million  
 12 dollars from the Cash Reserve Fund to the General Fund on  
 13 or before June 30, 2013, on such date as directed by the  
 14 budget administrator of the budget division of the Department  
 15 of Administrative Services.

16 (12) The State Treasurer, at the direction of the  
 17 budget administrator of the budget division of the Department of  
 18 Administrative Services, shall transfer not to exceed forty-three  
 19 million fifteen thousand four hundred fifty-nine dollars in total  
 20 from the Cash Reserve Fund to the Nebraska Capital Construction  
 21 Fund between July 1, 2013, and June 30, 2017.

22 (13) The State Treasurer, at the direction of the  
 23 budget administrator of the budget division of the Department of  
 24 Administrative Services, shall transfer three million six hundred  
 25 thousand dollars from the Cash Reserve Fund to the General Fund on  
 26 or before June 30, 2014.

27 2. On page 3, line 1, strike "is" and insert "and section  
 1 84-612, Revised Statutes Supplement, 2013, are".

2 3. Renumber the remaining sections accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1016A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1016, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 466.** Introduced by Larson, 40.

WHEREAS, Blake Walters, a student at O'Neill High School, won the 2014 Class C State Wrestling Championship in the 152-pound division; and

WHEREAS, Blake's victory helped the O'Neill High School Eagles secure a second-place team finish; 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 Blake Walters on his state wrestling championship.

2. That a copy of this resolution be sent to Blake Walters and Coach Bryan Corkle of the O'Neill High School wrestling team.

Laid over.

**LEGISLATIVE RESOLUTION 467.** Introduced by Larson, 40.

WHEREAS, David Fox, a student at O'Neill High School, won the 2014 Class C State Wrestling Championship in the 170-pound division; and

WHEREAS, David's victory helped the O'Neill High School Eagles secure a second-place team finish; 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 David Fox on his state wrestling championship.

2. That a copy of this resolution be sent to David Fox and Coach Bryan Corkle of the O'Neill High School wrestling team.

Laid over.

**LEGISLATIVE RESOLUTION 468.** Introduced by Larson, 40.

WHEREAS, Joseph Gillham, a student at O'Neill High School, won the 2014 Class C State Wrestling Championship in the 132-pound division; and

WHEREAS, Joseph's victory helped the O'Neill High School Eagles secure a second-place team finish; 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 Joseph Gillham on his state wrestling championship.

2. That a copy of this resolution be sent to Joseph Gillham and Coach Bryan Corkle of the O'Neill High School wrestling team.

Laid over.

**VISITORS**

Visitors to the Chamber were Senator Gloor's intern, Ashley Bykerk, from Grand Island; 20 twelfth-grade students from Hartington; 27 ninth-grade students from Lincoln Southeast High School; and 12 fourth-grade students from St. Paul's School, Beatrice.

**RECESS**

At 11:52 a.m., on a motion by Senator Garrett, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senator Pirsch who was excused; and Senators Conrad, K. Haar, Lautenbaugh, Schilz, Wallman, and Watermeier who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 402.** Placed on Final Reading.

ST42

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

1. In the E and R amendments, ER92, on page 1, line 13, "Cumulative Supplement, 2012" has been struck and "Supplement, 2013" inserted.

2. In the Standing Committee amendments, AM684:

a. Sections 1 and 4 and all amendments thereto have been struck and the following new sections inserted:

Section 1. Section 70-1903, Revised Statutes Supplement, 2013, is amended to read:

70-1903 For purposes of the Rural Community-Based Energy Development Act:

(1) C-BED project or community-based energy development project means a new ~~wind~~ energy generation project using wind, solar, biomass, or landfill gas as the fuel source that:

(a) ~~Has an ownership structure as follows: (i) For a C-BED project that consists of more than two turbines, has one or more qualified owners with no single individual qualified owner owning directly or indirectly more than fifteen percent of the project and with at least thirty-three at least twenty-five percent of the gross power purchase agreement payments flowing to the qualified owner or owners or as payments to the local community; or and~~



~~(ii) For a C-BED project that consists of one or two turbines, has one or more qualified owners with at least thirty three percent of the gross power purchase agreement payments flowing to a qualified owner or owners or local community; and~~

(b) Has a resolution of support adopted:

(i) By the county board of each county in which the C-BED project is to be located; or

(ii) By the tribal council for a C-BED project located within the boundaries of an Indian reservation;

~~(2) Debt financing payments means principal, interest, and other typical financing costs paid by the C-BED project company to one or more third party financial institutions for the financing or refinancing of the construction of the C-BED project. Debt financing payments does not include the repayment of principal at the time of a refinancing;~~

~~(3)-(2) Electric utility means an electric supplier that:~~

(a) Owns more than one hundred miles of one-hundred-fifteen-kilovolt or larger transmission lines in the State of Nebraska;

(b) Owns more than two hundred megawatts of electric generating facilities; and

(c) Has the obligation to directly serve more than two hundred megawatts of wholesale or retail electric load in the State of Nebraska;

~~(4)-(3) Gross power purchase agreement payments means the total amount of payments during the life first twenty years of the agreement; For power purchase agreements entered into on or before December 31, 2011, if the qualified owners have a combined total of at least thirty three percent of the equity ownership in the C-BED project, gross power purchase agreement payments shall be reduced by the debt financing payments; and~~

(4) Payments to the local community include, but are not limited to:

(a) Lease and easement payments to property owners made as part of a C-BED project;

(b) Contract payments for concrete, steel, gravel, towers, turbines, blades, wire, or engineering, procurement, construction, geotechnical, environmental, meteorological, or legal services or payments for other components, equipment, materials, or services that are necessary to permit or construct the C-BED project and that are provided by a company that has been organized or incorporated in Nebraska under Nebraska law and has employed at least five Nebraska residents for at least eighteen months prior to the date of the project application for certification as a C-BED project; and

(c) Payments that are for physical parts, materials, or components that are manufactured, assembled, or fabricated in Nebraska and that are not described in subdivision (a) or (b) of this subdivision.

Such payments need not be made directly from power purchase agreement revenue and may be made from other funds in advance of receiving power purchase agreement revenue; and

(5) Qualified owner means:

(a) A Nebraska resident;

(b) A limited liability company that is organized under the Nebraska Uniform Limited Liability Company Act and that is made up of members who are Nebraska residents;

(c) A Nebraska nonprofit corporation organized under the Nebraska Nonprofit Corporation Act;

(d) An electric supplier as defined in section 70-1001.01, except that ownership in a single C-BED project is limited to no more than:

(i) Fifteen percent either directly or indirectly by a single electric supplier; and

(ii) A combined total of twenty-five percent ownership either directly or indirectly by multiple electric suppliers; ~~or~~

(e) A tribal council;

(f) A domestic corporation organized in Nebraska under the Business Corporation Act and domiciled in Nebraska; or

(g) A cooperative corporation organized under sections 21-1301 to 21-1306 and domiciled in Nebraska.

Sec. 4. Section 77-2704.57, Revised Statutes Supplement, 2013, is amended to read:

77-2704.57 (1) Sales and use tax shall not be imposed on the gross receipts from the sale, lease, or rental of personal property for use in a C-BED project or community-based energy development project. This exemption shall be conditioned upon filing requirements for the exemption as imposed by the Tax Commissioner. The requirements imposed by the Tax Commissioner shall be related to ensuring that the property purchased qualifies for the exemption. The Tax Commissioner may require the filing of the documents showing compliance with section 70-1907, the organization of the project, the distribution of the payments, the power purchase agreements, the project pro forma, articles of incorporation, operating agreements, and any amendments or changes to these documents during the life of the power purchase agreement.

(2) The Tax Commissioner shall notify an electric utility that has a power purchase agreement with a C-BED project if there is a change in project ownership which makes the project no longer eligible as a C-BED project. Purchase of a C-BED project by an electric utility prior to the end of the power purchase agreement disqualifies the C-BED project for the exemption, but the Department of Revenue may not recover the amount of the sales and use tax that was not paid by the project prior to the purchase.

(3) For purposes of this section, the terms (a) C-BED project or community-based energy development project, (b) gross power purchase agreement payments, (c) payments to the local community, and (d) qualified owner have the definitions found in section 70-1903. :

~~(a) C-BED project or community-based energy development project means a new wind energy project that:~~

~~(i) Has an ownership structure as follows:~~

~~(A) For a C-BED project that consists of more than two turbines, has one or more qualified owners with no single individual qualified owner owning directly or indirectly more than fifteen percent of the project and with at least thirty three percent of the gross power purchase agreement payments flowing to the qualified owner or owners or local community; or~~

~~(B) For a C-BED project that consists of one or two turbines, has one or more qualified owners with at least thirty three percent of the gross power purchase agreement payments flowing to a qualified owner or owners or local community; and~~

~~(ii) Has a resolution of support adopted:~~

~~(A) By the county board of each county in which the C-BED project is to be located; or~~

~~(B) By the tribal council for a C-BED project located within the boundaries of an Indian reservation;~~

~~(b) Debt financing payments means principal, interest, and other typical financing costs paid by the C-BED project company to one or more third party financial institutions for the financing or refinancing of the construction of the C-BED project. Debt financing payments does not include the repayment of principal at the time of a refinancing;~~

~~(c) New wind energy project means any tangible personal property incorporated into the manufacture, installation, construction, repair, or replacement of a device, such as a wind charger, windmill, or wind turbine, which is used to convert wind energy to electrical energy or for the transmission of electricity to the purchaser; and~~

~~(d) Qualified owner means:~~

~~(i) A Nebraska resident;~~

~~(ii) A limited liability company that is organized under the Nebraska Uniform Limited Liability Company Act and that is entirely made up of members who are Nebraska residents;~~

~~(iii) A Nebraska nonprofit corporation organized under the Nebraska Nonprofit Corporation Act;~~

~~(iv) An electric supplier as defined in section 70-1001.01, except that ownership in a single C-BED project is limited to no more than:~~

~~(A) Fifteen percent either directly or indirectly by a single electric supplier; and~~

~~(B) A combined total of twenty five percent ownership either directly or indirectly by multiple electric suppliers; or~~

~~(v) A tribal council.~~

~~(4) Gross power purchase agreement payments are the total amount of payments during the life of the agreement. For power purchase agreements entered into on or before December 31, 2011, if the qualified owners have a combined total of at least thirty three percent of the equity ownership in the C-BED project, gross power purchase agreement payments shall be reduced by the debt financing payments. For the purpose of determining eligibility of the project, an estimate of the payments and their recipients shall be used.~~

~~(5) Payments to the local community include, but are not limited to, lease payments to property owners on whose property a turbine is located, wind agreement payments, and real and personal property tax receipts from the C-BED project.~~

~~(6)(4) The Department of Revenue may examine the actual payments and the distribution of the payments to determine if the projected distributions were met. If the payment distributions to qualified owners do not meet the requirements of this section, the department may recover the amount of the~~

sales or use tax that was not paid by the project at any time up until the end of three years after the end of the power purchase agreement.

~~(7)-(5)~~ At any time prior to the end of the power purchase agreements, the project may voluntarily surrender the exemption granted by the Tax Commissioner and pay the amount of sales and use tax that would otherwise have been due.

~~(8)-(6)~~ The amount of the tax due under either subsection ~~(6) or (7)~~ (4) or (5) of this section shall be increased by interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted, from the date the tax would have been due if no exemption was granted until the date paid.

b. On page 9, line 19, "Cumulative Supplement, 2012" has been struck and "Supplement, 2013" inserted.

**LEGISLATIVE BILL 474.** Placed on Final Reading.

ST43

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

1. In the Krist amendment, FA203, the emergency clause has been inserted as section 12.

2. In the E and R amendments, ER141, on page 1, line 2, "and" has been struck and "18-2142.02, 18-2142.04, 19-4018, 19-4031, and 19-4034," has been inserted after the last comma; in line 4 the second "and" has been struck; and in line 5 "; and to declare an emergency" has been inserted after "sections".

3. In the Hadley amendment, AM1815, on page 6, line 20, "and" has been struck and "18-2142.02, 18-2142.04, 19-4018, 19-4031, and 19-4034," has been inserted after the first comma.

**LEGISLATIVE BILL 671.** Placed on Final Reading.

**LEGISLATIVE BILL 725.** Placed on Final Reading.

**LEGISLATIVE BILL 725A.** Placed on Final Reading.

**LEGISLATIVE BILL 749.** Placed on Final Reading.

**LEGISLATIVE BILL 755.** Placed on Final Reading.

(Signed) John Murante, Chairperson

#### GENERAL FILE

**LEGISLATIVE BILL 814.** Title read. Considered.

Committee AM1876, found on page 493, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 814A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Tuesday, March 11, 2014 12:00 p.m.

Darrell E. Fisher - Nebraska Commission on Law Enforcement and  
Criminal Justice

Michael L. Kenney - Department of Corrections

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 867.** Title read. Considered.

Committee AM1954, found on page 556, was offered.

Senator Schumacher offered his amendment, AM2011, found on page 651, to the committee amendment.

The Schumacher amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Larson offered the following amendment to the committee amendment:

AM2190

(Amendments to AM2011)

- 1 1. On page 4, line 16, after "amendment" insert "and
- 2 sections 4 and 5 of AM1954"; and in line 17 strike "October" and
- 3 insert "April".

The Larson amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, March 25, 2014 12:30 p.m.

Nebraska Coordinating Commission for Postsecondary Education will provide the Education Committee with a Progress Toward Attainment of Higher Education Priorities Report (required pursuant to Section 85-1429)

(Signed) Kate Sullivan, Chairperson

Nebraska Retirement Systems

Room 1525

Monday, March 24, 2014 9:00 a.m.

Presentation of Annual Reports: Nebraska Public Employees Retirement Systems and Nebraska Investment Council

(Signed) Jeremy Nordquist, Chairperson

**COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 965.** Placed on General File with amendment.  
AM2045

- 1 1. On page 2, line 14, strike "but is not limited to";
- 2 strike beginning with "environmental" in line 17 through the comma
- 3 in line 18; and strike beginning with "or" in line 22 through
- 4 "resources" in line 23.
- 5 2. On page 3, line 25, strike the first "and" and show as
- 6 stricken.
- 7 3. On page 4, strike beginning with "with" in line
- 8 3 through "as" in line 4 and insert "that the applicant gave
- 9 consideration to the cost and benefits"; and strike lines 15
- 10 through 18.
- 11 4. On page 5, line 4, strike "but is not limited to";
- 12 strike beginning with "environmental" in line 6 through the first
- 13 comma in line 8; and in line 12 strike "or other environmental
- 14 resources".

(Signed) Tom Carlson, Chairperson

**SENATOR COASH PRESIDING**

**GENERAL FILE**

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

Committee AM2022, found on page 630, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendments to LB752:

FA204

Page 2, line 20 after "professional" insert "or bank teller".

FA205

Page 2, line 20 after "professional" insert "or school bus driver".

FA206

Page 2, line 20 after "professional" insert "or taxi cab driver".

FA207

Page 2, line 20 after "professional" insert "or referee of any sporting event or game".

FA208

Page 2, line 20 after "professional" insert "or pizza delivery person".

FA209

Page 2, line 20 after "professional" insert "or gas, water and electricity utility workers".

FA210

Page 2, line 20 after "professional" insert "or the driver of any public conveyance that transports passengers".

FA211

Page 2, line 20 after "professional" insert "or telephone or cable installers".

FA212

Page 2, line 20 after "professional" insert "or baggage or luggage handler at any airport".

FA213

Page 2, line 20 after "professional" insert "or any hotel or motel employee".

FA214

Page 2, line 20 after "professional" insert "or barber".

FA215

Page 2, line 20 after "professional" insert "or marriage counselor".

FA216

Page 2, line 20 after "professional" insert "or mail carrier".

FA217

Page 2, line 20 after "professional" insert "or member of any city council".

FA218

Page 2, line 20 after "professional" insert "or member of the Legislature".

FA219

Page 2, line 20 after "professional" insert "or judge".

FA220

Page 2, line 20 after "professional" insert "or bailiff".

FA221

Page 2, line 20 after "professional" insert "or member of any county board of commissioners".

FA222

Page 2, line 20 after "professional" insert "or public school teacher".

FA223

Page 2, line 20 after "professional" insert "or Child Protective Services worker".

FA224

Page 2, line 20 after "professional" insert "or lawyer".

FA225

Page 2, line 20 after "professional" insert "or county attorney".

FA226

Page 2, line 20 after "professional" insert "or city attorney".

FA227

Page 2, line 20 after "professional" insert "or coach of any high school sport".

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB832. No objections. So ordered.



**ADJOURNMENT**

At 4:45 p.m., on a motion by Senator Crawford, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SEVENTH DAY - MARCH 5, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 5, 2014

**PRAYER**

The prayer was offered by Pastor Randall Herman, Bethany Lutheran Church, Lyons.

**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 Conrad, Karpisek, Lautenbaugh, Pirsch, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Sanders, Rita G. - Crime Victim's Reparations Committee - Judiciary  
Vest, Joshua M. - State Board of Health- Health and Human Services

(Signed) John Wightman, Chairperson  
Executive Board

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB404:  
AM2192

(Amendments to Standing Committee amendments, AM1642)

- 1 1. On page 6, lines 13 and 18; and page 13, lines 11 and
- 2 16, strike "seventy-five cents", show the old matter as stricken,
- 3 and insert "one dollar".

**MOTIONS - Approve Appointments**

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 604:

Game and Parks Commission  
Mark Spurgin

Voting in the affirmative, 30:

Ashford	Christensen	Gloor	Krist	Seiler
Avery	Coash	Hadley	Larson	Smith
Bloomfield	Cook	Hansen	McCoy	Sullivan
Bolz	Crawford	Howard	McGill	Wallman
Campbell	Dubas	Johnson	Murante	Watermeier
Chambers	Garrett	Kintner	Schumacher	Wightman

Voting in the negative, 0.

Present and not voting, 13:

Adams	Davis	Harr, B.	Lathrop	Scheer
Brasch	Haar, K.	Janssen	Nelson	
Carlson	Harms	Kolowski	Nordquist	

Excused and not voting, 6:

Conrad	Lautenbaugh	Pirsch
Karpisek	Mello	Schilz

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 635:

Board of Parole  
Esther Casmer

Voting in the affirmative, 32:

Adams	Carlson	Haar, K.	Larson	Sullivan
Ashford	Coash	Hadley	McCoy	Wallman
Avery	Cook	Hansen	McGill	Watermeier
Bloomfield	Crawford	Harms	Murante	Wightman
Bolz	Dubas	Howard	Nelson	
Brasch	Garrett	Kintner	Scheer	
Campbell	Gloor	Krist	Seiler	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Harr, B.	Kolowski	Schumacher
Christensen	Janssen	Lathrop	Smith
Davis	Johnson	Nordquist	

Excused and not voting, 6:

Conrad	Lautenbaugh	Pirsch
Karpisek	Mello	Schilz

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 650:

Nebraska Accountability and Disclosure Commission  
Andrew Loudon

Voting in the affirmative, 31:

Avery	Crawford	Howard	McGill	Wallman
Bloomfield	Dubas	Johnson	Murante	Watermeier
Bolz	Garrett	Kintner	Nelson	Wightman
Brasch	Gloor	Krist	Scheer	
Campbell	Haar, K.	Larson	Schumacher	
Carlson	Hadley	Lautenbaugh	Seiler	
Cook	Harms	McCoy	Sullivan	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Christensen	Hansen	Kolowski	Schilz
Ashford	Coash	Harr, B.	Lathrop	Smith
Chambers	Davis	Janssen	Nordquist	

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
--------	----------	-------	--------

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 650:

State Emergency Response Commission  
 John L. Grimes  
 Benjamin Salo

Voting in the affirmative, 30:

Avery	Crawford	Hansen	Larson	Scheer
Bloomfield	Dubas	Harms	Lautenbaugh	Schumacher
Bolz	Garrett	Howard	McCoy	Smith
Brasch	Gloor	Johnson	McGill	Sullivan
Carlson	Haar, K.	Kintner	Murante	Wallman
Cook	Hadley	Krist	Nelson	Watermeier

Voting in the negative, 0.

Present and not voting, 15:

Adams	Chambers	Davis	Kolowski	Schilz
Ashford	Christensen	Harr, B.	Lathrop	Seiler
Campbell	Coash	Janssen	Nordquist	Wightman

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
--------	----------	-------	--------

The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 651:

State Emergency Response Commission  
 Sherry Blaha

Voting in the affirmative, 30:

Adams	Crawford	Hansen	Larson	Schumacher
Avery	Dubas	Harms	Lautenbaugh	Smith
Bloomfield	Garrett	Howard	McCoy	Sullivan
Brasch	Gloor	Johnson	McGill	Wallman
Carlson	Haar, K.	Kintner	Murante	Watermeier
Cook	Hadley	Krist	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 15:

Ashford	Chambers	Davis	Kolowski	Scheer
Bolz	Christensen	Harr, B.	Lathrop	Schilz
Campbell	Coash	Janssen	Nordquist	Seiler

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
--------	----------	-------	--------

The appointment was confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 666:

State Emergency Response Commission  
Larry Johnson

Voting in the affirmative, 31:

Adams	Dubas	Johnson	Murante	Wallman
Avery	Garrett	Kintner	Nelson	Watermeier
Bloomfield	Gloor	Krist	Scheer	Wightman
Brasch	Haar, K.	Larson	Schumacher	
Carlson	Hadley	Lathrop	Seiler	
Cook	Hansen	McCoy	Smith	
Crawford	Howard	McGill	Sullivan	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Chambers	Davis	Janssen	Nordquist
Bolz	Christensen	Harms	Kolowski	Schilz
Campbell	Coash	Harr, B.	Lautenbaugh	

Excused and not voting, 4:

Conrad	Karpisek	Mello	Pirsch
--------	----------	-------	--------

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 669:

Board of Public Roads Classifications and Standards  
Barbara J. Keegan  
James Litchfield

Mick Syslo  
Edward Wootton

Voting in the affirmative, 28:

Avery	Dubas	Howard	Lathrop	Scheer
Brasch	Garrett	Johnson	McCoy	Sullivan
Carlson	Gloor	Kintner	Mello	Wallman
Cook	Haar, K.	Kolowski	Murante	Wightman
Crawford	Hadley	Krist	Nelson	
Davis	Hansen	Larson	Nordquist	

Voting in the negative, 0.

Present and not voting, 20:

Adams	Campbell	Conrad	Karpisek	Schumacher
Ashford	Chambers	Harms	Lautenbaugh	Seiler
Bloomfield	Christensen	Harr, B.	McGill	Smith
Bolz	Coash	Janssen	Schilz	Watermeier

Excused and not voting, 1:

Pirsch

The appointments were confirmed with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 371A.** Senator Mello offered his amendment, AM1966, found on page 612.

The Mello amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 359.** ER119, found on page 334, was adopted.

Senator Cook offered her amendment, AM1737, found on page 636.

The Cook amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Kolowski offered his amendment, AM2030, found on page 720.



The Kolowski amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 359A.** ER120, found on page 335, was adopted.

Senator Cook offered her amendment, AM2074, found on page 653.

The Cook amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 144.** Senator Brasch offered her amendment, AM2087, found on page 686.

The Brasch amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 259.** Senator Karpisek offered his amendment, AM631, found on page 706, First Session, 2013.

The Karpisek amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 546.** ER149, found on page 708, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 983.** ER139, found on page 635, was adopted.

Senator Dubas offered her amendment, AM1984, found on page 662.

The Dubas amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 983A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 661.** ER140, found on page 662, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 661A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 438.** ER136, found on page 545, was adopted.

Senator Adams offered his amendment, AM1934, found on page 627.

#### **PRESIDENT HEIDEMANN PRESIDING**

The Adams amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 438A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 740.** Advanced to Enrollment and Review for Engrossment.

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 446, 447, 448, 449, and 450 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 446, 447, 448, 449, and 450.

#### **COMMITTEE REPORT**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 935.** Placed on General File with amendment. AM2182

1 1. On page 4, strike lines 2 through 6.

(Signed) Bill Avery, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 469.** Introduced by Seiler, 33.

WHEREAS, the Hastings Middle School in Hastings, Nebraska, has been selected as a 2014 MetLife Foundation-NASSP Breakthrough School; and

WHEREAS, the Hastings Middle School is the first school ever in Nebraska to receive this honor; and

WHEREAS, the MetLife Foundation and the National Association of Secondary School Principals (NASSP) created the Breakthrough Schools program in 2007 to identify, recognize, and showcase middle level and high schools that serve large numbers of students living in poverty and that are high achieving or dramatically improving student achievement; and

WHEREAS, selection criteria for the Breakthrough Schools program are based on a school's documented success in implementing strategies aligned with the core areas of collaborative leadership, personalization, curriculum, instruction, and assessment.

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

1. That the Legislature congratulates the Hastings Middle School on its selection as a 2014 MetLife Foundation-NASSP Breakthrough School honoree.

2. That a copy of this resolution be sent to the Hastings Middle School.

Laid over.

**AMENDMENT - Print in Journal**

Senator Hadley filed the following amendment to LB776:

AM2114

- 1 1. On page 6, line 17, strike "14504", show as stricken,
- 2 and insert "14504a".

**SELECT FILE**

**LEGISLATIVE RESOLUTION 41CA.** ER27, found on page 716, First Session, 2013, was adopted.

Senator McCoy asked unanimous consent to withdraw his amendment, AM494, found on page 630, First Session, 2013, and replace it with his substitute amendment, AM2215. No objections. So ordered.

AM2215

(Amendments to E & R amendments, ER27)

- 1 1. On page 3, line 10, strike the new matter; in line 12
- 2 after "method" insert "or on instant racing terminals"; in lines
- 3 23 and 24 strike "live or replayed"; and in line 25 after "method"
- 4 insert "or on instant racing terminals".

Pending.

**COMMITTEE REPORTS**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 759.** Placed on General File with amendment. AM2140 is available in the Bill Room.

**LEGISLATIVE BILL 1042.** Placed on General File with amendment. AM2132 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

Executive Board

**LEGISLATIVE RESOLUTION 444.** Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 470.** Introduced by Coash, 27.

WHEREAS, Alexander Payne was born in Omaha, Nebraska, on February 10, 1961, and attended Creighton Preparatory School; and

WHEREAS, Alexander Payne has become an extremely successful director, producer, and screenwriter and has achieved remarkable success and recognition for his most recent film, "Nebraska"; and

WHEREAS, the film was nominated for six Academy Awards, five Golden Globe Awards, two Cannes International Film Festival Awards, six Film Independent Spirit Awards, and seven Phoenix Film Critics Society Awards; and

WHEREAS, the Legislature recognizes the outstanding achievements of native Nebraskans.

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

1. That the Legislature congratulates Alexander Payne for the remarkable success of "Nebraska."

2. That a copy of this resolution be sent to Alexander Payne.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Karpisek filed the following amendment to LB1027:  
AM1933

- 1 1. On page 3, line 9, strike "voluntary treatment or";
- 2 and in line 13 after "hearing" insert "to determine if the owner

3 is prohibited under state or federal law from receiving the firearm  
4 or firearms".

Senator Larson filed the following amendment to LB699:  
AM2162

(Amendments to E & R amendments, ER147)

1 1. On page 2, line 5, strike "currently".

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Kintner asked unanimous consent to add his name as cointroducer to LB1057. No objections. So ordered.

#### **RECESS**

At 12:03 p.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

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

#### **ROLL CALL**

The roll was called and all members were present except Senators Ashford, Christensen, Conrad, Lautenbaugh, and Sullivan who were excused until they arrive.

#### **MESSAGE FROM THE GOVERNOR**

February 28, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Tourism Commission:

John P. Chapo, 2340 Stockwell Street, Lincoln, NE 68502  
Debra Nelson-Loseke, 604 Apache Street, Columbus, NE 68601

Contingent upon your approval, the following individuals are being appointed to the Nebraska Tourism Commission:

Lisa Burke, 24007 East Island Road, Brady, NE 69123

Roger L. Jasnoch, 8 Crestview Drive, Kearney, NE 68845

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**COMMITTEE REPORT**  
Agriculture

**LEGISLATIVE BILL 1080.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 941A.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 941, One Hundred Third Legislature, Second Session, 2014.

**COMMITTEE REPORTS**  
Executive Board

**LEGISLATIVE BILL 609.** Indefinitely postponed.  
**LEGISLATIVE BILL 763.** Indefinitely postponed.  
**LEGISLATIVE BILL 871.** Indefinitely postponed.  
**LEGISLATIVE BILL 909.** Indefinitely postponed.  
**LEGISLATIVE BILL 917.** Indefinitely postponed.  
**LEGISLATIVE BILL 975.** Indefinitely postponed.

(Signed) John Wightman, Chairperson

**SELECT FILE**

**LEGISLATIVE RESOLUTION 41CA.** Senator McCoy renewed his amendment, AM2215, found in this day's Journal.

Pending.

**COMMITTEE REPORT**

Agriculture

**LEGISLATIVE BILL 1008.** Placed on General File.

(Signed) Ken Schilz, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 965A.** Introduced by K. Haar, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 965, One Hundred Third Legislature, Second Session, 2014.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Burke, Lisa - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Chapo, John P. - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Jasnoch, Roger L. - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Nelson-Loseke, Debra - Nebraska Tourism Commission - Government, Military and Veterans Affairs

Partsch, David J. - Commission of Industrial Relations - Business and Labor

(Signed) John Wightman, Chairperson  
Executive Board**SENATOR COASH PRESIDING****SELECT FILE****LEGISLATIVE RESOLUTION 41CA.** The McCoy amendment, AM2215, found and considered in this day's Journal, was renewed.

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

Senator McCoy requested a record vote on his amendment

Voting in the affirmative, 16:

Avery	Chambers	Hansen	McCoy
Bloomfield	Christensen	Harms	Nelson
Brasch	Crawford	Johnson	Pirsch
Carlson	Garrett	Kintner	Smith

Voting in the negative, 16:

Campbell	Gloor	Kolowski	Murante
Coash	Haar, K.	Larson	Nordquist
Conrad	Hadley	Lathrop	Seiler
Dubas	Karpisek	McGill	Wallman

Present and not voting, 10:

Adams	Davis	Howard	Scheer	Watermeier
Bolz	Harr, B.	Mello	Schumacher	Wightman

Excused and not voting, 7:

Ashford	Janssen	Lautenbaugh	Sullivan
Cook	Krist	Schilz	

The McCoy amendment lost with 16 ayes, 16 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING**  
Business and Labor

Room 2102

Thursday, March 13, 2014 8:45 a.m.

David J. Partsch - Commission of Industrial Relations

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT**  
Agriculture

**LEGISLATIVE BILL 696.** Indefinitely postponed.

(Signed) Ken Schilz, Chairperson



**SELECT FILE**

**LEGISLATIVE RESOLUTION 41CA.** Senator McCoy withdrew his amendments, AM497 and AM496, found on page 652, First Session, 2013.

Senator Chambers withdrew his amendments, FA16, FA17, FA18, FA19, FA20, and FA21, found on page 645, First Session, 2013.

Senator Chambers offered the following amendment:

FA228

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "Because it is in the best social and economic interest of this state and its residents to promote and exploit the economic benefits of gambling to advance desirable social purposes, the".

Senator Chambers withdrew his amendment.

Senator Karpisek offered the Lautenbaugh amendment, FA22, found on page 652, First Session, 2013.

The Lautenbaugh amendment lost with 0 ayes, 17 nays, 26 present and not voting, and 6 excused and not voting.

Senator Chambers requested a machine vote of the advancement of the resolution.

Senator Karpisek moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Karpisek requested a roll call vote, in reverse order, on the advancement of the resolution.

Voting in the affirmative, 25:

Bolz	Dubas	Howard	McGill	Schumacher
Campbell	Gloor	Karpisek	Mello	Seiler
Conrad	Haar, K.	Larson	Murante	Sullivan
Cook	Hadley	Lathrop	Nordquist	Wallman
Davis	Harr, B.	Lautenbaugh	Schilz	Wightman

Voting in the negative, 18:

Adams	Carlson	Hansen	Kolowski	Smith
Avery	Chambers	Harms	McCoy	Watermeier
Bloomfield	Christensen	Johnson	Nelson	
Brasch	Garrett	Kintner	Scheer	

Present and not voting, 5:

Ashford      Coash      Crawford      Janssen      Pirsch

Excused and not voting, 1:

Krist

Advanced to Enrollment and Review for Engrossment with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### GENERAL FILE

**LEGISLATIVE BILL 752.** Title read. Considered.

### SENATOR GLOOR PRESIDING

Senator Chambers offered his amendment, FA204, found on page 735.

Pending.

### COMMITTEE REPORTS

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Dorest Harvey - Nebraska Information Technology Commission  
 Randy Meininger - Nebraska Information Technology Commission  
 Dan Shundoff - Nebraska Information Technology Commission  
 Gerald (Gary) Warren - Nebraska Information Technology Commission  
 Walter Weir - Nebraska Information Technology Commission

Aye: 6 Brasch, Dubas, Hadley, Murante, Smith, Watermeier. Nay: 0.  
 Absent: 2 Janssen, McCoy. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

Judiciary

**LEGISLATIVE BILL 1035.** Placed on General File.

**LEGISLATIVE BILL 694.** Placed on General File with amendment.  
 AM1837

- 1 1. On page 3, line 3, after the underscored comma insert
- 2 "in a hunter education program, or as part of an honor guard".

**LEGISLATIVE BILL 893.** Placed on General File with amendment.  
AM2222

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

3 Section 1. Section 44-2825, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 44-2825 (1) The total amount recoverable under the  
6 Nebraska Hospital-Medical Liability Act from any and all health  
7 care providers and the Excess Liability Fund for any occurrence  
8 resulting in any injury or death of a patient may not exceed  
9 (a) five hundred thousand dollars for any occurrence on or before  
10 December 31, 1984, (b) one million dollars for any occurrence after  
11 December 31, 1984, and on or before December 31, 1992, (c) one  
12 million two hundred fifty thousand dollars for any occurrence after  
13 December 31, 1992, and on or before December 31, 2003, ~~and~~(d)  
14 one million seven hundred fifty thousand dollars for any occurrence  
15 after December 31, 2003, and on or before December 31, 2014,  
16 and (e) two million two hundred fifty thousand dollars for any  
17 occurrence after December 31, 2014.

18 (2) A health care provider qualified under the act shall  
19 not be liable to any patient or his or her representative who  
20 is covered by the act for an amount in excess of five hundred  
21 thousand dollars for all claims or causes of action arising from  
22 any occurrence during the period that the act is effective with  
23 reference to such patient.

1 (3) Subject to the overall limits from all sources as  
2 provided in subsection (1) of this section, any amount due from a  
3 judgment or settlement which is in excess of the total liability  
4 of all liable health care providers shall be paid from the Excess  
5 Liability Fund pursuant to sections 44-2831 to 44-2833.

6 Sec. 2. Original section 44-2825, Reissue Revised  
7 Statutes of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

Health and Human Services

**LEGISLATIVE BILL 853.** Placed on General File with amendment.  
AM1937

1 1. Insert the following new sections:

2 Sec. 16. Section 43-4511, Revised Statutes Supplement,  
3 2013, is amended to read:

4 43-4511 (1) The department shall provide extended  
5 guardianship assistance for a young adult who is at least nineteen  
6 years of age but less than twenty-one years of age if the young  
7 adult began receiving kinship guardianship assistance pursuant  
8 to 42 U.S.C. 673 at sixteen years of age or older or the young  
9 adult received state-funded guardianship assistance in a licensed

10 relative placement at sixteen years of age or older and the  
 11 young adult meets at least one of the following conditions for  
 12 eligibility:  
 13 ~~(1)-(a)~~ The young adult is completing secondary education  
 14 or an educational program leading to an equivalent credential;  
 15 ~~(2)-(b)~~ The young adult is enrolled in an institution  
 16 that provides postsecondary or vocational education;  
 17 ~~(3)-(c)~~ The young adult is employed for at least eighty  
 18 hours per month;  
 19 ~~(4)-(d)~~ The young adult is participating in a program  
 20 or activity designed to promote employment or remove barriers to  
 21 employment; or

22 ~~(5)-(e)~~ The young adult is incapable of doing any part of  
 23 the activities in subdivisions ~~(1) through (4)~~ ~~(1)(a) through (d)~~  
 1 of this section due to a medical condition, which incapacity must  
 2 be supported by regularly updated information in the case plan of  
 3 the young adult.

4 (2) The guardian shall ensure that any guardianship  
 5 assistance funds provided by the department and received by the  
 6 guardian shall be used for the benefit of the young adult.  
 7 The department shall adopt and promulgate rules and regulations  
 8 defining services and supports encompassed by such benefit.

9 Sec. 17. Section 43-4512, Revised Statutes Supplement,  
 10 2013, is amended to read:

11 43-4512 (1) The department shall provide extended  
 12 adoption assistance for a young adult who is at least nineteen  
 13 years of age but less than twenty-one years of age if the young  
 14 adult began receiving adoption assistance at sixteen years of age  
 15 or older and meets at least one of the following conditions of  
 16 eligibility:

17 ~~(1)-(a)~~ The young adult is completing secondary education  
 18 or an educational program leading to an equivalent credential;

19 ~~(2)-(b)~~ The young adult is enrolled in an institution  
 20 that provides postsecondary or vocational education;

21 ~~(3)-(c)~~ The young adult is employed for at least eighty  
 22 hours per month;

23 ~~(4)-(d)~~ The young adult is participating in a program  
 24 or activity designed to promote employment or remove barriers to  
 25 employment; or

26 ~~(5)-(e)~~ The young adult is incapable of doing any part of  
 27 the activities in subdivisions ~~(1) through (4)~~ ~~(1)(a) through (d)~~  
 1 of this section due to a medical condition, which incapacity must  
 2 be supported by regularly updated information in the case plan of  
 3 the young adult.

4 (2) The adoptive parent or parents shall ensure that any  
 5 adoption assistance funds provided by the department and received  
 6 by the adoptive parent shall be used for the benefit of the  
 7 young adult. The department shall adopt and promulgate rules and  
 8 regulations defining services and supports encompassed by such

9 benefit.

10 2. On page 15, line 21, strike "as required by", show  
11 as stricken, and insert "health care proxy, or other similar  
12 document recognized under state law, at the young adult's option,  
13 pursuant to".

14 3. On page 18, strike lines 10 through 15 and show the  
15 old matter as stricken.

16 4. On page 20, line 10, after "shall" insert "make  
17 efforts to".

18 5. On page 24, line 9, after the second comma insert  
19 "and"; and strike beginning with the comma in line 11 through  
20 "review" in line 13.

21 6. On page 27, lines 9 and 10 and 23; page 28, lines  
22 15 and 16; and page 31, line 6, strike "Young Adult Voluntary  
23 Services and Support", show as stricken, and insert "Bridge to  
24 Independence".

25 7. On page 30, line 14, strike "(1) through (5)", show as  
26 stricken, and insert "(1)(a) through (e)".

27 8. On page 31, line 20, after "43-4510," insert "43-4511,  
1 43-4512,".

2 9. Renumber the remaining sections accordingly.

(Signed) Kathy Campbell, Chairperson

#### AMENDMENTS - Print in Journal

Senator Lautenbaugh filed the following amendment to LR41CA:  
AM1910

(Amendments to E & R amendments, ER27)

1 1. On page 3, line 8, after "(4)" insert "(a)"; in line 9  
2 strike "(a)" and show as stricken; in line 13 strike "or (b)", show  
3 as stricken, and insert ". The state's proceeds from a tax placed  
4 on wagering by the parimutuel method shall be appropriated by the  
5 Legislature for the costs of regulating wagering by the parimutuel  
6 method and for the following purposes:

7 (i) Forty-nine percent of the money remaining after the  
8 payment of regulatory expenses shall be used for elementary and  
9 secondary education statewide;

10 (ii) Forty-nine percent of the money remaining after the  
11 payment of regulatory expenses shall be used to reduce property  
12 taxes statewide; and

13 (iii) Two percent of the money remaining after the  
14 payment of regulatory expenses shall be transferred to the  
15 Compulsive Gamblers Assistance Fund.

16 (b) Nothing in this section shall be construed to  
17 prohibit"; and in line 26 after "enclosure" insert ", and to  
18 require appropriation of certain parimutuel taxes for regulation of  
19 parimutuel wagering, for education, for property tax relief, and  
20 for the Compulsive Gamblers Assistance Fund".

Senator McGill filed the following amendment to LB699:  
AM2234

(Amendments to E & R amendments, ER147)

1 1. Insert the following new section:

2 Sec. 6. Section 69-2409.01, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4 69-2409.01 (1) For purposes of sections 69-2401 to  
5 69-2425, the Nebraska State Patrol shall be furnished with only  
6 such information as may be necessary for the sole purpose of  
7 determining whether an individual is disqualified from purchasing  
8 or possessing a handgun pursuant to state law or is subject to  
9 the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4). Such  
10 information shall be furnished by the Department of Health and  
11 Human Services. The clerks of the various courts shall furnish  
12 to the Department of Health and Human Services and Nebraska State  
13 Patrol, as soon as practicable but within thirty days after an  
14 order of commitment or discharge is issued or after removal  
15 of firearm-related disabilities pursuant to section 71-963, all  
16 information necessary to set up and maintain the data base required  
17 by this section. This information shall include (a) information  
18 regarding those persons who are currently receiving mental health  
19 treatment pursuant to a commitment order of a mental health board  
20 or who have been discharged, (b) information regarding those  
21 persons who have been committed to treatment pursuant to section  
22 29-3702, and (c) information regarding those persons who have had  
1 firearm-related disabilities removed pursuant to section 71-963.

2 The mental health board shall notify the Department of Health and  
3 Human Services and the Nebraska State Patrol when such disabilities  
4 have been removed. The Department of Health and Human Services  
5 shall also maintain in the data base a listing of persons committed  
6 to treatment pursuant to section 29-3702. To ensure the accuracy  
7 of the data base, any information maintained or disclosed under  
8 this subsection shall be updated, corrected, modified, or removed,  
9 as appropriate, and as soon as practicable, from any data base  
10 that the state or federal government maintains and makes available  
11 to the National Instant Criminal Background Check System. The  
12 procedures for furnishing the information shall guarantee that no  
13 information is released beyond what is necessary for purposes of  
14 this section.

15 (2) In order to comply with sections 69-2401 and 69-2403  
16 to 69-2408 and this section, the Nebraska State Patrol shall  
17 provide to the chief of police or sheriff of an applicant's place  
18 of residence or a licensee in the process of a criminal history  
19 record check pursuant to section 69-2411 only the information  
20 regarding whether or not the applicant is disqualified from  
21 purchasing or possessing a handgun.

22 (3) Any person, agency, or mental health board  
23 participating in good faith in the reporting or disclosure of

24 records and communications under this section is immune from any  
 25 liability, civil, criminal, or otherwise, that might result by  
 26 reason of the action.

27 (4) Any person who intentionally causes the Nebraska  
 1 State Patrol to request information pursuant to this section  
 2 without reasonable belief that the named individual has submitted  
 3 a written application under section 69-2404 or has completed a  
 4 consent form under section 69-2410 shall be guilty of a Class II  
 5 misdemeanor in addition to other civil or criminal liability under  
 6 state or federal law.

7 (5) The Nebraska State Patrol and the Department of  
 8 Health and Human Services shall report electronically to the Clerk  
 9 of the Legislature on a biannual basis the following information  
 10 about the data base: (a) The number of total records of persons  
 11 unable to purchase or possess firearms because of disqualification  
 12 or disability shared with the National Instant Criminal Background  
 13 Check System; (b) the number of shared records by category of  
 14 such persons; (c) the change in number of total shared records  
 15 and change in number of records by category from the previous six  
 16 months; (d) the number of records existing but not able to be  
 17 shared with the National Instant Criminal Background Check System  
 18 because the record was incomplete and unable to be accepted by  
 19 the National Instant Criminal Background Check System; and (e)  
 20 the number of hours or days, if any, during which the data base  
 21 was unable to share records with the National Instant Criminal  
 22 Background Check System and the reason for such inability. The  
 23 report shall also be published on the web sites of the Nebraska  
 24 State Patrol and the Department of Health and Human Services.

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

Senator Chambers filed the following amendments to LR41CA:

FA234

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "Because it is the economic policy and goal of this state to encourage and promote the creation and growth of business enterprises of all types and varieties, including robust entrepreneurial creativity in the realm of providing services to compulsive gamblers, the". In line 16 put a period after "enterprises" and strike and show as stricken, beginning with "which" all matter through line 20.

FA235

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to improve the overall moral climate in the state, to promote wholesome social values and to inculcate in children an appreciation of freedom, justice and the American Way of Life, the".

FA236

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to improve the morals of the state's residents, the".

FA237

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to corrupt the morals of the state's residents, the".

FA238

Amend ER27

Page 1, line 21 strike and show as stricken "The" and insert "In order to corrupt the morals of the state's residents and to provide a socially acceptable outlet for the predilections of compulsive gamblers, the".

### GENERAL FILE

**LEGISLATIVE BILL 752.** The Chambers amendment, FA204, found on page 735 and considered in this day's Journal, was renewed.

Pending.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 132.** Placed on Select File with amendment.

ER152

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Sections 1 to 9 of this act shall be known and
- 4 may be cited as the Indoor Tanning Facility Act.
- 5 Sec. 2. For purposes of the Indoor Tanning Facility Act:
- 6 (1) Board means the Board of Cosmetology, Electrology,
- 7 Esthetics, Nail Technology, and Body Art;
- 8 (2) Department means the Division of Public Health of the
- 9 Department of Health and Human Services;
- 10 (3) Operator means a person designated by the tanning
- 11 facility owner or tanning equipment lessee to operate, or to assist
- 12 and instruct in the operation and use of, the tanning facility or
- 13 tanning equipment;
- 14 (4) Tanning equipment means any device that emits
- 15 electromagnetic radiation with wavelengths in the air between two
- 16 hundred nanometers and four hundred nanometers and that is used for
- 17 tanning of the skin. Tanning equipment includes, but is not limited
- 18 to, a sunlamp, tanning booth, or tanning bed; and
- 19 (5) Tanning facility means a location, place, area,
- 20 structure, or business that provides access to tanning equipment.
- 21 Tanning facility includes, but is not limited to, any tanning



22 business, salon, health club, apartment, or condominium, which has  
23 tanning equipment that is made available for public or commercial  
1 use, regardless of whether a fee is charged for access to the  
2 tanning equipment.

3 Sec. 3. It is the intent of the Legislature that the  
4 Indoor Tanning Facility Act be implemented and enforced in a manner  
5 that ensures equal treatment of all tanning facilities regardless  
6 of the type of business or facility or number of pieces of tanning  
7 equipment at the tanning facility.

8 Sec. 4. The Indoor Tanning Facility Act does not apply  
9 to:

10 (1) A physician licensed under the Uniform Credentialing  
11 Act who uses, in the practice of medicine, medical diagnostic and  
12 therapeutic equipment that emits ultraviolet radiation; or

13 (2) Any individual who owns tanning equipment exclusively  
14 for personal, noncommercial use.

15 Sec. 5. It shall be unlawful for an operator, an owner  
16 of a tanning facility, or a lessee of a tanning facility to allow  
17 any person less than sixteen years of age to use tanning equipment  
18 at the tanning facility unless the person is accompanied by a  
19 parent or legal guardian. Before each use of tanning equipment by  
20 any person less than sixteen years of age, the operator, owner,  
21 or lessee shall secure a statement signed at the tanning facility  
22 by the minor's parent or legal guardian stating that the person  
23 signing the statement is the minor's parent or legal guardian,  
24 that the parent or legal guardian has read and understood the  
25 warnings given by the tanning facility, that the parent or legal  
26 guardian consents to the minor's use of tanning equipment, and  
27 that the parent or legal guardian agrees that the minor will use  
1 protective eyewear while using the tanning equipment. The operator,  
2 owner, or lessee shall require proof of age from each person before  
3 allowing the person access to tanning equipment. For purposes of  
4 this section, proof of age shall include, but not be limited  
5 to, a driver's license or other government-issued identification  
6 containing the person's date of birth and photograph or digital  
7 image.

8 Sec. 6. Any operator, owner of a tanning facility, or  
9 lessee of a tanning facility who allows any person less than  
10 sixteen years of age to use tanning equipment at the tanning  
11 facility without being accompanied by the parent or legal guardian  
12 who signed the statement required under section 5 of this act shall  
13 be subject to a civil penalty of one hundred dollars to be imposed  
14 and collected by the department. The department shall remit the  
15 civil penalty to the State Treasurer for distribution in accordance  
16 with Article VII, section 5, of the Constitution of Nebraska.

17 Sec. 7. (1) An operator, an owner of a tanning facility,  
18 or a lessee of a tanning facility shall post a warning sign in a  
19 conspicuous location in the tanning facility where it is readily  
20 visible by any person entering the tanning facility. The warning

21 sign shall have black letters which are at least one-fourth inch in  
22 height.

23 (2) The warning sign shall include the following  
24 information:

25 DANGER - Ultraviolet Radiation

26 Follow instructions.

27 Avoid overexposure. As with natural sunlight,

1 overexposure can cause eye and skin injuries and allergic  
2 reactions. Repeated exposure may cause premature aging of the skin  
3 and skin cancer.

4 WEAR PROTECTIVE EYEWEAR - Failure to do so may result in  
5 severe burns or long-term injury to eyes.

6 Medicines or cosmetics can increase your sensitivity to  
7 ultraviolet radiation. Consult your physician before using sunlamps  
8 if you are using medication or have a history of skin problems or  
9 believe yourself to be especially sensitive to sunlight. If you do  
10 not tan in the sun, you are unlikely to tan from the use of tanning  
11 equipment.

12 It is unlawful for a tanning facility to allow a person  
13 under sixteen years of age to use tanning equipment without being  
14 accompanied by the person's parent or legal guardian.

15 Any person may report a violation of the Indoor Tanning  
16 Facility Act to the Department of Health and Human Services.

17 Sec. 8. An operator, an owner of a tanning facility, or a  
18 lessee of a tanning facility shall ensure that the tanning facility  
19 complies with all applicable federal laws and regulations and the  
20 Indoor Tanning Facility Act.

21 Sec. 9. Upon receipt of a complaint regarding a tanning  
22 facility, the department, with the recommendation of the board,  
23 may inspect any tanning facility during the hours of operation of  
24 the tanning facility to ensure compliance with the Indoor Tanning  
25 Facility Act.

26 Sec. 10. Section 38-165, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 38-165 A public member of a board appointed under the  
2 Uniform Licensing Law prior to December 1, 2008, shall remain  
3 subject to the requirements of the original appointment until  
4 reappointed under the Uniform Credentialing Act. At the time of  
5 appointment and while serving as a board member, a public member  
6 appointed to a board on or after December 1, 2008, shall:

7 (1) Have been a resident of this state for one year;

8 (2) Remain a resident of Nebraska while serving as a  
9 board member;

10 (3) Have attained the age of nineteen years;

11 (4) Represent the interests and viewpoints of the public;

12 (5) Not hold an active credential in any profession or  
13 business which is subject to the Uniform Credentialing Act, issued  
14 in Nebraska or in any other jurisdiction, at any time during the  
15 five years prior to appointment;

16 (6) Not be eligible for appointment to a board which  
17 regulates a profession or business in which that person has ever  
18 held a credential;

19 (7) Not be or not have been, at any time during the  
20 year prior to appointment, an employee of a member of a profession  
21 credentialed by the department, of a facility credentialed pursuant  
22 to the Health Care Facility Licensure Act, ~~or~~ of a business  
23 credentialed pursuant to the Uniform Credentialing Act, or of a  
24 business regulated by the board to which the appointment is being  
25 made;

26 (8) Not be the parent, child, spouse, or household member  
27 of any person presently regulated by the board to which the  
1 appointment is being made;

2 (9) Have no material financial interest in the profession  
3 or business regulated by such board; and

4 (10) Not be a member or employee of the legislative or  
5 judicial branch of state government.

6 Sec. 11. Section 38-1057, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 38-1057 (1) The board shall consist of ten professional  
9 members, one owner of a tanning facility as defined in section  
10 2 of this act, and two public members appointed pursuant to  
11 section 38-158. The professional and public members shall meet the  
12 requirements of sections 38-164 and 38-165, respectively.

13 (2) The professional members shall include:

14 (a) One school owner who is also licensed as either a  
15 cosmetologist, nail technician, or esthetician;

16 (b) One salon owner who is licensed as a cosmetologist;

17 (c) Two cosmetologists who are not school owners;

18 (d) One nail technician who is not a school owner;

19 (e) One esthetician who is not a school owner;

20 (f) One electrologist;

21 (g) One practitioner of body art;

22 (h) One nail technology instructor or esthetics

23 instructor who is not a school owner; and

24 (i) One cosmetology instructor who is not a school owner.

25 (3) No members of the board who are school owners, salon  
26 owners, tanning facility owners, electrologists, nail technicians,  
27 instructors, cosmetologists, or practitioners of body art may be  
1 affiliated with the same establishment.

2 ~~(4) As the terms of the members serving on December 1,~~  
3 ~~2008, expire, successors shall be appointed in accordance with~~  
4 ~~subsection (2) of this section.~~

5 Sec. 12. Original sections 38-165 and 38-1057, Reissue  
6 Revised Statutes of Nebraska, are repealed.

7 2. On page 1, strike beginning with "tanning" in line 1  
8 through line 2 and insert "public health; to amend sections 38-165  
9 and 38-1057, Reissue Revised Statutes of Nebraska; to adopt the  
10 Indoor Tanning Facility Act; to provide a restriction on membership

11 for boards appointed under the Uniform Credentialing Act; to change  
 12 membership provisions for the Board of Cosmetology, Electrology,  
 13 Esthetics, Nail Technology, and Body Art; to eliminate obsolete  
 14 provisions; and to repeal the original sections."

**LEGISLATIVE BILL 728.** Placed on Select File with amendment.  
 ER153

1 1. On page 1, line 6, after the semicolon insert "to  
 2 eliminate provisions requiring fingerprints from and criminal  
 3 history record information regarding certain employees;"; in line 7  
 4 strike "and"; and in line 8 after "2012" insert "; and to declare  
 5 an emergency".

(Signed) John Murante, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 471.** Introduced by Bolz, 29.

WHEREAS, National Professional Social Work Month is observed in the month of March; and

WHEREAS, the theme for Social Work Month 2014 is "all people matter"; and

WHEREAS, social work continues to be a fast-growing occupation in the United States, according to the federal Bureau of Labor Statistics; and

WHEREAS, in communities across the nation, social workers are raising awareness about critical family needs and social injustice; and

WHEREAS, social workers make a difference because they help members of the public focus their attention on complex social issues that affect millions of lives; and

WHEREAS, social workers strive to meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, the social work profession prioritizes human well-being, with the belief that each person has dignity and worth.

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

1. That the Legislature recognizes March 2014 as Professional Social Work Month in Nebraska.

2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Karpisek asked unanimous consent to add his name as cointroducer to LR41CA. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 40 students from the University of Nebraska College of Pharmacy and Creighton University School of Pharmacy.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 4:29 p.m., on a motion by Senator Nelson, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-EIGHTH DAY - MARCH 6, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 6, 2014

**PRAYER**

The prayer was offered by student Vicar Pastor Gina Metze, Grace Evangelical Lutheran Church, West Point.

**ROLL CALL**

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

The roll was called and all members were present except Senators Howard and Wallman who were excused; and Senators Christensen, Conrad, Karpisek, Kintner, Lautenbaugh, Pirsch, Scheer, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 191A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 690A.** Title read. Considered.

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

Advanced to Enrollment and Review Initial with 25 ayes, 7 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1016A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 920.** Senator Coash offered his amendment, AM2098, found on page 702.

Senator Coash offered the following amendment to his amendment:

FA239

Amend AM2098

On Page 7, line 19 after the 2nd "of" insert "guardian and conservatorship" before the word "fees".

The Coash amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

The Coash amendment, AM2098, as amended, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 920A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 901.** ER143, found on page 679, was adopted.

Senator Bolz withdrew her amendment, AM2107, found on page 698.

Senator Bolz offered the following amendment:

AM2233

(Amendments to E and R amendments, ER143)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Sections 2 to 6 of this act shall be known and
- 3 may be cited as the Nebraska Mental Health First Aid Training Act.
- 4 Sec. 3. The Legislature finds that:
- 5 (1) National statistics show that one in four Americans
- 6 will face a mental illness in his or her lifetime;
- 7 (2) Mental health first aid builds an understanding
- 8 of how mental illness affects Nebraskans, provides an overview
- 9 of common treatments, and teaches basic skills for providing
- 10 assistance to a person who may be developing symptoms or
- 11 experiencing a crisis;
- 12 (3) A mental health first aid program is an education
- 13 program recognized on the Substance Abuse and Mental Health
- 14 Services Administration's National Registry of Evidence-based
- 15 Programs and Practices; and



16 (4) That the Behavioral Health Education Center  
17 administered by the University of Nebraska Medical Center has  
18 conducted a series of mental health first aid training courses  
19 and that the experience of providing such courses may be utilized  
20 regarding the implementation of a mental health first aid training  
21 program as prescribed by the Nebraska Mental Health First Aid  
22 Training Act.

1 Sec. 4. For purposes of the Nebraska Mental Health First  
2 Aid Training Act:

3 (1) Behavioral health regions means the behavioral health  
4 regions established pursuant to section 71-807; and

5 (2) Mental health first aid means the help provided  
6 to a person who is experiencing a mental health or substance  
7 abuse problem or in a mental health crisis before appropriate  
8 professional assistance or other supports are secured.

9 Sec. 5. (1) The Division of Behavioral Health of the  
10 Department of Health and Human Services shall establish a mental  
11 health first aid training program, using contracts through the  
12 behavioral health regions, to help the public identify and  
13 understand the signs of a mental illness or substance abuse  
14 problem or a mental health crisis and to provide the public with  
15 skills to help a person who is developing or experiencing a mental  
16 health or substance abuse problem or a mental health crisis and  
17 to de-escalate crisis situations if needed. The training program  
18 shall provide an interactive mental health first aid training  
19 course administered by the state's regional behavioral health  
20 authorities. Instructors in the training program shall be certified  
21 by a national authority for Mental Health First Aid USA or a  
22 similar organization. The training program shall work cooperatively  
23 with local entities to provide training for individuals to become  
24 instructors.

25 (2) The mental health first aid training program shall  
26 be designed to train individuals to accomplish the following  
27 objectives as deemed appropriate considering the trainee's age:

1 (a) Help the public identify, understand, and respond to  
2 the signs of mental illness and substance abuse;

3 (b) Emphasize the need to reduce the stigma of mental  
4 illness; and

5 (c) Assist a person who is believed to be developing or  
6 has developed a mental health or substance abuse problem or who is  
7 believed to be experiencing a mental health crisis.

8 Sec. 6. The Division of Behavioral Health of the  
9 Department of Health and Human Services shall ensure that  
10 evaluative criteria are established which measure the efficacy  
11 of the training program, including trainee feedback, with the  
12 objective of helping the public identify, understand, and respond  
13 to the signs of mental illness and alcohol and substance abuse.  
14 The behavioral health regions shall submit an aggregated annual  
15 report electronically to the Legislature on trainee demographics

- 16 and outcomes of the established criteria.  
 17 Sec. 7. The behavioral health regions shall offer  
 18 services to and work with agencies and organizations, including,  
 19 but not limited to, schools, universities, colleges, the State  
 20 Department of Education, the Department of Veterans' Affairs, law  
 21 enforcement agencies, and local health departments, to develop  
 22 a program that offers grants to implement the Nebraska Mental  
 23 Health First Aid Training Act in ways that are representative and  
 24 inclusive with respect to the economic and cultural diversity of  
 25 this state.  
 26 Sec. 8. It is the intent of the Legislature to  
 27 appropriate one hundred thousand dollars annually to the Department  
 1 of Health and Human Services to carry out the Nebraska Mental  
 2 Health First Aid Training Act.  
 3 2. Renumber the remaining section accordingly.

The Bolz amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 901A.** Senator McGill offered the following amendment:

AM2225

- 1 1. Insert the following new section:  
 2 Sec. 2. There is hereby appropriated (1) \$100,000 from  
 3 the General Fund for FY2014-15 and (2) \$100,000 from the General  
 4 Fund for FY2015-16 for state aid to the Department of Health  
 5 and Human Services, for Program 38, to aid in carrying out the  
 6 provisions of Legislative Bill 901, One Hundred Third Legislature,  
 7 Second Session, 2014.  
 8 No expenditures for permanent and temporary salaries and  
 9 per diems for state employees shall be made from funds appropriated  
 10 in this section.

The McGill amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 776.** Senator Hadley offered his amendment, AM2114, found on page 747.

The Hadley amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 844.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1016.** ER146, found on page 703, was adopted.

Senator Krist offered his amendment, AM2150, found on page 725.

The Krist amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 699.** ER147, found on page 704, was adopted.

Senator Larson offered his amendment, AM2162, found on page 749.

The Larson amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator McGill offered the following motion:

MO141

Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM2234.

The McGill motion to suspend the rules prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator McGill offered her amendment, AM2234, found on page 758.

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

Advanced to Enrollment and Review for Engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 472.** Introduced by Kolowski, 31.

WHEREAS, the George Russell Middle School MathCounts team placed second in the team standings at the Eastern Nebraska Chapter MathCounts competition; and

WHEREAS, Owen Gong, a member of the George Russell Middle School MathCounts team, placed first individually at the Eastern Nebraska Chapter MathCounts competition; 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 George Russell Middle School MathCounts team and Owen Gong on their achievements.
2. That a copy of this resolution be sent to the George Russell Middle School MathCounts team and Owen Gong.

Laid over.

**LEGISLATIVE RESOLUTION 473.** Introduced by Hadley, 37.

WHEREAS, Brennan M. Young of Kearney, 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, Brennan 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, Brennan, 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 Brennan M. Young on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Brennan M. Young.

Laid over.

**COMMITTEE REPORT**  
Education

**LEGISLATIVE BILL 129.** Placed on General File.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jim Hain - Board of Educational Lands and Funds

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mary Lauritzen - Coordinating Commission for Postsecondary Education  
 Dwayne Probyn - Coordinating Commission for Postsecondary Education  
 Lori L. Warner - Coordinating Commission for Postsecondary Education  
 William "Scott" Wilson - Coordinating Commission for Postsecondary Education

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.  
 Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

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

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.  
 Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

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

Aye: 8 Avery, Cook, Davis, K. Haar, Kolowski, Scheer, Seiler, Sullivan.  
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 1014.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 986.** Title read. Considered.

Committee AM2041, found on page 609, was offered.

Senator Watermeier offered his amendment, AM2060, found on page 665, to the committee amendment.

**SPEAKER ADAMS PRESIDING****SENATOR GLOOR PRESIDING**

The Watermeier amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Hadley withdrew his amendment, AM1750, found on page 406.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 974.** Title read. Considered.

Committee AM2025, found on page 609, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 768.** Title read. Considered.

Committee AM1945, found on page 589, was offered.

Senator Larson offered the following amendment to the committee amendment:

AM2219

(Amendments to Standing Committee amendments, AM1945)

- 1 1. Insert the following section:
- 2 Sec. 10. (1) The Nebraska Brand Committee shall notify
- 3 persons who were registered as a registered feedlot under section
- 4 54-1,120 or a registered dairy under section 54-1,122.01 at any
- 5 time during the period beginning November 1, 2006, through and
- 6 including the operative date of this section of the right of such
- 7 person to claim a refund of excess fees paid during such period.
- 8 The notification shall include a refund claim form developed by
- 9 the brand committee with instructions for completing the form,
- 10 including calculating the refund, and delivering the form to the
- 11 brand committee.
- 12 (2) The amount of the refund for a claimant under
- 13 subsection (1) of this section is the amount of registration fees
- 14 that would have been paid during the period beginning November
- 15 1, 2006, through and including the operative date of this section
- 16 calculated based upon a fee of six hundred fifty dollars per
- 17 thousand head, subtracted from the amount of the registration fees

18 actually paid by the claimant to the brand committee pursuant to  
 19 section 54-1,120 or 54-1,122.01 during such period.

20 (3) The brand committee shall approve a claim for refund  
 21 upon verification that the claimant had held a valid registration  
 22 certificate at any time during the period beginning November 1,  
 1 2006, through and including the operative date of this section  
 2 and that the claimant had paid all registration fees due pursuant  
 3 to section 54-1,120 or 54-1,122.01 during that period or portion  
 4 thereof.

5 (4) The brand committee shall refund all approved claims  
 6 in the form of a refund payment to the claimant, or in the form  
 7 of a credit against the registered feedlot fees or registered dairy  
 8 fees due by the claimant during the period beginning October 1,  
 9 2014, until October 1, 2015, by deducting the amount of the refund  
 10 from the registration fees due. If the amount of an approved refund  
 11 claim exceeds the registration fees otherwise due during that  
 12 period, the excess amount shall carry forward and be applied as a  
 13 credit against registration fees due during the period beginning  
 14 October 1, 2015, until October 1, 2016.

15 (5) Refund payments to claimants under this section shall  
 16 be made from the Nebraska Brand Inspection and Theft Prevention  
 17 Fund.

18 2. On page 1, line 5, strike "section 4" and insert  
 19 "sections 4 and 10".

20 3. On page 14, line 14, strike "11, 12, and 14" and  
 21 insert "10, 12, 13, and 15".

22 4. Renumber the remaining sections accordingly.

Pending.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Coash asked unanimous consent to add his name as cointroducer to LB660. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB1014. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Mandy Mandachit from Lincoln and Altynai Melisova from Kyrgyzstan; 38 ninth- through twelfth-grade students and teacher from Chadron; 27 members from Pregnancy Care Centers from across the state; and 42 high school students from Waverly.

#### **RECESS**

At 11:53 a.m., on a motion by Senator Karpisek, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

The roll was called and all members were present except Senators Howard, Seiler, and Wallman who were excused; and Senators Ashford, Bolz, Christensen, Conrad, B. Harr, and Lautenbaugh who were excused until they arrive.

**SENATOR GLOOR PRESIDING****RESOLUTION**

**LEGISLATIVE RESOLUTION 474.** Introduced by Kolowski, 31.

WHEREAS, Harrison Phillips, a senior at Millard West High School, is a three-time state wrestling champion and an all-state football player with a 3.8 grade-point average; and

WHEREAS, Harrison Phillips has received a football scholarship to Stanford University as a result of his hard work and dedication both on the field and in the classroom; 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 Harrison Phillips for his accomplishments and extends best wishes for his continued success.
2. That a copy of this resolution be sent to Harrison Phillips.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 768.** Senator Larson renewed his amendment, AM2219, found in this day's Journal, to the committee amendment.

Senator Larson withdrew his amendment.

Committee AM1945, found on page 589 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.



**LEGISLATIVE BILL 854.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

### COMMITTEE REPORTS

Transportation and Telecommunications

**LEGISLATIVE BILL 84.** Placed on General File with amendment.

AM2246

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 60-6,356, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 60-6,356 (1) An all-terrain vehicle or a utility-type
- 6 vehicle shall not be operated on any controlled-access highway with
- 7 more than two marked traffic lanes. ~~The, and the~~ crossing of
- 8 any controlled-access highway with more than two marked traffic
- 9 lanes shall not be permitted except as provided in subsection (9)
- 10 of this section. Subsections (2), (3), and (5) through (8) of
- 11 this section authorize and apply to operation of an all-terrain
- 12 vehicle or a utility-type vehicle only on a highway other than a
- 13 controlled-access highway with more than two marked traffic lanes.
- 14 (2) An all-terrain vehicle or a utility-type vehicle
- 15 may be operated in accordance with the operating requirements of
- 16 subsection (3) of this section:
- 17 (a) Outside the corporate limits of a city, village,
- 18 or unincorporated village if incidental to the vehicle's use for
- 19 agricultural purposes;
- 20 (b) Within the corporate limits of a city or village
- 21 if authorized by the city or village by ordinance adopted in
- 22 accordance with this section; or
- 23 (c) Within an unincorporated village if authorized by the
- 1 county board of the county in which the unincorporated village is
- 2 located by resolution in accordance with this section.
- 3 (3) An all-terrain vehicle or a utility-type vehicle may
- 4 be operated as authorized in subsection (2) of this section when
- 5 such operation occurs only between the hours of sunrise and sunset.
- 6 Any person operating an all-terrain vehicle or a utility-type
- 7 vehicle as authorized in subsection (2) of this section shall have
- 8 a valid Class O operator's license or a farm permit as provided
- 9 in section 60-4,126, shall have liability insurance coverage for
- 10 the all-terrain vehicle or a utility-type vehicle while operating
- 11 the all-terrain vehicle or a utility-type vehicle on a highway,
- 12 and shall not operate such vehicle at a speed in excess of thirty
- 13 miles per hour. The person operating the all-terrain vehicle or a
- 14 utility-type vehicle shall provide proof of such insurance coverage
- 15 to any peace officer requesting such proof within five days of such

16 a request. When operating an all-terrain vehicle or a utility-type  
17 vehicle as authorized in subsection (2) of this section, the  
18 headlight and taillight of the vehicle shall be on and the vehicle  
19 shall be equipped with a bicycle safety flag which extends not less  
20 than five feet above ground attached to the rear of such vehicle.  
21 The bicycle safety flag shall be triangular in shape with an area  
22 of not less than thirty square inches and shall be day-glow in  
23 color.

24 (4) All-terrain vehicles and utility-type vehicles may  
25 be operated without complying with subsection (3) of this section  
26 on highways in parades which have been authorized by the State  
27 of Nebraska or any department, board, commission, or political  
1 subdivision of the state.

2 ~~(5) Subject to subsection (1) of this section, the~~ The  
3 crossing of a highway other than a controlled-access highway with  
4 more than two marked traffic lanes shall be permitted by an  
5 all-terrain vehicle or a utility-type vehicle without complying  
6 with subsection (3) of this section only if:

7 (a) The crossing is made at an angle of approximately  
8 ninety degrees to the direction of the highway and at a place where  
9 no obstruction prevents a quick and safe crossing;

10 (b) The vehicle is brought to a complete stop before  
11 crossing the shoulder or roadway of the highway;

12 (c) The operator yields the right-of-way to all oncoming  
13 traffic that constitutes an immediate potential hazard;

14 (d) In crossing a divided highway, the crossing is made  
15 only at an intersection of such highway with another highway; and

16 (e) Both the headlight and taillight of the vehicle are  
17 on when the crossing is made.

18 (6) All-terrain vehicles and utility-type vehicles may  
19 be operated outside the corporate limits of any municipality by  
20 electric utility personnel within the course of their employment  
21 in accordance with the operation requirements of subsection (3) of  
22 this section, except that the operation of the vehicle pursuant to  
23 this subsection need not be limited to the hours between sunrise  
24 and sunset.

25 (7) A city or village may adopt an ordinance authorizing  
26 the operation of all-terrain vehicles and utility-type vehicles  
27 within the corporate limits of the city or village if the operation  
1 is in accordance with subsection (3) of this section. The city  
2 or village may place other restrictions on the operation of  
3 all-terrain vehicles and utility-type vehicles within its corporate  
4 limits.

5 (8) A county board may adopt a resolution authorizing the  
6 operation of all-terrain vehicles and utility-type vehicles within  
7 any unincorporated village within the county if the operation is  
8 in accordance with subsection (3) of this section. The county may  
9 place other restrictions on the operation of all-terrain vehicles  
10 and utility-type vehicles within the unincorporated village.

11 (9) The crossing of a controlled-access highway with more  
 12 than two marked traffic lanes shall be permitted by a utility-type  
 13 vehicle if the operation is in accordance with the operation  
 14 requirements of subsection (3) of this section and if the following  
 15 requirements are met:

16 (a) The crossing is made at an intersection that is  
 17 controlled by a traffic control signal and is made in compliance  
 18 with such traffic control signal; and

19 (b) The crossing at such intersection is specifically  
 20 authorized as follows:

21 (i) If such intersection is located within the corporate  
 22 limits of a city or village, by ordinance of such city or village;

23 (ii) If such intersection is located within an  
 24 unincorporated village, by resolution of the county board of the  
 25 county in which such unincorporated village is located; or

26 (iii) If such intersection is located outside the  
 27 corporate limits of a city or village and outside any  
 1 unincorporated village, by resolution of the county board of the  
 2 county in which such intersection is located.

3 Sec. 2. Original section 60-6,356, Reissue Revised  
 4 Statutes of Nebraska, is repealed.

(Signed) Annette Dubas, Chairperson

Business and Labor

**LEGISLATIVE BILL 949.** Placed on General File with amendment.  
 AM2068

1 1. Insert the following new section:  
 2 Sec. 3. The following sum of money, or so much thereof as  
 3 may be required, is hereby appropriated from the General Fund or  
 4 from other funds as indicated in the state treasury, not otherwise  
 5 appropriated, for the payment of workers' compensation claims which  
 6 have been settled by the Attorney General in the Nebraska Workers'  
 7 Compensation Court or in which court judgments have been entered  
 8 and which require the approval of the Legislature for payment.

9 \$150,000.00 for a workers' compensation claim, pay  
 10 to Kathleen Roberts and Gregory Coffey, attorney, Friedman Law  
 11 Offices, PC, 3800 Normal Boulevard, Suite 200, Lincoln, NE  
 12 68501-2009, out of the Workers' Compensation Claims Revolving Fund.

13 The claim included in this section shall be paid through  
 14 Program 593 in Agency 65.

15 For informational purposes only, the appropriation  
 16 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
17 <u>GENERAL FUND</u>	<u>\$-0-</u>
18 <u>CASH FUND</u>	<u>\$-0-</u>
19 <u>REVOLVING FUND</u>	<u>\$150,000.00</u>
20 <u>TOTAL</u>	<u>\$150,000.00</u>

- 22 2. On page 2, after line 16 insert the following new  
 23 paragraph:  
 24 "\$250,000 for Tort Claim Number 2010-09761, against the  
 1 State of Nebraska, pay to Berry Law Firm, 2650 North 48th Street,  
 2 Lincoln, NE 68504-3631, out of the General Fund.".  
 3 3. On page 3, line 2, after "to" insert "Nicholas  
 4 Sampson and"; in lines 10 and 13 strike "\$1,217,752.67" and  
 5 insert "\$1,467,752.67"; and after line 21 insert the following new  
 6 paragraph:  
 7 "\$575,000 for Tort Claim Number 2013-12765, against the  
 8 State of Nebraska, pay to Ruben Maravilla-Servin and Heldt and  
 9 McKeone, P.O. Box 1050, 710 North Grant Street, Lexington, NE  
 10 68850-5050, out of the State Insurance Fund.".  
 11 4. On page 4, line 2, after "to" insert "Progressive  
 12 Insurance, attention"; and in lines 11 and 12 strike "\$62,803.27"  
 13 and insert "\$637,803.27".  
 14 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 997.** Placed on General File with amendment.  
 AM1880

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 48-622.01, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 48-622.01 (1) There is hereby created in the state  
 6 treasury a special fund to be known as the State Unemployment  
 7 Insurance Trust Fund. All state unemployment insurance tax  
 8 collected under sections 48-648 to 48-661, less refunds, shall be  
 9 paid into the fund. Such money shall be held in trust for payment  
 10 of unemployment insurance benefits. Any money in the fund available  
 11 for investment shall be invested by the state investment officer  
 12 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 13 State Funds Investment Act, except that interest earned on money in  
 14 the fund shall be credited to the Nebraska Training and Support  
 15 Trust Fund through June 30, 2015, and thereafter to the Nebraska  
 16 Training and Support Cash Fund at the end of each calendar quarter.  
 17 (2) The commissioner shall have authority to determine  
 18 when and in what amounts withdrawals from the State Unemployment  
 19 Insurance Trust Fund for payment of benefits are necessary. Amounts  
 20 withdrawn for payment of benefits shall be immediately forwarded  
 21 to the Secretary of the Treasury of the United States of America  
 22 to the credit of the state's account in the Unemployment Trust  
 23 Fund, provisions of law in this state relating to the deposit,  
 1 administration, release, or disbursement of money in the possession  
 2 or custody of this state to the contrary notwithstanding.  
 3 (3) If and when the state unemployment insurance tax  
 4 ceases to exist as determined by the Governor, all money then in  
 5 the State Unemployment Insurance Trust Fund less accrued interest  
 6 shall be immediately transferred to the credit of the state's

7 account in the Unemployment Trust Fund, provisions of law in  
 8 this state relating to the deposit, administration, release, or  
 9 disbursement of money in the possession or custody of this state  
 10 to the contrary notwithstanding. The determination to eliminate the  
 11 state unemployment insurance tax shall be based on the solvency  
 12 of the state's account in the Unemployment Trust Fund and the  
 13 need for training of Nebraska workers. Accrued interest in the  
 14 State Unemployment Insurance Trust Fund shall be credited to the  
 15 Nebraska Training and Support Trust Fund through June 30, 2015, and  
 16 thereafter to the Nebraska Training and Support Cash Fund.

17 (4) Upon certification from the commissioner that  
 18 disallowed costs by the United States Department of Labor for  
 19 FY2007-08, FY2008-09, and FY2009-10, or any one of them, have  
 20 been reduced to an amount certain by way of settlement or final  
 21 judgment, the State Treasurer shall transfer the amount of such  
 22 settlement or final judgment from the State Unemployment Insurance  
 23 Trust Fund to the Employment Security Special Contingent Fund. The  
 24 total amount of such transfers shall not exceed \$2,816,345. The  
 25 amount of the reappropriation of Federal Funds appropriated in  
 26 FY2004-05 under section 903(d) of the federal Social Security Act  
 27 shall be reduced by the amount transferred.

1 Sec. 2. Section 48-622.02, Revised Statutes Cumulative  
 2 Supplement, 2012, is amended to read:

3 48-622.02 (1) Until July 1, 2015:

4 ~~(1)(a)~~ There is ~~hereby created~~ in the state treasury  
 5 a special fund to be known as the Nebraska Training and Support  
 6 Trust Fund. Any money in the fund available for investment shall be  
 7 invested by the state investment officer pursuant to the Nebraska  
 8 Capital Expansion Act and the Nebraska State Funds Investment Act.  
 9 All money deposited or paid into the fund is hereby appropriated  
 10 and made available to the commissioner. No expenditures shall  
 11 be made from the fund without the written authorization of the  
 12 Governor upon the recommendation of the commissioner. Any interest  
 13 earned on money in the State Unemployment Insurance Trust Fund  
 14 shall be credited to the Nebraska Training and Support Trust Fund.

15 ~~(2)(b)~~ Money in the Nebraska Training and Support  
 16 Trust Fund shall be used for ~~(a)(i)~~ administrative costs  
 17 of establishing, assessing, collecting, and maintaining state  
 18 unemployment insurance tax liability and payments, ~~(b)(ii)~~  
 19 administrative costs of creating, operating, maintaining, and  
 20 dissolving the State Unemployment Insurance Trust Fund and the  
 21 Nebraska Training and Support Trust Fund, ~~(c)(iii)~~ support  
 22 of public and private job training programs designed to train,  
 23 retrain, or upgrade work skills of existing Nebraska workers of  
 24 for-profit and not-for-profit businesses, ~~(d)(iv)~~ recruitment of  
 25 workers to Nebraska, ~~(e)(v)~~ training new employees of expanding  
 26 Nebraska businesses, ~~(f)(vi)~~ the costs of creating a common web  
 27 portal for the attraction of businesses and workers to Nebraska,  
 1 and ~~(g)(vii)~~ payment of unemployment insurance benefits if

2 solvency of the state's account in the Unemployment Trust Fund and  
 3 of the State Unemployment Insurance Trust Fund so require; and-

4 ~~(3)-(c) There is hereby created~~ within the Nebraska  
 5 Training and Support Trust Fund a separate account to be known  
 6 as the Administrative Costs Reserve Account. Money shall be  
 7 allocated from the Nebraska Training and Support Trust Fund to  
 8 the Administrative Costs Reserve Account in amounts sufficient to  
 9 pay the anticipated administrative costs identified in ~~subdivisions~~  
 10 ~~(2)(a) through (e)~~ subdivision (1)(b) of this section. ~~The~~  
 11 ~~administrative costs determined to be applicable to creation and~~  
 12 ~~operation of the State Unemployment Insurance Trust Fund and the~~  
 13 ~~Nebraska Training and Support Trust Fund shall be paid out of the~~  
 14 ~~Administrative Costs Reserve Account.~~

15 (2) On and after July 1, 2015:

16 (a) The Nebraska Training and Support Cash Fund is  
 17 created. Any money in the fund available for investment shall be  
 18 invested by the state investment officer pursuant to the Nebraska  
 19 Capital Expansion Act and the Nebraska State Funds Investment  
 20 Act. On July 1, 2015, the State Treasurer shall transfer any  
 21 money in the Nebraska Training and Support Trust Fund to the  
 22 Nebraska Training and Support Cash Fund. No expenditures shall  
 23 be made from the Nebraska Training and Support Cash Fund without  
 24 the written authorization of the Governor upon the recommendation  
 25 of the commissioner. Any interest earned on money in the State  
 26 Unemployment Insurance Trust Fund shall be credited to the Nebraska  
 27 Training and Support Cash Fund;

1 (b) Money in the Nebraska Training and Support Cash  
 2 Fund shall be used for (i) administrative costs of establishing,  
 3 assessing, collecting, and maintaining state unemployment insurance  
 4 tax liability and payments, (ii) administrative costs of creating,  
 5 operating, maintaining, and dissolving the State Unemployment  
 6 Insurance Trust Fund and the Nebraska Training and Support Cash  
 7 Fund, (iii) support of public and private job training programs  
 8 designed to train, retrain, or upgrade work skills of existing  
 9 Nebraska workers of for-profit and not-for-profit businesses, (iv)  
 10 recruitment of workers to Nebraska, (v) training new employees  
 11 of expanding Nebraska businesses, (vi) the costs of creating a  
 12 common web portal for the attraction of businesses and workers to  
 13 Nebraska, and (vii) payment of unemployment insurance benefits if  
 14 solvency of the state's account in the Unemployment Trust Fund and  
 15 of the State Unemployment Insurance Trust Fund so require; and

16 (c) The Administrative Costs Reserve Account is created  
 17 within the Nebraska Training and Support Cash Fund. Money shall  
 18 be allocated from the Nebraska Training and Support Cash Fund to  
 19 the Administrative Costs Reserve Account in amounts sufficient to  
 20 pay the anticipated administrative costs identified in subdivision  
 21 (2)(b) of this section.

22 Sec. 3. Section 48-622.03, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 48-622.03 (1) There is hereby created as of January  
25 1, 1996, the Nebraska Worker Training Board consisting of seven  
26 members appointed and serving for terms determined by the Governor  
27 as follows:

- 1 (a) A representative of employers in Nebraska;
- 2 (b) A representative of employees in Nebraska;
- 3 (c) A representative of the public;
- 4 (d) The Commissioner of Labor or a designee;
- 5 (e) The Director of Economic Development or a designee;
- 6 (f) The Commissioner of Education or a designee; and
- 7 (g) The chairperson of the governing board of the  
8 Nebraska Community College Association or a designee.

9 (2) Beginning July 1, 1996, and annually thereafter,  
10 the Governor shall appoint a chairperson for the board. The  
11 chairperson shall be either the representative of the employers,  
12 the representative of the employees, or the representative of the  
13 public.

14 (3) Beginning July 1, 1996, ~~and annually thereafter~~  
15 through June 30, 2015, the board shall prepare an annual program  
16 plan for the upcoming fiscal year containing guidelines for the  
17 program financed by the Nebraska Training and Support Trust Fund.  
18 Beginning July 1, 2015, and annually thereafter, the board shall  
19 prepare an annual program plan for the upcoming fiscal year  
20 containing guidelines for the program financed by the Nebraska  
21 Training and Support Cash Fund. The guidelines shall include, but  
22 not be limited to, guidelines for certifying training providers,  
23 criteria for evaluating requests for the use of money under section  
24 48-622.02, and guidelines for requiring employers to provide  
25 matching funds. The guidelines shall give priority to training  
26 that contributes to the expansion of the Nebraska workforce and  
27 increasing the pool of highly skilled workers in Nebraska.

1 (4) Beginning September 1, 1997, ~~and annually thereafter,~~  
2 through June 30, 2015, the board shall provide a report to  
3 the Governor covering the activities of the program financed by  
4 the Nebraska Training and Support Trust Fund for the previous  
5 fiscal year. Beginning July 1, 2015, and annually thereafter,  
6 the board shall provide a report to the Governor covering the  
7 activities of the program financed by the Nebraska Training and  
8 Support Cash Fund for the previous fiscal year. The report shall  
9 contain an assessment of the effectiveness of the program and its  
10 administration.

11 Sec. 4. Original section 48-622.03, Reissue Revised  
12 Statutes of Nebraska, and sections 48-622.01 and 48-622.02, Revised  
13 Statutes Cumulative Supplement, 2012, are repealed.

(Signed) Steve Lathrop, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 941.** Title read. Considered.

**SENATOR KRIST PRESIDING**

Committee AM2023, found on page 621, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 941A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 560.** Title read. Considered.

Committee AM1958, found on page 599, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

FA240

Amend AM1958

Strike from after the second comma in line 3, page 3 through "worked" in line 4, page 3; strike through word "and" in line 4, page 3, and before the period in line 5, page 3 insert ", and in cases where the employee does not work more than 40 hours a week and is paid a fixed gross amount each week which computes to be at least 40 times the minimum wage, the hours the employee worked."

Pending.

**COMMITTEE REPORTS**

## Revenue

**LEGISLATIVE BILL 1043.** Placed on General File.

(Signed) Galen Hadley, Chairperson

Urban Affairs

**LEGISLATIVE BILL 915.** Placed on General File with amendment.

AM2095

- 1 1. On page 2, line 10, after "five" insert "business";
- 2 strike beginning with "in" in line 11 through "located" in line 12
- 3 and insert "having jurisdiction of the mortgaged property"; and in
- 4 line 18 after the period insert "This subsection does not impose



5 upon the complainant a duty to maintain the mortgaged property. The  
 6 designation of a representative to receive notices shall terminate  
 7 upon transfer of fee title ownership to the mortgaged property."  
 8 2. On page 4, strike beginning with "in" in line 6  
 9 through "located" in line 7 and insert "having jurisdiction of  
 10 the trust property"; and in line 12 after the period insert "This  
 11 subsection does not impose upon the beneficiary, trustee, or the  
 12 attorney for the trustee a duty to maintain the trust property. The  
 13 designation of a representative to receive notices shall terminate  
 14 upon transfer of fee title ownership to the trust property."

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORT**  
 Enrollment and Review

**LEGISLATIVE BILL 371A.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**  
 Enrollment and Review

**LEGISLATIVE BILL 884.** Placed on Select File with amendment.  
 ER151 is available in the Bill Room.

**LEGISLATIVE BILL 814.** Placed on Select File with amendment.  
 ER154

1 1. In the Standing Committee amendment, AM1876:  
 2 a. On page 11, line 26, strike "titling of" and insert  
 3 "certificate of title for"; and  
 4 b. On page 12, line 17, strike "title" and insert "obtain  
 5 a certificate of title for".  
 6 2. On page 1, strike beginning with "sections" in line 1  
 7 through line 6 and insert "section 77-2701.35, Reissue Revised  
 8 Statutes of Nebraska, and sections 37-201, 77-2703, 77-2708,  
 9 and 77-27,132, Revised Statutes Cumulative Supplement, 2012; to  
 10 create a fund; to redefine sales price; to change sales and use  
 11 tax provisions relating to all-terrain vehicles and utility-type  
 12 vehicles; to change duties of sellers and the distribution of  
 13 sales and use tax revenue; to provide funding for infrastructure  
 14 administered by the Game and Parks Commission; to harmonize  
 15 provisions; to provide an operative date; and to repeal the  
 16 original sections."

**LEGISLATIVE BILL 814A.** Placed on Select File.

**LEGISLATIVE BILL 867.** Placed on Select File with amendment.  
 ER155 is available in the Bill Room.

**LEGISLATIVE BILL 1001.** Placed on Select File.

**LEGISLATIVE BILL 191A.** Placed on Select File with amendment.  
ER156

- 1 1. On page 2, line 4, after "Society" insert an
- 2 underscored comma; and in line 12 after "Revenue" insert an
- 3 underscored comma.

**LEGISLATIVE BILL 690A.** Placed on Select File.

**LEGISLATIVE BILL 1016A.** Placed on Select File.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator Avery filed the following amendment to LB946:

AM2121

(Amendments to Standing Committee amendments, AM2047)

- 1 1. Insert the following new section:
- 2 Sec. 13. Section 32-616, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 32-616 (1) Any registered voter who was not a candidate
- 5 in the primary election and who was not registered to vote with a
- 6 party affiliation on or ~~before~~ after March 1 and before the general
- 7 election in the calendar year of the general election may have his
- 8 or her name placed on the general election ballot for a partisan
- 9 office by filing petitions as prescribed in sections 32-617 to
- 10 32-621 or by nomination by political party convention or committee
- 11 pursuant to section 32-627 or 32-710.
- 12 (2) Any candidate who was defeated in the primary
- 13 election and any registered voter who was not a candidate in
- 14 the primary election may have his or her name placed on the general
- 15 election ballot if a vacancy exists on the ballot under subsection
- 16 (2) of section 32-625 and the candidate files for the office by
- 17 petition as prescribed in sections 32-617 and 32-618, files as a
- 18 write-in candidate as prescribed in section 32-615, or is nominated
- 19 by political party convention or committee pursuant to section
- 20 32-627 or 32-710.
- 21 2. Renumber the remaining sections and correct the
- 22 repealer accordingly.

Senator Murante filed the following amendment to LB946:

AM2120

(Amendments to Standing Committee amendments, AM2047)

- 1 1. Insert the following new sections:
- 2 Sec. 13. Section 32-713, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-713 (1) The certificates of appointment for

5 presidential electors shall be served by the Governor on each  
 6 person appointed. The Governor shall notify the presidential  
 7 electors to be at the State Capitol at noon on the first Monday  
 8 after the second Wednesday in December after appointment and  
 9 report to the Governor at his or her office in the capitol as  
 10 being in attendance. The Governor shall serve the certificates of  
 11 appointment by registered or certified mail. In submitting this  
 12 state's certificate of ascertainment as required by 3 U.S.C. 6, the  
 13 Governor shall certify this state's presidential electors and state  
 14 in the certificate that:

15 (a) The presidential electors will serve as presidential  
 16 electors unless a vacancy occurs in the office of presidential  
 17 elector before the end of the meeting at which the presidential  
 18 electors cast their votes, in which case a substitute presidential  
 19 elector will fill the vacancy; and

20 (b) If a substitute presidential elector is appointed to  
 21 fill a vacancy, the Governor will submit an amended certificate of  
 22 ascertainment stating the names on the final list of this state's  
 1 presidential electors.

2 (2) The presidential electors shall convene at 2 p.m.  
 3 of such Monday at the Governor's office in the capitol. Each  
 4 presidential elector shall execute the following pledge: As  
 5 a presidential elector duly selected (or appointed) for this  
 6 position, I agree to serve and to mark my ballots for President  
 7 and Vice President for the presidential and vice-presidential  
 8 candidates who received the highest number of votes in the state  
 9 if I am an at-large presidential elector or the highest number of  
 10 votes in my congressional district if I am a congressional district  
 11 presidential elector.

12 Sec. 14. Section 32-714, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 32-714 (1) The Governor shall provide each presidential  
 15 elector with a list of all the presidential electors. If any  
 16 presidential elector is absent or if there is a deficiency in the  
 17 proper number of presidential electors, those present shall elect  
 18 from the citizens of the state so many persons as will supply  
 19 the deficiency and immediately issue a certificate of election,  
 20 signed by those present or a majority of them, to the person or  
 21 persons so chosen. In case of failure to elect as required in  
 22 this subsection by 3 p.m. of such day or in case of a vacancy  
 23 created under subsection (4) of this section, the Governor shall  
 24 fill the vacancies by appointment. Each appointee shall execute  
 25 the pledge in section 32-713. After all vacancies are filled, the  
 26 ~~college of presidential~~ electors shall proceed with the election of  
 27 a President of the United States and a Vice President of the United  
 1 States and certify their votes in conformity with the Constitution  
 2 and laws of the United States.

3 (2) The Secretary of State shall provide each  
 4 presidential elector with a presidential and vice-presidential

5 ballot. Each at-large presidential elector shall ~~east-mark~~ his or  
 6 her ballot for the presidential and vice-presidential candidates  
 7 who received the highest number of votes in the state and  
 8 consistent with his or her pledge. Each congressional district  
 9 presidential elector shall ~~east-mark~~ his or her ballot for the  
 10 presidential and vice-presidential candidates who received the  
 11 highest number of votes in his or her congressional district and  
 12 consistent with his or her pledge.

13 (3) Each presidential elector shall present the completed  
 14 ballot to the Secretary of State. The Secretary of State shall  
 15 examine each ballot and accept as cast each ballot marked by  
 16 a presidential elector consistent with his or her pledge. The  
 17 Secretary of State shall not accept and shall not count the ballot  
 18 if the presidential elector has not marked the ballot or has marked  
 19 the ballot in violation of his or her pledge.

20 (4) A presidential elector who refuses to present a  
 21 ballot, who attempts to present an unmarked ballot, or who attempts  
 22 to present a ballot marked in violation of his or her pledge  
 23 vacates the office of presidential elector.

24 2. Renumber the remaining sections and correct the  
 25 repealer accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 560.** The Schumacher amendment, FA240, found in this day's Journal, to the committee amendment, was renewed.

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

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

Voting in the affirmative, 16:

Bloomfield	Garrett	Johnson	Scheer
Brasch	Gloor	Kintner	Schilz
Carlson	Hadley	Murante	Schumacher
Christensen	Hansen	Nelson	Smith

Voting in the negative, 18:

Adams	Conrad	Harms	Lathrop	Sullivan
Avery	Cook	Karpisek	McGill	Wightman
Campbell	Crawford	Kolowski	Mello	
Chambers	Haar, K.	Krist	Nordquist	

Present and not voting, 2:

Bolz            Dubas

Absent and not voting, 1:

Ashford

Excused and not voting, 12:

Coash	Howard	Lautenbaugh	Seiler
Davis	Janssen	McCoy	Wallman
Harr, B.	Larson	Pirsch	Watermeier

The Schumacher amendment lost with 16 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator Smith offered the following amendment to the committee amendment:

FA241

Amend AM1958

Page 3, line 9 strike the words "a bonus" and after the word "or" insert the words "bonus or".

The Smith amendment was adopted with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 4 nays, 4 present and not voting, and 13 excused and not voting.

## **SPEAKER ADAMS PRESIDING**

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 451 and 452 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 451 and 452.

### **VISITORS**

Visitors to the Chamber were Senator Gloor's relatives, Sandy and Randy Petersen, from Lincoln, and Courtney Petersen and Britney Butcher from Seattle, WA.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

**ADJOURNMENT**

At 4:26 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Friday, March 7, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-NINTH DAY - MARCH 7, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 7, 2014

**PRAYER**

The prayer was offered by Pastor Kenneth Miller, St Paul Lutheran Church, Auburn.

**ROLL CALL**

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

The roll was called and all members were present except Senators Lautenbaugh and Watermeier who were excused; and Senators Ashford, Conrad, Garrett, B. Harr, Mello, Nordquist, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**COMMITTEE REPORTS**

## Appropriations

**LEGISLATIVE BILL 905.** Placed on General File with amendment. AM2019 is available in the Bill Room.

**LEGISLATIVE BILL 906.** Placed on General File with amendment. AM2175 is available in the Bill Room.

**LEGISLATIVE BILL 130.** Placed on General File with amendment. AM2180

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 84-612, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 84-612 (1) There is hereby created within the state
- 6 treasury a fund known as the Cash Reserve Fund which shall be under
- 7 the direction of the State Treasurer. The fund shall only be used

8 pursuant to this section.

9 (2) The State Treasurer shall transfer funds from the  
10 Cash Reserve Fund to the General Fund upon certification by the  
11 Director of Administrative Services that the current cash balance  
12 in the General Fund is inadequate to meet current obligations. Such  
13 certification shall include the dollar amount to be transferred.

14 Any transfers made pursuant to this subsection shall be reversed  
15 upon notification by the Director of Administrative Services that  
16 sufficient funds are available.

17 (3) In addition to receiving transfers from other funds,  
18 the Cash Reserve Fund shall receive federal funds received by the  
19 State of Nebraska for undesignated general government purposes,  
20 federal revenue sharing, or general fiscal relief of the state.

21 (4) On July 7, 2009, the State Treasurer shall transfer  
22 five million dollars from the Cash Reserve Fund to the Roads  
23 Operations Cash Fund. The Department of Roads shall use such  
1 funds to provide the required state match for federal funding made  
2 available to the state through congressional earmarks.

3 ~~(5) The State Treasurer shall transfer a total of~~  
4 ~~thirty-seven million dollars from the Cash Reserve Fund to the~~  
5 ~~General Fund on or before June 30, 2012, on such dates and in~~  
6 ~~such amounts as directed by the budget administrator of the budget~~  
7 ~~division of the Department of Administrative Services.~~

8 ~~(6)~~~~(5) The State Treasurer shall transfer a total of~~  
9 ~~sixty-eight million dollars from the Cash Reserve Fund to the~~  
10 ~~General Fund on or before June 30, 2013, on such dates and in~~  
11 ~~such amounts as directed by the budget administrator of the budget~~  
12 ~~division of the Department of Administrative Services.~~

13 ~~(7) The State Treasurer, at the direction of the~~  
14 ~~budget administrator of the budget division of the Department~~  
15 ~~of Administrative Services, shall transfer not to exceed twelve~~  
16 ~~million dollars in total between July 1, 2011, and November~~  
17 ~~30, 2012, from the Cash Reserve Fund to the Ethanol Production~~  
18 ~~Incentive Cash Fund, for ethanol production incentive credits,~~  
19 ~~on such dates and in such amounts as certified by the Tax~~  
20 ~~Commissioner.~~

21 ~~(8) The State Treasurer, at the direction of the~~  
22 ~~budget administrator of the budget division of the Department~~  
23 ~~of Administrative Services, shall transfer an amount equal to the~~  
24 ~~total amount transferred pursuant to subsection (7) of this section~~  
25 ~~from the Ethanol Production Incentive Cash Fund to the Cash Reserve~~  
26 ~~Fund in such amounts as certified by the Tax Commissioner on or~~  
27 ~~before November 30, 2012.~~

1 ~~(9) The State Treasurer, at the direction of the~~  
2 ~~budget administrator of the budget division of the Department~~  
3 ~~of Administrative Services, shall transfer eighty million dollars~~  
4 ~~from the Cash Reserve Fund to the Nebraska Capital Construction~~  
5 ~~Fund on or before August 15, 2012.~~

6 (10) The State Treasurer, at the direction of the



7 ~~budget administrator of the budget division of the Department~~  
 8 ~~of Administrative Services, shall transfer one million dollars from~~  
 9 ~~the Cash Reserve Fund to the Affordable Housing Trust Fund on or~~  
 10 ~~before August 15, 2012.~~

11 ~~(11)(6)~~ The State Treasurer shall transfer ten million  
 12 dollars from the Cash Reserve Fund to the General Fund on  
 13 or before June 30, 2013, on such date as directed by the  
 14 budget administrator of the budget division of the Department  
 15 of Administrative Services.

16 ~~(12)(7)~~ The State Treasurer, at the direction of the  
 17 budget administrator of the budget division of the Department of  
 18 Administrative Services, shall transfer not to exceed forty-three  
 19 million fifteen thousand four hundred fifty-nine dollars in total  
 20 from the Cash Reserve Fund to the Nebraska Capital Construction  
 21 Fund between July 1, 2013, and June 30, 2017.

22 (8) The State Treasurer shall transfer fourteen million  
 23 five hundred thousand dollars from the Cash Reserve Fund to the  
 24 Nebraska Capital Construction Fund on or before June 30, 2015, on  
 25 such date as directed by the budget administrator of the budget  
 26 division of the Department of Administrative Services.

27 (9) The State Treasurer shall transfer fifty million five  
 1 hundred thousand dollars from the Cash Reserve Fund to the General  
 2 Fund on or before December 31, 2014, on such date as directed by  
 3 the budget administrator of the budget division of the Department  
 4 of Administrative Services.

5 Sec. 2. Original section 84-612, Revised Statutes  
 6 Supplement, 2013, is repealed.

(Signed) Heath Mello, Chairperson

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 144.** Placed on Final Reading.

**LEGISLATIVE BILL 259.** Placed on Final Reading.

ST44

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

1. In the Karpisek amendment, AM631:
  - a. Sections 4 and 5 have been renumbered as sections 5 and 4, respectively; and
  - b. On page 1, line 5, "4" has been struck and "5" inserted.
2. On page 1, line 2, "and 9-603" has been struck and ",9-603, and 9-615.01" inserted; in line 3 "a term" has been struck and "and redefine terms" inserted; and in line 4 "as prescribed" has been inserted after "licensure".

**LEGISLATIVE BILL 359.** Placed on Final Reading.

ST45

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

1. In the Kolowski amendment, AM2030, on page 1, lines 3 and 4, "for the Medical Assistance Act," has been struck.

2. On page 1, the matter beginning with "section" in line 1 through line 5 and all amendments thereto have been struck and "sections 68-1713 and 68-1726, Reissue Revised Statutes of Nebraska, section 43-512, Revised Statutes Cumulative Supplement, 2012, and section 68-1206, Revised Statutes Supplement, 2013; to exclude certain income and assets as prescribed from determination of income, resources, or need for certain public assistance; to change provisions relating to eligibility redetermination for a child care subsidy as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 359A.** Placed on Final Reading.**LEGISLATIVE BILL 546.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 6, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Popken, Kent

CenturyLink (Withdrawn 03/06/2014)

Reiser, Richard S.

Werner Enterprises, Inc. and Subsidiaries (Withdrawn 3/3/2014)

**MOTIONS - Approve Appointments**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Nebraska Child Abuse Prevention Fund Board

Mary Beth Hanus

Voting in the affirmative, 30:

Adams	Crawford	Harms	Larson	Schilz
Bloomfield	Davis	Howard	McCoy	Schumacher
Bolz	Dubas	Johnson	McGill	Smith
Campbell	Gloor	Karpisek	Murante	Sullivan
Carlson	Haar, K.	Kolowski	Nelson	Wallman
Coash	Hadley	Krist	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Avery	Chambers	Cook	Janssen	Lathrop
Brasch	Christensen	Hansen	Kintner	Seiler

Excused and not voting, 9:

Ashford	Garrett	Lautenbaugh	Nordquist	Watermeier
Conrad	Harr, B.	Mello	Pirsch	

The appointment was confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

State Board of Health  
Anthony Moravec

Voting in the affirmative, 32:

Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Dubas	Johnson	Murante	Sullivan
Campbell	Gloor	Karpisek	Pirsch	Wightman
Carlson	Haar, K.	Kolowski	Scheer	
Chambers	Hadley	Krist	Schilz	
Coash	Harms	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Christensen	Hansen	Kintner	Nelson
Brasch	Davis	Janssen	Lathrop	Wallman

Excused and not voting, 7:

Ashford	Garrett	Mello	Watermeier
Conrad	Lautenbaugh	Nordquist	

The appointment was confirmed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Board of Emergency Medical Services

Troy Hiemer  
Timothy Hoffman  
Charles LaFollette

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 4:

Christensen    Davis            Janssen           Scheer

Excused and not voting, 6:

Conrad            Lautenbaugh    Nordquist  
Garrett           Mello            Watermeier

The appointments were confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Nebraska Rural Health Advisory Commission

Lisa L. Mlnarik  
Noah L. Piskorski

Voting in the affirmative, 35:

Adams	Coash	Harr, B.	Larson	Schilz
Avery	Cook	Howard	Lathrop	Schumacher
Bloomfield	Crawford	Johnson	McCoy	Seiler
Bolz	Dubas	Karpisek	McGill	Smith
Brasch	Gloor	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Pirsch	Wallman
Carlson	Harms	Krist	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Christensen	Hadley	Janssen
Chambers	Davis	Hansen	Murante

Excused and not voting, 6:

Conrad	Lautenbaugh	Nordquist
Garrett	Mello	Watermeier

The appointments were confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 718:

Nebraska Commission on Problem Gambling  
 Matthew Anselmo  
 Marla Bruder  
 Mark Canada  
 Janelle Holt  
 Paul Leckband  
 Susan Lutz  
 Terry Scoville  
 Teresa "Teri" A. Teutsch

Voting in the affirmative, 33:

Bloomfield	Crawford	Howard	Lathrop	Seiler
Brasch	Dubas	Johnson	McCoy	Smith
Campbell	Gloor	Karpisek	McGill	Sullivan
Carlson	Haar, K.	Kintner	Murante	Wallman
Coash	Hansen	Kolowski	Nelson	Wightman
Conrad	Harms	Krist	Scheer	
Cook	Harr, B.	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Bolz	Davis	Pirsch
Ashford	Chambers	Hadley	Schilz
Avery	Christensen	Janssen	

Excused and not voting, 5:

Garrett	Lautenbaugh	Mello	Nordquist	Watermeier
---------	-------------	-------	-----------	------------

The appointments were confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 718:

Nebraska Arts Council  
 Kim West Dinsdale  
 Paula L. Pflueger

Voting in the affirmative, 33:

Avery	Coash	Harms	Krist	Schumacher
Bloomfield	Conrad	Harr, B.	Larson	Seiler
Bolz	Cook	Howard	Lathrop	Sullivan
Brasch	Dubas	Johnson	McCoy	Wallman
Campbell	Gloor	Karpisek	Murante	Wightman
Carlson	Haar, K.	Kintner	Nelson	
Chambers	Hansen	Kolowski	Scheer	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Crawford	Janssen	Schilz
Ashford	Davis	McGill	Smith
Christensen	Hadley	Pirsch	

Excused and not voting, 5:

Garrett	Lautenbaugh	Mello	Nordquist	Watermeier
---------	-------------	-------	-----------	------------

The appointments were confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 754:

Nebraska Information Technology Commission

Dorest Harvey  
 Randy Meininger  
 Dan Shundoff  
 Gerald (Gary) Warren  
 Walter Weir

Voting in the affirmative, 36:

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

Voting in the negative, 0.

Present and not voting, 8:

Adams	Christensen	Gloor	Kintner
Ashford	Davis	Janssen	McGill

Excused and not voting, 5:

Garrett	Lautenbaugh	Mello	Nordquist	Watermeier
---------	-------------	-------	-----------	------------

The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1016A.** Advanced to Enrollment and Review for Engrossment.

**SENATOR KRIST PRESIDING**

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 422.** Read. Considered.

LR422 was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE RESOLUTION 444.** Read. Considered.

LR444 was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE RESOLUTION 400.** Read. Considered.

LR400 was adopted with 23 ayes, 0 nays, 19 present and not voting, and 7 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Bolz filed the following amendment to LB690:  
AM2254

(Amendments to E & R amendments, ER144)

- 1 1. On page 1, line 14, after "report" insert
- 2 "electronically"; and in line 21 strike "permanent".
- 3 2. On page 2, line 5, strike "and"; in line 7 after
- 4 "Council" insert ", a member of the Legislature's Planning
- 5 Committee appointed by the Executive Board of the Legislative
- 6 Council, and an at-large member appointed by the Executive Board
- 7 of the Legislative Council"; and in line 14 after "be" insert
- 8 "nonvoting members".
- 9 3. On page 4, strike lines 4 through 7; in line 8
- 10 strike "(e)" and insert "(d)"; in line 11 strike "(f)" and insert
- 11 "(e)"; in line 18 after "present" insert "electronically"; and in
- 12 line 20 after the period insert "The Department of Health and
- 13 Human Services shall also annually report electronically to the
- 14 Legislature the percentage growth of medicaid spending for people
- 15 over sixty-five years of age for no fewer than five years following
- 16 acceptance of the application to the State Balancing Incentive
- 17 Payments Program pursuant to section 1 of this act.".

Senator Avery filed the following amendment to LB814A:  
AM2258

- 1 1. On page 2, line 1, strike "\$20,815" and insert
- 2 "\$44,485"; in line 8 strike "\$2,567,000" and insert "\$3,149,883";
- 3 and in line 10 strike "\$2,680,000" and insert "\$3,709,383".

**RESOLUTION****LEGISLATIVE RESOLUTION 424.** Read. Considered.

Committee AM1890, found on page 514, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LR424, as amended, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.



**COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 756.** Placed on General File.**LEGISLATIVE BILL 954.** Placed on General File with amendment.

AM2261

- 1 1. On page 2, line 19, after "vehicles" insert "owned
- 2 and".

(Signed) Annette Dubas, Chairperson

Judiciary

**LEGISLATIVE BILL 784.** Placed on General File.**LEGISLATIVE BILL 963.** Placed on General File.**LEGISLATIVE BILL 964.** Placed on General File.**LEGISLATIVE BILL 1089.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 475.** Introduced by Coash, 27.

WHEREAS, James (Jim) Stuart, Jr., of Lincoln, Nebraska, a prominent banker and businessman, passed away in Scottsdale, Arizona; and

WHEREAS, Jim graduated from the University of Nebraska in 1965 with a degree in business administration, and upon graduation served in the United States Army as a combat helicopter pilot in the Vietnam War; and

WHEREAS, Jim joined Citibank in New York City in 1969 as a loan officer, and joined First Commerce Bancshares (then National Bank of Commerce) in 1973 where he later became chairman and chief executive officer; and

WHEREAS, after leaving First Commerce Bancshares in 2000, Jim opened an investment office with his two eldest sons and managed client portfolios while continuing his civic and political activities; and

WHEREAS, Jim served as chair of both the Lincoln Chamber of Commerce and Downtown Lincoln Association, as a board member of the University of Nebraska Foundation, Nebraska Wesleyan University, the Juvenile Diabetes Research Foundation, and First-Plymouth Congregational Church, and was appointed by the Governor to the Game and Parks Commission and the Nebraska Environmental Trust Board; and

WHEREAS, Jim is survived by his wife, Susan, six children, and nine 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 James Stuart, Jr., and recognizes Jim for his business accomplishments and civic contributions.

2. That a copy of this resolution be sent to the family of James Stuart, Jr.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1001A.** Introduced by Wallman, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, One Hundred Third Legislature, Second Session, 2014.

### **SENATOR COASH PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 1076.** Title read. Considered.

Committee AM1903, found on page 556, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 692.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 851.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 744.** Title read. Considered.

Committee AM1757, found on page 427, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 744A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**SENATOR GLOOR PRESIDING**

**LEGISLATIVE BILL 853.** Title read. Considered.

Committee AM1937, found on page 755, was offered.

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

The committee amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Coash offered the following amendment:  
AM2266 is available in the Bill Room.

The Coash amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**COMMITTEE REPORTS**

Revenue

**LEGISLATIVE BILL 558.** Placed on General File.

**LEGISLATIVE BILL 723.** Placed on General File with amendment.  
AM2270

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-1371, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 77-1371 Comparable sales are recent sales of properties
- 6 that are similar to the property being assessed in significant
- 7 physical, functional, and location characteristics and in their
- 8 contribution to value. When using comparable sales in determining
- 9 actual value of an individual property under the sales comparison
- 10 approach provided in section 77-112, the following guidelines shall
- 11 be considered in determining what constitutes a comparable sale:
- 12 (1) Whether the sale was financed by the seller and
- 13 included any special financing considerations or the value of
- 14 improvements;

- 15 (2) Whether zoning affected the sale price of the  
16 property;
- 17 (3) For sales of agricultural land or horticultural land  
18 as defined in section 77-1359, whether a premium was paid to  
19 acquire property. A premium may be paid when proximity or tax  
20 consequences cause the buyer to pay more than actual value for  
21 agricultural land or horticultural land;
- 22 (4) Whether sales or transfers made in connection with  
23 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,  
1 or in consideration of other legal actions should be excluded from  
2 comparable sales analysis as not reflecting current market value;
- 3 (5) Whether sales between family members within the third  
4 degree of consanguinity include considerations that fail to reflect  
5 current market value;
- 6 (6) Whether sales to or from federal or state agencies or  
7 local political subdivisions reflect current market value;
- 8 (7) Whether sales of undivided interests in real property  
9 or parcels less than forty acres or sales conveying only a portion  
10 of the unit assessed reflect current market value;
- 11 (8) Whether sales or transfers of property in exchange  
12 for other real estate, stocks, bonds, or other personal property  
13 reflect current market value;
- 14 (9) Whether deeds recorded for transfers of convenience,  
15 transfers of title to cemetery lots, mineral rights, and rights of  
16 easement reflect current market value;
- 17 (10) Whether sales or transfers of property involving  
18 railroads or other public utility corporations reflect current  
19 market value;
- 20 (11) Whether sales of property substantially improved  
21 subsequent to assessment and prior to sale should be adjusted to  
22 reflect current market value or eliminated from such analysis;
- 23 (12) For agricultural land or horticultural land as  
24 defined in section 77-1359 which is or has been receiving the  
25 special valuation pursuant to sections 77-1343 to 77-1347.01,  
26 whether the sale price reflects a value which the land has for  
27 purposes or uses other than as agricultural land or horticultural  
1 land and therefor does not reflect current market value of other  
2 agricultural land or horticultural land; ~~and~~
- 3 (13) Whether sales or transfers of property are in  
4 a similar market area and have similar characteristics to the  
5 property being assessed; and-
- 6 (14) For agricultural land and horticultural land as  
7 defined in section 77-1359 which is within a class or subclass  
8 of irrigated cropland pursuant to section 77-1363, whether the  
9 difference in well capacity or in water availability due to  
10 federal, state, or local regulatory actions or limited source  
11 affected the sale price of the property. If data on current well  
12 capacity or current water availability is not available from a  
13 federal, state, or local government entity, this subdivision shall

14 not be used to determine what constitutes a comparable sale.  
 15 The Property Tax Administrator may issue guidelines for  
 16 assessing officials for use in determining what constitutes a  
 17 comparable sale. Guidelines shall take into account the factors  
 18 listed in this section and other relevant factors as prescribed by  
 19 the Property Tax Administrator.  
 20 Sec. 2. Original section 77-1371, Revised Statutes  
 21 Cumulative Supplement, 2012, is repealed.

**LEGISLATIVE BILL 885.** Placed on General File with amendment.  
 AM2201

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 77-132, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 77-132 (1) Parcel means a contiguous tract of land  
 6 determined by its boundaries, under the same ownership, and in the  
 7 same tax district and section. Parcel also means an improvement on  
 8 leased land.  
 9 (2) If all or several lots in the same block are owned by  
 10 the same person and are contained in the same subdivision or the  
 11 same tax district, they may be included in one parcel.  
 12 (3) If two or more vacant or unimproved lots in the same  
 13 subdivision or the same tax district are owned by the same person  
 14 and are held for sale or resale, such lots shall be included in one  
 15 parcel if elected to be treated as one parcel by the owner. Such  
 16 election shall be made annually by filing an application with the  
 17 county assessor by June 30.  
 18 (4) For purposes of this section, subdivision means the  
 19 common overall plan or approved preliminary plat.  
 20 Sec. 2. (1) When determining the actual value of two  
 21 or more vacant or unimproved lots in the same subdivision or the  
 22 same tax district that are owned by the same person and are held  
 23 for sale or resale and that were elected to be treated as one  
 1 parcel pursuant to subsection (3) of section 77-132, the county  
 2 assessor shall utilize the income approach, including the use of a  
 3 discounted cash-flow analysis.  
 4 (2) If a county assessor, based on the facts and  
 5 circumstances, believes that the income approach, including the  
 6 use of a discounted cash-flow analysis, does not result in a  
 7 valuation at actual value, then the county assessor shall present  
 8 such facts and circumstances to the county board of equalization.  
 9 If the county board of equalization, based on such facts and  
 10 circumstances, concurs with the county assessor, then the county  
 11 board of equalization shall petition the Tax Equalization and  
 12 Review Commission to consider the county assessor's utilization of  
 13 another professionally accepted mass appraisal technique that,  
 14 based on the facts and circumstances presented by a county  
 15 board of equalization, would result in a substantially different

16 determination of actual value. Petitions must be filed within  
 17 thirty days after the property is assessed. Hearings held pursuant  
 18 to this section may be held by means of videoconference or  
 19 telephone conference. The burden of proof is on the petitioning  
 20 county board of equalization to show that failure to make an  
 21 adjustment to the professionally accepted mass appraisal technique  
 22 utilized would result in a value that is not equitable and in  
 23 accordance with the law. At the hearing, the commission may  
 24 receive testimony from any interested person. After a hearing, the  
 25 commission shall, within the powers granted in section 77-5023,  
 26 enter its order based on evidence presented to it at such hearing.  
 27 Payment of taxes shall be suspended, without penalty or interest,  
 1 until the commission enters its order.

2 Sec. 3. Section 77-5007, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:  
 4 77-5007 The commission has the power and duty to hear and  
 5 determine appeals of:  
 6 (1) Decisions of any county board of equalization  
 7 equalizing the value of individual tracts, lots, or parcels of  
 8 real property so that all real property is assessed uniformly and  
 9 proportionately;  
 10 (2) Decisions of any county board of equalization  
 11 granting or denying tax-exempt status for real or personal property  
 12 or an exemption from motor vehicle taxes and fees;  
 13 (3) Decisions of the Tax Commissioner determining the  
 14 taxable property of a railroad company, car company, public service  
 15 entity, or air carrier within the state;  
 16 (4) Decisions of the Tax Commissioner determining  
 17 adjusted valuation pursuant to section 79-1016;  
 18 (5) Decisions of any county board of equalization on  
 19 the valuation of personal property or any penalties imposed under  
 20 sections 77-1233.04 and 77-1233.06;  
 21 (6) Decisions of any county board of equalization on  
 22 claims that a levy is or is not for an unlawful or unnecessary  
 23 purpose or in excess of the requirements of the county;  
 24 (7) Decisions of any county board of equalization  
 25 granting or rejecting an application for a homestead exemption;  
 26 (8) Decisions of the Department of Motor Vehicles  
 27 determining the taxable value of motor vehicles pursuant to section  
 1 60-3,188;  
 2 (9) Decisions of the Tax Commissioner made under section  
 3 77-1330;  
 4 (10) Any other decision of any county board of  
 5 equalization;  
 6 (11) Any other decision of the Tax Commissioner regarding  
 7 property valuation, exemption, or taxation;  
 8 (12) Decisions of the Tax Commissioner pursuant to  
 9 section 77-3520;  
 10 (13) Final decisions of a county board of equalization

11 appealed by the Tax Commissioner or Property Tax Administrator  
 12 pursuant to section 77-701; ~~and~~  
 13 (14) The requirement under section 2 of this act that  
 14 the income approach, including the use of a discounted cash-flow  
 15 analysis, be used by county assessors; and  
 16 ~~(14)-(15)~~ Any other decision, determination, action, or  
 17 order from which an appeal to the commission is authorized.  
 18 The commission has the power and duty to hear and grant  
 19 or deny relief on petitions.  
 20 Sec. 4. Original section 77-132, Reissue Revised Statutes  
 21 of Nebraska, and section 77-5007, Revised Statutes Cumulative  
 22 Supplement, 2012, are repealed.

(Signed) Galen Hadley, Chairperson

Judiciary

**LEGISLATIVE BILL 962.** Placed on General File with amendment.  
 AM1983

- 1 1. On page 2, lines 17 through 22, strike the new matter
- 2 and reinstate the stricken matter.

**LEGISLATIVE BILL 1044.** Placed on General File with amendment.  
 AM2191

- 1 1. On page 3, line 15, strike "pursuant to" and insert
- 2 "and posted a notice on the mobile home, stating that the mobile
- 3 home is subject to sale or auction or vesting of title as set forth
- 4 in"; and in line 25 after "71-4603" insert ". Mobile home does not
- 5 include a mobile home or manufactured home for which an affidavit
- 6 of affixture has been recorded pursuant to section 60-169".

**LEGISLATIVE BILL 1093.** Placed on General File with amendment.  
 AM2279

- 1 1. Strike section 2 and insert the following section:
- 2 Sec. 2. (1) It is the intent of the Legislature to
- 3 transfer four hundred fifty thousand dollars in General Funds from
- 4 the Department of Health and Human Services' 2014-15 budget to the
- 5 office of the State Court Administrator's budget for the purpose
- 6 of making the State Court Administrator directly responsible for
- 7 contracting and paying for court-connected prehearing conferences,
- 8 family group conferencing, expedited family group conferencing,
- 9 child welfare mediation, permanency prehearing conferences,
- 10 termination of parental rights prehearing conferences, juvenile
- 11 victim-offender dialogue, and other related services. Such funds
- 12 shall be transferred on or before October 15, 2014.
- 13 (2) The Department of Health and Human Services
- 14 shall continue to be responsible for contracting with Office
- 15 of Dispute Resolution-approved mediation centers to provide
- 16 family group conferencing, mediation, and related services for

17 non-court-involved and voluntary child welfare or juvenile cases  
 18 through June 30, 2017, unless extended by the Legislature.  
 19 2. Strike beginning on page 2, line 20, through page 3,  
 20 line 2, and insert:  
 21 "(a) Expedited family group conferencing service means  
 22 an expedited and limited-scope facilitated planning meeting which  
 23 engages a child's or juvenile's parents, the child or juvenile  
 1 themselves when appropriate, other critical family members,  
 2 services providers, and either Department of Health and Human  
 3 Services staff or Office of Probation Administration staff to  
 4 address immediate placement issues for the child or juvenile;  
 5 (b) Family group conferencing service means a facilitated  
 6 meeting involving a child's or juvenile's family, the child or  
 7 juvenile themselves when appropriate, available extended family  
 8 members from across the United States, other significant and close  
 9 persons to the family, service providers, and either Department  
 10 of Health and Human Services staff or Office of Probation  
 11 Administration staff to develop a family-centered plan for the  
 12 best interests of the child and to address the essential issues of  
 13 safety, permanency, and well-being of the child;".

(Signed) Brad Ashford, Chairperson

Natural Resources

**LEGISLATIVE BILL 686.** Placed on General File with amendment.  
 AM2280

- 1 1. On page 2, line 20, after "each" insert "calendar";
- 2 and in line 21 after "acres" insert "for the same calendar year".

**LEGISLATIVE BILL 710.** Placed on General File with amendment.  
 AM2281

- 1 1. On page 2, line 8, strike "outside" through
- 2 "district"; and strike beginning with "After" in line 10 through
- 3 line 13.

**LEGISLATIVE BILL 896.** Placed on General File with amendment.  
 AM2133

- 1 1. On page 11, strike beginning with "If" in line 11
- 2 through "land" in line 13 and insert "Following refusal of a
- 3 landowner to discontinue an activity causing erosion described in
- 4 this section and to establish a plan and schedule for eliminating
- 5 excess erosion pursuant to subsection (2) of this section."

(Signed) Tom Carlson, Chairperson



## Revenue

**LEGISLATIVE BILL 761.** Placed on General File with amendment.  
AM2257

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 Section 1. Section 77-367, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 77-367 (1) The Department of Revenue may contract to  
6 procure products and services to develop, deploy, or administer  
7 systems or programs which identify nonfilers of returns,  
8 underreporters, or nonpayers of taxes administered by the  
9 department or improper or fraudulent payments made through programs  
10 administered by the department. The department shall enter into  
11 at least one such contract by October 31, 2014, and such contract  
12 shall be for the purposes of identifying nonfilers of returns with  
13 a tax liability in any amount and underreporters and nonpayers of  
14 taxes with an outstanding tax liability of at least five thousand  
15 dollars. Fees for services, reimbursements, costs incurred by the  
16 department, or other remuneration may be funded from the amount of  
17 tax, penalty, interest, or other recovery actually collected and  
18 shall be paid only after the amount is collected. The Legislature  
19 intends to appropriate an amount from the tax, penalty, interest,  
20 and other recovery actually collected, not to exceed the amount  
21 collected, which is sufficient to pay for services, reimbursements,  
22 costs incurred by the department, or other remuneration pursuant to  
23 this section. Vendors entering into a contract with the department  
1 pursuant to this section are subject to the requirements and  
2 penalties of the confidentiality laws of this state regarding tax  
3 information.  
4 (2) Ten percent of all proceeds received during each  
5 calendar year due to the contracts entered into pursuant to this  
6 section shall be deposited in the Department of Revenue Enforcement  
7 Fund for purposes of identifying nonfilers, underreporters,  
8 nonpayers, and improper or fraudulent payments.  
9 (3) The Tax Commissioner shall submit electronically an  
10 annual report to the Revenue Committee of the Legislature and  
11 Appropriations Committee of the Legislature on the amount of  
12 dollars generated during the previous fiscal year pursuant to this  
13 section.  
14 Sec. 2. Original section 77-367, Revised Statutes  
15 Cumulative Supplement, 2012, is repealed.

(Signed) Galen Hadley, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 790A.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 790, One Hundred Third Legislature, Second Session, 2014.

**AMENDMENTS - Print in Journal**

Senator Dubas filed the following amendment to LB946:  
AM2204

(Amendments to Standing Committee amendments, AM2047)

- 1 1. On page 3, line 22, strike "may employ", show
- 2 as stricken, and insert "shall appoint"; in line 24 strike
- 3 "employment," show as stricken, and insert "appointment"; strike
- 4 beginning with "to" in line 25 through "including" in line 26, show
- 5 as stricken, and insert "shall specify the responsibility of the
- 6 appointee to carry out the statutory duties of the office of county
- 7 surveyor and shall specify"; and in line 27 after "surveyor" insert
- 8 "for the performance of such duties".
- 9 2. On page 4, line 1, reinstate the stricken "A";
- 10 in lines 2 through 6 strike the new matter; in line 6 before
- 11 "surveyor" insert "county", strike "employed", show as stricken,
- 12 and insert "appointed", and reinstate the stricken matter; in line
- 13 8 strike "(4)" and insert "(3)" and strike "employed or"; and in
- 14 line 10 strike "employment or" and show the old matter as stricken.

Senator Hadley filed the following amendment to LB905:  
FA243

Amend AM2019

On Page 7, line 1 change from \$25,000,000 to \$45,000,000

Line 2 change from \$25,000,000 to \$45,000,000

Line 4 change from \$25,000,000 to \$45,000,000.

**COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR424.

(Signed) John Murante, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 424.** Introduced by Lathrop, 12; Coash, 27; McGill, 26.

WHEREAS, Nikko Jenkins, a former inmate of the Department of Correctional Services, stands charged with three separate homicides, and each homicide is alleged to have occurred after Jenkins was released from the Department of Correctional Services on July 30, 2013; and

WHEREAS, the office of the Public Counsel (Ombudsman) released a report on January 6, 2014, which chronicled Jenkins' involvement with the Department of Correctional Services. The report detailed Jenkins' sentences, good time allowed, and multiple attempts to secure mental health treatment. The report also included various general impressions and observations regarding the segregation of inmates, the transition of inmates from incarceration to the community at large, the allowance of good time, mental health services for inmates, and the civil commitments of inmates; and

WHEREAS, the report was presented by the Ombudsman to Mike Kenney, director of the Department of Correctional Services, and to the deputy director for health services at the Department of Correctional Services to permit them an opportunity to submit comments to the report prior to its release. The response tendered by the Department of Correctional Services simply disputed the factual allegations of the report, and public remarks by Governor Dave Heineman impeached the veracity of the report by suggesting that the Ombudsman's office was "soft on crime"; and

WHEREAS, the circumstances of Jenkins' release has understandably generated intense public interest as evidenced by countless news stories concerning his release and the subsequent homicides, and the Ombudsman's report and the Governor's impeachment of the report have created confusion among the public regarding the circumstances of Jenkins' release and the policies and practices of the Department of Correctional Services that contributed to his early release; and

WHEREAS, the citizens of Nebraska have a right to know the details of Jenkins' incarceration, including his threats to kill upon release and his pleas for a mental health commitment, the details of his release, and the opportunities the Department of Correctional Services had to withhold or revoke good time and diminish, through mental health care, his dangerous propensities prior to his release; and

WHEREAS, the Legislature must fully understand the policies and procedures of the Department of Correctional Services, an agency within the executive branch of state government, in order to determine if those policies and procedures in any manner contributed to Jenkins' release into the community at large.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Department of Correctional Services Special

Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the circumstances of Nikko Jenkins' incarceration and release including, but not limited to, the following:

(a) Jenkins' criminal history and the sentences received for each conviction;

(b) Jenkins' juvenile justice and child welfare involvements;

(c) The history of Nebraska's good time laws and the policies or practices of the Department of Correctional Services administering how the good time laws and policies were applied to Jenkins' multiple sentences;

(d) The occasions when Jenkins, during his incarcerations, threatened to kill upon his release from the Department of Correctional Services and the department's response to each threat;

(e) Each occasion when Jenkins requested mental health treatment or commitment to the Lincoln Regional Center or similar placement and the department's response to each request;

(f) The extent to which Jenkins' release was related to prison overcrowding; and

(g) All communications by any state employee or elected official concerning Jenkins' release or regarding any of the matters listed in (a) through (f) above.

3. That the committee shall also study the following with respect to the Department of Correctional Services:

(a) The adequacy of programs designed to rehabilitate inmates;

(b) The funding history of programs designed to rehabilitate inmates;

(c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;

(d) The policies relating to the segregation of inmates;

(e) The transition of inmates from incarceration to the community at large;

(f) The administration of good time laws; and

(g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted, and the reasons if any recommendations were not adopted.

4. That the committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2014.

**VISITORS**

Visitors to the Chamber were Jerrie Michaelson from Lincoln; Senator Adams' mother, Lois Hammer and friend, Gene Bannoche, from Minneapolis, MN; 9 fourth-grade students, teacher, and sponsors from Christ Lutheran, Lincoln; and 41 fourth-grade students and teachers from Harrison Elementary, Omaha.

**ADJOURNMENT**

At 1:28 p.m., on a motion by Senator Murante, the Legislature adjourned until 10:00 a.m., Monday, March 10, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



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

**FORTIETH DAY**

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

**PRAYER**

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

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**RESOLUTIONS**

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

**PRESIDENT SIGNED**

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

**MOTIONS - Approve Appointments**

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

Board of Educational Lands and Funds  
Jim Hain

Voting in the affirmative, 31:

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

Voting in the negative, 0.

Present and not voting, 14:

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

Excused and not voting, 4:

Lautenbaugh	McCoy	Murante	Schilz
-------------	-------	---------	--------

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

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

Coordinating Commission for Postsecondary Education

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

Voting in the affirmative, 36:

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

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Bolz	Davis	Janssen	Scheer
Avery	Coash	Hansen	Lathrop	



Excused and not voting, 4:

Lautenbaugh McCoy Murante Schilz

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

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

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

Voting in the affirmative, 33:

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

Voting in the negative, 0.

Present and not voting, 12:

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

Excused and not voting, 4:

Lautenbaugh McCoy Murante Schilz

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

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

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

Voting in the affirmative, 35:

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

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Chambers	Janssen	Lathrop	Pirsch
Avery	Coash	Krist	Nordquist	Scheer

Excused and not voting, 4:

Lautenbaugh	McCoy	Murante	Schilz
-------------	-------	---------	--------

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

### GENERAL FILE

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

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

### AMENDMENT - Print in Journal

Senator Avery filed the following amendment to LB814:  
AM2248

(Amendments to Standing Committee amendments, AM1876)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BILL ON FIRST READING**

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

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

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

**RESOLUTION**

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

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

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

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

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

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

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

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

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

Laid over.

**ANNOUNCEMENT**

The Chair announced today is Senator Seiler's birthday.

**GENERAL FILE**

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

Committee AM2131, found on page 714, was offered.

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

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2297

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The second committee amendment is as follows:  
 AM2298

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Supplement, 2012, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

12 knowing or otherwise.

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

14 section is declared invalid or unconstitutional, the declaration

15 shall not affect the validity or constitutionality of the remaining

16 portions.

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

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

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

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

21 when passed and approved according to law.

The third committee amendment is as follows:

AM2299

1 1. Strike the original sections and insert the following

2 new sections:

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

4 Supplement, 2012, is amended to read:

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

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

7 Act.

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

9 Supplement, 2012, is amended to read:

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

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

12 section 26 of this act apply.

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

14 Supplement, 2012, is amended to read:

15 53-103.03 Beer means a beverage obtained by alcoholic

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

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

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

19 beverage, and hard cider.

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

21 primarily from apples or apple concentrate and water such that

22 apple juice, or the equivalent amount of concentrate reconstituted

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

The fourth committee amendment is as follows:

AM2300

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

The fifth committee amendment is as follows:

AM2301

1 1. Strike the original sections and insert the following  
2 new sections:  
3 Sec. 23. Section 53-101, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 53-101 Sections 53-101 to 53-1,122 and section 28 of this  
6 act shall be known and may be cited as the Nebraska Liquor Control  
7 Act.

8 Sec. 28. (1) The holder of a Class C license or a  
9 craft brewery license may obtain a limited bottling endorsement  
10 for such license as prescribed in this section. The endorsement  
11 shall be issued for the same period and may be renewed in the same  
12 manner as the retail license or craft brewery license. A limited  
13 bottling endorsement may not be used in conjunction with a special  
14 designated license.

15 (2) A licensee desiring to obtain a limited bottling  
16 endorsement for a license shall file with the commission an  
17 application upon such forms as the commission prescribes and a fee  
18 of three hundred dollars payable to the commission.

19 (3) The holder of a limited bottling endorsement may sell  
20 beer for consumption off the licensed premises in sealed containers  
21 filled as provided in this subsection if:

22 (a) The sale occurs on the licensed premises of the  
23 licensee during the hours the licensee is authorized to sell beer;

1 (b) The licensee uses sanitary containers purchased  
2 by the customer from the licensee or exchanged for containers  
3 previously purchased by the customer from the licensee. The  
4 containers shall prominently display the endorsement holder's trade  
5 name or logo or some other mark that is unique to the endorsement  
6 holder and shall hold no more than sixty-eight ounces;

7 (c) The licensee seals the container in a manner designed  
8 so that it is visibly apparent whether the sealed container has  
9 been tampered with or opened or seals the container and places the  
10 container in a bag designed so that it is visibly apparent whether  
11 the sealed container has been tampered with or opened; and

12 (d) The licensee provides a dated receipt to the customer  
13 and attaches a copy of the dated receipt to the sealed container  
14 or, if the sealed container is placed in a bag, to the bag.

15 Sec. 29. Section 53-123.14, Revised Statutes Cumulative  
16 Supplement, 2012, is amended to read:

17 53-123.14 Any person who operates a craft brewery shall  
18 obtain a license pursuant to the Nebraska Liquor Control Act.  
19 A license to operate a craft brewery shall permit a brewpub or  
20 microbrewery to produce on the craft brewery premises a maximum  
21 of twenty thousand barrels of beer per year. A craft brewery

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

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

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

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

The sixth committee amendment is as follows:

AM2302

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

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

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

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

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

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

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

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

The seventh committee amendment is as follows:

AM2303

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

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

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

11 (2) Nothing in this section shall prevent:

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

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

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

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

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

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

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

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

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

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

AM2313

(Amendments to AM2298)

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

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

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

FA244

Amend AM2298

Strike Section 16.

Pending.

## RESOLUTIONS

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

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

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

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

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

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

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

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

Laid over.

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

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

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

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

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

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

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

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

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

Laid over.

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

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

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

WHEREAS, Jacob broke a total of six Nebraska state records at the 2014 state meet and now holds eight Nebraska state records in swimming; and

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

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

1. That the Legislature congratulates Jacob Molacek on his victories and record-breaking performances at the 2014 Boys' State Swimming Championship.
2. That a copy of this resolution be sent to Jacob Molacek.

Laid over.

## COMMITTEE REPORTS

### Enrollment and Review

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

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

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

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

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

ST51

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

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

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

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

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

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

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

ST50

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

1. In the Bolz amendment, AM2233:

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

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

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

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

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

ST48

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

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

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

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

ST46

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

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

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



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

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

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

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

ST49

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

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

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

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

ST47

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

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

(Signed) John Murante, Chairperson

### **BILL ON FIRST READING**

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

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

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

### **VISITORS**

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

**RECESS**

At 11:57 a.m., on a motion by Senator Bloomfield, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

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

**ROLL CALL**

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

**ANNOUNCEMENT**

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

**GENERAL FILE**

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

Committee AM2019, found on page 791, was offered.

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

Senator Hadley offered the following amendment to the committee amendment:

AM2293

(Amendments to Standing Committee amendments, AM2019)

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

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

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

Senator Hadley requested a roll call vote on his amendment.

Voting in the affirmative, 20:

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

Voting in the negative, 18:

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

Present and not voting, 9:

Bolz	Lathrop	Nelson	Schilz	Wightman
Harms	Mello	Nordquist	Smith	

Excused and not voting, 2:

Harr, B.      Howard

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

The Chair declared the call raised.

Senator Kintner offered the following amendment to the committee amendment:

AM2282

(Amendments to Standing Committee amendments, AM2019)

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

### **SENATOR COASH PRESIDING**

Senator Nelson requested a record vote on the Kintner amendment

Senator Kintner requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Bloomfield	Kintner	McCoy	Pirsch	Schumacher
------------	---------	-------	--------	------------

Voting in the negative, 27:

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

Present and not voting, 12:

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

Excused and not voting, 5:

Conrad	Harr, B.	Howard	Janssen	Watermeier
--------	----------	--------	---------	------------

The Kintner amendment lost with 5 ayes, 27 nays, 12 present and not voting, and 5 excused and not voting.

Senator Bloomfield offered the following amendment to the committee amendment:

AM2308

(Amendments to Standing Committee amendments, AM2019)

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

Pending.

## RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

Laid over.

#### AMENDMENTS - Print in Journal

Senator Gloor filed the following amendment to LB717:  
AM2135

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

Senator Lathrop filed the following amendment to LB949:  
AM2309

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

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

Senator Lathrop filed the following amendment to LB1072:

AM2288

(Amendments to Standing Committee amendments, AM1955)

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

### COMMITTEE REPORTS

Enrollment and Review

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

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

(Signed) John Murante, Chairperson

### UNANIMOUS CONSENT - Add Cointroducer

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

### VISITORS

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

### ADJOURNMENT

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

Patrick J. O'Donnell  
 Clerk of the Legislature

**FORTY-FIRST DAY - MARCH 11, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 11, 2014

**PRAYER**

The prayer was offered by Vicar Glenda Ferguson, Grace Lutheran Church, Wahoo.

**ROLL CALL**

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

The roll was called and all members were present except Senators Coash, Cook, Davis, Janssen, Lautenbaugh, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**COMMITTEE REPORT**

Education

**LEGISLATIVE BILL 967.** Placed on General File with amendment. AM2199 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 905.** Senator Bloomfield renewed his amendment, AM2308, found on page 844, to the committee amendment.

Senator Bloomfield withdrew his amendment.

Committee AM2019, found on page 791 and considered on page 842, was renewed.

### **SPEAKER ADAMS PRESIDING**

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

The Chair ruled the Appropriations Committee amendment is not divisible therefore the request is ruled out of order.

Senator Lautenbaugh challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Murante requested a record vote on the motion to overrule the Chair.

Voting in the affirmative, 6:

Bloomfield	Kintner	Murante
Hansen	Lautenbaugh	Pirsch

Voting in the negative, 29:

Adams	Conrad	Hadley	Krist	Seiler
Brasch	Cook	Harms	Mello	Smith
Campbell	Crawford	Harr, B.	Nelson	Sullivan
Carlson	Dubas	Johnson	Nordquist	Wallman
Chambers	Gloor	Karpisek	Scheer	Wightman
Coash	Haar, K.	Kolowski	Schumacher	

Present and not voting, 14:

Ashford	Christensen	Howard	Lathrop	Schilz
Avery	Davis	Janssen	McCoy	Watermeier
Bolz	Garrett	Larson	McGill	

The Lautenbaugh motion to overrule the Chair failed with 6 ayes, 29 nays, and 14 present and not voting.

### **SENATOR GLOOR PRESIDING**

The committee amendment was adopted with 34 ayes, 0 nays, and 15 present and not voting.



Senator Chambers offered the following amendment:  
 FA245  
 Amend AM2019  
 Strike Section 58.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORTS**  
 Enrollment and Review

**LEGISLATIVE BILL 974.** Placed on Select File with amendment.  
 ER166

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 79-1145, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 79-1145 (1) For each fiscal year prior to fiscal  
 6 year 2014-15, the aggregate amount of General Funds appropriated  
 7 for special education programs and support services pursuant to  
 8 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
 9 aggregate amount of General Funds appropriated pursuant to such  
 10 sections for the previous fiscal year, ~~multiplied by one plus a~~  
 11 ~~rate of increased by~~ five percent.  
 12 (2) For fiscal year 2014-15 and each fiscal year  
 13 thereafter, the aggregate amount of General Funds appropriated  
 14 for special education programs and support services pursuant to  
 15 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
 16 aggregate amount of General Funds appropriated pursuant to such  
 17 sections for the previous fiscal year, increased by ten percent.  
 18 Sec. 2. Section 81-132, Revised Statutes Cumulative  
 19 Supplement, 2012, is amended to read:  
 20 81-132 All departments, offices, and institutions of  
 21 the state government requesting appropriations shall file in the  
 22 office of the Director of Administrative Services the budget forms  
 23 furnished them by the director under the provisions of sections  
 1 81-1113 and 81-1113.01. The budget forms required by this section  
 2 shall be filed on or before September 15 of each even-numbered  
 3 year, ~~except that in 2002, the budget administrator of the~~  
 4 ~~budget division of the Department of Administrative Services~~  
 5 ~~may extend the filing deadline for budget forms to a date~~  
 6 ~~no later than October 15, 2002.~~ The forms shall show their  
 7 total estimated requirements for the next biennium for each unit  
 8 of their organization and activity classified as to object of  
 9 expenditure. With such forms, each department, office, institution,  
 10 and expending agency shall file a report showing all money received  
 11 by such department, office, institution, or expending agency

12 together with the estimated receipts for the coming biennium.  
13 Such estimates shall be accompanied by a statement in writing  
14 giving facts and explanations of reasons for each item of increased  
15 appropriation requested. The report submitted by the Department of  
16 Health and Human Services shall include, but not be limited to, the  
17 key goals, benchmarks, and progress reports required pursuant to  
18 section 81-3133 and sections 7 to 9 of this act.

19 Sec. 3. Section 81-1111.01, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 81-1111.01 For agencies with fewer than seven full-time  
22 employees, preaudits shall be conducted by the accounting  
23 bureau or by a state agency authorized by the Director of  
24 Administrative Services to conduct its own preaudits. The Director  
25 of Administrative Services may authorize departments and agencies  
26 that have seven or more full-time employees to perform their own  
27 preaudits, subject to monitoring by the accounting bureau. The  
1 preaudits shall be performed in accordance with the provisions of  
2 subdivisions (3)(a) through (f) of section 81-1111.

3 Sec. 4. Section 81-1113, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5 81-1113 The budget division shall prepare the executive  
6 budget in accordance with the wishes and policies of the Governor.  
7 The budget division shall have the following duties, powers, and  
8 responsibilities:

9 (1) Shall prescribe the forms and procedures to be  
10 employed by all departments and agencies of the state in compiling  
11 and submitting their individual budget requests and shall set  
12 up a budget calendar which shall provide for (a) the date, not  
13 later than July 15 of each even-numbered year, for distribution  
14 of instructions, (b) the date by which time requests for  
15 appropriations by each agency shall be submitted, and (c) the  
16 period during which such public hearings as the Governor may elect  
17 shall be held for each department and agency. The budget request  
18 shall be submitted each even-numbered year no later than the date  
19 provided in section 81-132, shall include the intended receipts  
20 and expenditures by programs, subprograms, and activities and such  
21 additional information as the administrator may deem appropriate  
22 for each fiscal year, shall be made upon a biennial basis, and  
23 shall include actual receipts and actual expenditures for each  
24 fiscal year of the most recently completed biennium and the first  
25 year of the current biennium and estimates for the second year of  
26 the current biennium and each year of the next ensuing biennium;

27 (2) Shall work with each governmental department and  
1 agency in developing performance standards for each program,  
2 subprogram, and activity to measure and evaluate present as well  
3 as projected levels of expenditures. The budget division shall  
4 also work with ~~the Division of Children and Family Services of~~  
5 the Department of Health and Human Services to develop key goals,  
6 benchmarks, and methods of quantification of progress required

7 pursuant to section 81-3133 and sections 7 to 9 of this act;

8 (3) Shall, following passage of legislative  
9 appropriations, be responsible for the administration of the  
10 approved budget through budgetary allotments;

11 (4) Shall be responsible for a monthly budgetary report  
12 for each department and agency showing comparisons between actual  
13 expenditures and allotments, which report shall be subject to  
14 review by the director and budget administrator; and

15 (5) Shall be responsible for the authorization of  
16 employee positions. Such authorizations shall be based on the  
17 following:

18 (a) A requirement that a sufficient budget program  
19 appropriation and salary limitation exist to fully fund all  
20 authorized positions;

21 (b) A requirement that permanent full-time positions  
22 which have been vacant for ninety days or more be reviewed  
23 and reauthorized prior to being filled. If requested by the  
24 budget division, the personnel division of the Department of  
25 Administrative Services shall review such vacant position to  
26 determine the proper classification for the position;

27 (c) A requirement that authorized positions accurately  
1 reflect legislative intent contained in legislative appropriation  
2 and intent bills; and

3 (d) Other relevant criteria as determined by the budget  
4 administrator.

5 Sec. 5. Section 81-1125.01, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7 81-1125.01 It shall be the duty of the Director of  
8 Administrative Services to digest, prepare, and report to the  
9 Governor, the Tax Commissioner, ~~and the Clerk of the Legislature,~~  
10 and the Legislative Fiscal Analyst, at least twenty days before the  
11 commencement of each regular session of the Legislature:

12 (1) ~~A full and detailed statement of The Annual Budgetary~~  
13 Report showing the condition of the treasury, and the amount of the  
14 expenditures for the last fiscal year;

15 (2) ~~A full and detailed statement of the public debt, The~~  
16 Comprehensive Annual Financial Report showing fully all liabilities  
17 and resources of the state; and

18 (3) Such plans as he or she may deem expedient for (a)  
19 the support of public credit, (b) lessening the public expenses,  
20 (c) using the public money to the best advantage, (d) promoting  
21 frugality and economy in public offices, and generally for the  
22 better management and more perfect understanding of the fiscal  
23 affairs of the state, and (e) securing uniformity and efficiency in  
24 the levying and collecting of taxes, systematizing the work to be  
25 done by officers having duties to perform under the revenue law.

26 The ~~report reports~~ submitted to the ~~Clerk of the~~  
27 Legislature shall be submitted electronically. Each member of  
1 the Legislature shall receive an electronic copy of the ~~report~~

2 reports required by this section by making a request for it to the  
3 director.

4 Sec. 6. Section 81-3110, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-3110 Sections 81-3110 to 81-3124 and sections 7 to 9  
7 of this act shall be known and may be cited as the Health and Human  
8 Services Act.

9 Sec. 7. (1) For the biennium ending June 30, 2017, and  
10 the biennium ending June 30, 2019, the Division of Behavioral  
11 Health of the Department of Health and Human Services shall, as  
12 part of the appropriations request process pursuant to section  
13 81-132, include a strategic plan that identifies the main purpose  
14 or purposes of each program, verifiable and auditable key goals  
15 that the division believes are fair measures of its progress in  
16 meeting each program's main purpose or purposes, and benchmarks  
17 for improving performance on the key goals. The division shall  
18 also report whether the benchmarks are being met and, if not,  
19 the expected timeframes for meeting them. Such key goals and  
20 benchmarks shall be developed by the division with the assistance  
21 of the budget division of the Department of Administrative Services  
22 pursuant to subdivision (2) of section 81-1113.

23 (2) Not later than September 15, 2015, and not later  
24 than September 15, 2017, the Division of Behavioral Health of the  
25 Department of Health and Human Services shall report electronically  
26 to the Health and Human Services Committee of the Legislature and  
27 the Appropriations Committee of the Legislature on the progress  
1 towards the key goals identified pursuant to this section that  
2 occurred in the previous twelve months. The division shall annually  
3 appear at a joint hearing of the two legislative committees and  
4 present the report.

5 Sec. 8. (1) For the biennium ending June 30, 2017, and  
6 the biennium ending June 30, 2019, the Division of Developmental  
7 Disabilities of the Department of Health and Human Services shall,  
8 as part of the appropriations request process pursuant to section  
9 81-132, include a strategic plan that identifies the main purpose  
10 or purposes of each program, verifiable and auditable key goals  
11 that the division believes are fair measures of its progress in  
12 meeting each program's main purpose or purposes, and benchmarks  
13 for improving performance on the key goals. The division shall  
14 also report whether the benchmarks are being met and, if not,  
15 the expected timeframes for meeting them. Such key goals and  
16 benchmarks shall be developed by the division with the assistance  
17 of the budget division of the Department of Administrative Services  
18 pursuant to subdivision (2) of section 81-1113.

19 (2) Not later than September 15, 2015, and not later  
20 than September 15, 2017, the Division of Developmental Disabilities  
21 of the Department of Health and Human Services shall report  
22 electronically to the Health and Human Services Committee of the  
23 Legislature and the Appropriations Committee of the Legislature on

24 the progress towards the key goals identified pursuant to this  
25 section that occurred in the previous twelve months. The division  
26 shall annually appear at a joint hearing of the two legislative  
27 committees and present the report.

1 Sec. 9. (1) For the biennium ending June 30, 2017, and  
2 the biennium ending June 30, 2019, the Division of Medicaid and  
3 Long-Term Care of the Department of Health and Human Services  
4 shall, as part of the appropriations request process pursuant to  
5 section 81-132, include a strategic plan that identifies the main  
6 purpose or purposes of each program, verifiable and auditable  
7 key goals that the division believes are fair measures of its  
8 progress in meeting each program's main purpose or purposes, and  
9 benchmarks for improving performance on the key goals. The division  
10 shall also report whether the benchmarks are being met and, if  
11 not, the expected timeframes for meeting them. Such key goals and  
12 benchmarks shall be developed by the division with the assistance  
13 of the budget division of the Department of Administrative Services  
14 pursuant to subdivision (2) of section 81-1113.

15 (2) Not later than September 15, 2015, and not later  
16 than September 15, 2017, the Division of Medicaid and Long-Term  
17 Care of the Department of Health and Human Services shall report  
18 electronically to the Health and Human Services Committee of the  
19 Legislature and the Appropriations Committee of the Legislature on  
20 the progress towards the key goals identified pursuant to this  
21 section that occurred in the previous twelve months. The division  
22 shall annually appear at a joint hearing of the two legislative  
23 committees and present the report.

24 Sec. 10. Section 81-3133, Revised Statutes Supplement,  
25 2013, is amended to read:

26 81-3133 (1)(a) On or before July 30, 2012, the Division  
27 of Children and Family Services of the Department of Health and  
1 Human Services shall report in writing its expenditures between  
2 January 1, 2012, and June 30, 2012, and the outcomes relating  
3 to such expenditures to the Appropriations Committee of the  
4 Legislature and the Health and Human Services Committee of the  
5 Legislature. Such report shall identify any changes or movement  
6 of funds in excess of two hundred fifty thousand dollars relating  
7 to child welfare between subprograms within Budget Program 347 and  
8 Budget Program 354.

9 (b) Beginning with the third calendar quarter of 2012,  
10 the division shall report electronically its expenditures for each  
11 quarter and the outcomes relating to such expenditures within  
12 thirty days after the end of the quarter to the Appropriations  
13 Committee of the Legislature and the Health and Human Services  
14 Committee of the Legislature. Such report shall identify any  
15 changes or movement of funds in excess of two hundred fifty  
16 thousand dollars relating to child welfare between subprograms  
17 within Budget Program 347 and Budget Program 354.

18 (2)(a) For the biennium ending June 30, 2015, ~~and~~ the

19 biennium ending June 30, 2017, and the biennium ending June  
20 30, 2019, the Division of Children and Family Services of the  
21 Department of Health and Human Services shall, as part of the  
22 appropriations request pursuant to section 81-132, include  
23 a strategic plan that identifies the main purpose or purposes  
24 of each program, verifiable and auditable key goals that the  
25 division believes are fair measures of its progress in meeting each  
26 program's main purpose or purposes, and benchmarks for improving  
27 performance on the key goals for the state as a whole and for each  
1 Department of Health and Human Services service area designated  
2 pursuant to section 81-3116. The division shall also report whether  
3 the benchmarks are being met and, if not, the expected timeframes  
4 for meeting them. Such key goals and benchmarks shall be developed  
5 by the Division of Children and Family Services with the assistance  
6 of the budget division of the Department of Administrative Services  
7 pursuant to subdivision (2) of section 81-1113.

8 (b) Not later than September 15, 2013, ~~and not later~~  
9 ~~than September 15, 2015, and not later than September 15, 2017,~~  
10 the Division of Children and Family Services of the Department  
11 of Health and Human Services shall report electronically to the  
12 Health and Human Services Committee of the Legislature and the  
13 Appropriations Committee of the Legislature on the progress towards  
14 the key goals identified pursuant to this subsection that occurred  
15 in the previous twelve months. The division shall annually appear  
16 at a joint hearing of the two legislative committees and present  
17 the report.

18 Sec. 11. Original sections 79-1145, 81-1111.01, and  
19 81-3110, Reissue Revised Statutes of Nebraska, sections 81-132,  
20 81-1113, and 81-1125.01, Revised Statutes Cumulative Supplement,  
21 2012, and section 81-3133, Revised Statutes Supplement, 2013, are  
22 repealed.

23 Sec. 12. Since an emergency exists, this act takes effect  
24 when passed and approved according to law.

25 2. On page 1, strike beginning with "agency" in line 1  
26 through line 7 and insert "state government; to amend sections  
27 79-1145, 81-1111.01, and 81-3110, Reissue Revised Statutes of  
1 Nebraska, sections 81-132, 81-1113, and 81-1125.01, Revised  
2 Statutes Cumulative Supplement, 2012, and section 81-3133,  
3 Revised Statutes Supplement, 2013; to change limitations on the  
4 appropriation of General Funds for special education; to eliminate  
5 obsolete provisions regarding budget forms; to provide and change  
6 reporting requirements for the Department of Health and Human  
7 Services; to change provisions relating to agency preaudits; to  
8 change powers and duties of the Department of Administrative  
9 Services; to harmonize provisions; to repeal the original sections;  
10 and to declare an emergency."

**LEGISLATIVE BILL 768.** Placed on Select File with amendment.

ER163

- 1 1. In the Standing Committee amendment, AM1945:
- 2 a. On page 1, line 16, strike "buyer's", show as
- 3 stricken, and insert "purchaser's";
- 4 b. On page 2, line 9, strike "buyer.", show as stricken,
- 5 and insert "purchaser."; and
- 6 c. On page 14, line 14, after "14" insert "of this act".
- 7 2. On page 1, strike beginning with "54-1,120" in line
- 8 1 through line 6 and insert "54-172, 54-1,110, 54-1,111, 54-1,120,
- 9 54-1,122.01, and 54-415, Reissue Revised Statutes of Nebraska,
- 10 section 54-1,108, Revised Statutes Cumulative Supplement, 2012, and
- 11 sections 54-170 and 54-171, Revised Statutes Supplement, 2013; to
- 12 define and redefine terms; to provide for brand inspection service
- 13 areas under the Livestock Brand Act; to provide and change fees
- 14 under the act; to change terminology relating to purchasers; to
- 15 change provisions relating to estrays; to provide operative dates;
- 16 to repeal the original sections; and to declare an emergency."

**LEGISLATIVE BILL 854.** Placed on Select File.**LEGISLATIVE BILL 941.** Placed on Select File with amendment.

ER164

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) On or before November 15, 2014, the
- 4 Director of Agriculture shall provide a report to the Legislature,
- 5 in electronic format, that contains:
- 6 (a) A quantitative and qualitative description of dairy
- 7 production in Nebraska, including an overview on the numbers,
- 8 sizes, and ownership characteristics of dairy operations in the
- 9 state, current quantity and value of milk production, trends in
- 10 milk production, and measures of productivity of dairy production
- 11 in Nebraska;
- 12 (b) A comparison of volume and value of milk production
- 13 and trends in milk production in Nebraska to that of neighboring
- 14 states and nationally;
- 15 (c) A listing and description of milk processing
- 16 facilities in Nebraska and a description of marketing
- 17 affiliations and final consumer markets and destinations,
- 18 including self-processing and direct marketing, for milk produced
- 19 in Nebraska;
- 20 (d) An evaluation of the potential for expanded milk
- 21 production in Nebraska with respect to (i) the ability of
- 22 agricultural, institutional, and commercial assets within the state
- 23 to support expanded production, (ii) the capacity of instate
- 1 processors to utilize increased instate milk production, (iii) the
- 2 potential for expansion of self-processing and direct marketing of
- 3 Nebraska milk and dairy products, (iv) serving new or expanding

4 markets outside of Nebraska, and (v) the potential for investment  
 5 in new or expanded dairy processing facilities;

6 (e) A discussion of constraints to the establishment of  
 7 new milk production facilities, expansion of milk production, and  
 8 relocation of dairy operations into Nebraska;

9 (f) A review of public and private programs and  
 10 initiatives to stimulate expanded milk production in Nebraska and  
 11 to recruit milk production to relocate to Nebraska; and

12 (g) A compilation and overview of state incentives and  
 13 outreach and marketing programs for the recruitment or relocation  
 14 of dairy production and processing or the stimulation of investment  
 15 in new or expanded dairy production and processing for states  
 16 surrounding Nebraska.

17 (2) In the report, the Director of Agriculture may  
 18 include any recommendations to the Legislature regarding actions  
 19 state government may take to aid and encourage expansion of milk  
 20 production and markets for milk production in Nebraska. It is the  
 21 intent of the Legislature that the Agriculture Committee of the  
 22 Legislature shall hold a public hearing to receive the report and  
 23 to take public comment on the report and any recommendations.

24 Sec. 2. Section 54-857, Revised Statutes Cumulative  
 25 Supplement, 2012, is amended to read:

26 54-857 All money received pursuant to the Commercial Feed  
 27 Act shall be remitted by the director to the State Treasurer  
 1 for credit to the Commercial Feed Administration Cash Fund which  
 2 is hereby created. Such fund shall be used by the department  
 3 to aid in defraying the expenses of administering the act, to  
 4 provide resources to prepare the Nebraska dairy industry report as  
 5 provided in section 1 of this act, and to aid in defraying the  
 6 expenses related to a cooperative agreement with the United States  
 7 Department of Agriculture Market News reporting program. Transfers  
 8 may be made from the fund to the General Fund at the direction of  
 9 the Legislature. Any money in the Commercial Feed Administration  
 10 Cash Fund available for investment shall be invested by the state  
 11 investment officer pursuant to the Nebraska Capital Expansion Act  
 12 and the Nebraska State Funds Investment Act.

13 Sec. 3. Original section 54-857, Revised Statutes  
 14 Cumulative Supplement, 2012, is repealed.

**LEGISLATIVE BILL 941A.** Placed on Select File.

**LEGISLATIVE BILL 560.** Placed on Select File with amendment.

ER161

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 Section 1. Section 48-1228, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:

5 48-1228 Sections 48-1228 to 48-1232 and sections 2 and 3  
 6 of this act shall be known and may be cited as the Nebraska Wage



7 Payment and Collection Act.

8 Sec. 2. The Commissioner of Labor shall have the  
9 authority to subpoena records and witnesses related to the  
10 enforcement of the Nebraska Wage Payment and Collection Act. The  
11 commissioner or his or her agent may inspect all related records  
12 and gather testimony on any matter relative to the enforcement  
13 of the act when the information sought is relevant to a lawful  
14 investigative purpose and is reasonable in scope.

15 Sec. 3. (1) The Commissioner of Labor shall issue a  
16 citation to an employer when an investigation reveals that the  
17 employer may have violated the Nebraska Wage Payment and Collection  
18 Act, other than a violation of subsection (2) of section 48-1230.

19 (2) When a citation is issued, the commissioner shall  
20 notify the employer of the proposed administrative penalty, if  
21 any, by certified mail or any other manner of delivery by  
22 which the United States Postal Service can verify delivery. The  
23 administrative penalty shall be not more than five hundred dollars  
1 in the case of a first violation and not more than five thousand  
2 dollars in the case of a second or subsequent violation.

3 (3) The employer has fifteen working days after the date  
4 of the citation or penalty to contest such citation or penalty.  
5 Notice of contest shall be sent to the commissioner who shall  
6 provide a hearing in accordance with the Administrative Procedure  
7 Act.

8 Sec. 4. Section 48-1230, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 48-1230 (1) Except as otherwise provided in this section,  
11 each employer shall pay all wages due its employees on regular  
12 days designated by the employer or agreed upon by the employer and  
13 employee. Thirty days' written notice shall be given to an employee  
14 before regular paydays are altered by an employer. An employer  
15 may deduct, withhold, or divert a portion of an employee's wages  
16 only when the employer is required to or may do so by state or  
17 federal law or by order of a court of competent jurisdiction or  
18 the employer has written agreement with the employee to deduct,  
19 withhold, or divert.

20 ~~(2) Within ten working days after a written request is~~  
21 ~~made by an employee, an employer shall furnish such employee with~~  
22 ~~an itemized statement listing the wages earned and the deductions~~  
23 ~~made from the employee's wages under subsection (1) of this section~~  
24 ~~for each pay period that earnings and deductions were made. The~~  
25 ~~statement may be in print or electronic format.~~

26 (2) On each regular payday, the employer shall deliver  
27 or make available to each employee, by mail or electronically, or  
1 shall provide at the employee's normal place of employment during  
2 employment hours for all shifts a wage statement showing, at a  
3 minimum, the identity of the employer, the hours the employee  
4 worked, the wages earned by the employee, and deductions made for  
5 the employee. However, the employer need not provide information

6 on hours worked for employees who are exempt from overtime under  
7 the federal Fair Labor Standards Act of 1938, under 29 C.F.R. part  
8 541, unless the employer has established a policy or practice of  
9 paying to or on behalf of exempt employees overtime, or bonus or a  
10 payment based on hours worked, whereupon the employer shall send or  
11 otherwise provide a statement to the exempt employees showing the  
12 hours the employee worked or the payments made to the employee by  
13 the employer, as applicable.

14 (3) Except as otherwise provided in section 48-1230.01:

15 (a) Whenever an employer, other than a political  
16 subdivision, separates an employee from the payroll, the unpaid  
17 wages shall become due on the next regular payday or within two  
18 weeks of the date of termination, whichever is sooner; and

19 (b) Whenever a political subdivision separates an  
20 employee from the payroll, the unpaid wages shall become due within  
21 two weeks of the next regularly scheduled meeting of the governing  
22 body of the political subdivision if such employee is separated  
23 from the payroll at least one week prior to such meeting, or if an  
24 employee of a political subdivision is separated from the payroll  
25 less than one week prior to the next regularly scheduled meeting of  
26 the governing body of the political subdivision, the unpaid wages  
27 shall be due within two weeks of the following regularly scheduled  
1 meeting of the governing body of the political subdivision.

2 Sec. 5. Section 48-1231, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 48-1231 (1) An employee having a claim for wages which  
5 are not paid within thirty days of the regular payday designated or  
6 agreed upon may institute suit for such unpaid wages in the proper  
7 court. If an employee establishes a claim and secures judgment  
8 on the claim, such employee shall be entitled to recover (a) the  
9 full amount of the judgment and all costs of such suit and (b)  
10 if such employee has employed an attorney in the case, an amount  
11 for attorney's fees assessed by the court, which fees shall not be  
12 less than twenty-five percent of the unpaid wages. If the cause is  
13 taken to an appellate court and the plaintiff recovers a judgment,  
14 the appellate court shall tax as costs in the action, to be paid  
15 to the plaintiff, an additional amount for attorney's fees in such  
16 appellate court, which fees shall not be less than twenty-five  
17 percent of the unpaid wages. If the employee fails to recover a  
18 judgment in excess of the amount that may have been tendered within  
19 thirty days of the regular payday by an employer, such employee  
20 shall not recover the attorney's fees provided by this section. If  
21 the court finds that no reasonable dispute existed as to the fact  
22 that wages were owed or as to the amount of such wages, the court  
23 may order the employee to pay the employer's attorney's fees and  
24 costs of the action as assessed by the court.

25 (2) An employer who fails to furnish ~~an itemized~~  
26 ~~statement requested by an employee a wage statement~~ under  
27 subsection (2) of section 48-1230 shall be guilty of an infraction

1 as defined in section 29-431 and shall be subject to a fine  
 2 pursuant to section 29-436.  
 3 Sec. 6. Original sections 48-1228, 48-1230, and 48-1231,  
 4 Reissue Revised Statutes of Nebraska, are repealed.  
 5 2. On page 1, strike beginning with "labor" in line 1  
 6 through line 9 and insert "the Nebraska Wage Payment and Collection  
 7 Act; to amend sections 48-1228, 48-1230, and 48-1231, Reissue  
 8 Revised Statutes of Nebraska; to provide powers and duties for the  
 9 Commissioner of Labor; to provide for enforcement of the Nebraska  
 10 Wage Payment and Collection Act; to change requirements for  
 11 employers to provide wage statements as prescribed; to harmonize  
 12 provisions; and to repeal the original sections."

**LEGISLATIVE BILL 1076.** Placed on Select File.

**LEGISLATIVE BILL 692.** Placed on Select File.

**LEGISLATIVE BILL 851.** Placed on Select File with amendment.

ER167

1 1. On page 1, line 13, after "applicability" insert "of  
 2 changes to the Nebraska Advantage Act".

**LEGISLATIVE BILL 744.** Placed on Select File.

**LEGISLATIVE BILL 744A.** Placed on Select File.

(Signed) John Murante, Chairperson

#### **COMMITTEE REPORT**

Education

**LEGISLATIVE BILL 1060.** Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

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

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

**LEGISLATIVE BILL 974A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 974, One Hundred Third Legislature, Second Session, 2014.

#### **VISITORS**

Visitors to the Chamber were 40 Girl Scouts from Troops 43204, 420, 43125, 41438, and 45201 from across the state; 15 twelfth-grade students and teacher from Mead; 40 members of Delta Kappa Gamma Society from

across the state; Spencer Biersfeund, Regan Garey, and Jessa Lemon from Curtis; and Alexis and Annette Linehan from Omaha.

### RECESS

At 12:01 p.m., on a motion by Senator Campbell, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

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

### ROLL CALL

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

### AMENDMENT - Print in Journal

Senator Mello filed the following amendment to LB851:  
AM2307

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 77-367, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-367 (1) The Department of Revenue may contract to
- 5 procure products and services to develop, deploy, or administer
- 6 systems or programs which identify nonfilers of returns,
- 7 underreporters, or nonpayers of taxes administered by the
- 8 department or improper or fraudulent payments made through programs
- 9 administered by the department. The department shall enter into
- 10 at least one such contract by October 31, 2014, and such contract
- 11 shall be for the purposes of identifying nonfilers of returns with
- 12 a tax liability in any amount and underreporters and nonpayers of
- 13 taxes with an outstanding tax liability of at least five thousand
- 14 dollars. Fees for services, reimbursements, costs incurred by the
- 15 department, or other remuneration may be funded from the amount of
- 16 tax, penalty, interest, or other recovery actually collected and
- 17 shall be paid only after the amount is collected. The Legislature
- 18 intends to appropriate an amount from the tax, penalty, interest,
- 19 and other recovery actually collected, not to exceed the amount
- 20 collected, which is sufficient to pay for services, reimbursements,
- 21 costs incurred by the department, or other remuneration pursuant to
- 22 this section. Vendors entering into a contract with the department
- 23 pursuant to this section are subject to the requirements and
  - 1 penalties of the confidentiality laws of this state regarding tax
  - 2 information.
  - 3 (2) Ten percent of all proceeds received during each
  - 4 calendar year due to the contracts entered into pursuant to this

5 section shall be deposited in the Department of Revenue Enforcement  
6 Fund for purposes of identifying nonfilers, underreporters,  
7 nonpayers, and improper or fraudulent payments.

8 (3) The Tax Commissioner shall submit electronically an  
9 annual report to the Revenue Committee of the Legislature and  
10 Appropriations Committee of the Legislature on the amount of  
11 dollars generated during the previous fiscal year pursuant to this  
12 section.

13 2. Renummer the remaining sections and correct internal  
14 references accordingly.

15 3. Correct the operative date and repealer sections so  
16 that the section added by this amendment becomes operative three  
17 calendar months after the adjournment of this legislative session.

### **GENERAL FILE**

**LEGISLATIVE BILL 906.** Title read. Considered.

Committee AM2175, found on page 791, was adopted with 31 ayes, 0 nays,  
13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 12 present  
and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 130.** Title read. Considered.

Committee AM2180, found on page 791, was adopted with 35 ayes, 0 nays,  
9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present  
and not voting, and 5 excused and not voting.

### **NOTICE OF COMMITTEE HEARING** Government, Military and Veterans Affairs

Room 1507

Monday, March 24, 2014 9:30 a.m.

Lisa Burke - Nebraska Tourism Commission  
John P. Chapo - Nebraska Tourism Commission  
Roger L. Jasnoch - Nebraska Tourism Commission  
Debra Nelson-Loseke - Nebraska Tourism Commission

(Signed) Bill Avery, Chairperson

**COMMITTEE REPORTS**

## Revenue

**LEGISLATIVE BILL 836.** Placed on General File.

**LEGISLATIVE BILL 1067.** Placed on General File.

(Signed) Galen Hadley, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 949.** Title read. Considered.

Committee AM2068, found on page 779, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Lathrop offered his amendment, AM2309, found on page 845.

The Lathrop amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 987.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 5 present and not voting, and 7 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Nelson filed the following amendment to LB867:

AM2223

(Amendments to E & R amendments, ER155)

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 76-902, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 76-902 The tax imposed by section 76-901 shall not apply
- 5 to:
- 6 (1) Deeds recorded prior to November 18, 1965;
- 7 (2) Deeds to property transferred by or to the United
- 8 States of America, the State of Nebraska, or any of their agencies
- 9 or political subdivisions;
- 10 (3) Deeds which secure or release a debt or other
- 11 obligation;
- 12 (4) Deeds which, without additional consideration,
- 13 confirm, correct, modify, or supplement a deed previously recorded
- 14 but which do not extend or limit existing title or interest;
- 15 (5)(a) Deeds between spouses, between ex-spouses for
- 16 the purpose of conveying any rights to property acquired or

17 held during the marriage, or between parent and child, without  
18 actual consideration therefor, and (b) deeds to or from a family  
19 corporation, partnership, or limited liability company when all the  
20 shares of stock of the corporation or interest in the partnership  
21 or limited liability company are owned by members of a family, or a  
22 trust created for the benefit of a member of that family, related  
1 to one another within the fourth degree of kindred according to the  
2 rules of civil law, and their spouses, for no consideration other  
3 than the issuance of stock of the corporation or interest in the  
4 partnership or limited liability company to such family members or  
5 the return of the stock to the corporation in partial or complete  
6 liquidation of the corporation or deeds in dissolution of the  
7 interest in the partnership or limited liability company. In order  
8 to qualify for the exemption for family corporations, partnerships,  
9 or limited liability companies, the property shall be transferred  
10 in the name of the corporation or partnership and not in the name  
11 of the individual shareholders, partners, or members;

12 (6) Tax deeds;

13 (7) Deeds of partition;

14 (8) Deeds made pursuant to mergers, consolidations,  
15 sales, or transfers of the assets of corporations pursuant to  
16 plans of merger or consolidation filed with the office of Secretary  
17 of State. A copy of such plan filed with the Secretary of State  
18 shall be presented to the register of deeds before such exemption  
19 is granted;

20 (9) Deeds made by a subsidiary corporation to its parent  
21 corporation for no consideration other than the cancellation or  
22 surrender of the subsidiary's stock;

23 (10) Cemetery deeds;

24 (11) Mineral deeds;

25 (12) Deeds executed pursuant to court decrees;

26 (13) Land contracts;

27 (14) Deeds which release a reversionary interest, a  
1 condition subsequent or precedent, a restriction, or any other  
2 contingent interest;

3 (15) Deeds of distribution executed by a personal  
4 representative conveying to devisees or heirs property passing by  
5 testate or intestate succession;

6 (16) Transfer on death deeds or revocations of transfer  
7 on death deeds;

8 (17) Certified or authenticated death certificates;

9 (18) Deeds transferring property located within the  
10 boundaries of an Indian reservation if the grantor or grantee  
11 is a reservation Indian;

12 (19) Deeds transferring property into a trust if the  
13 transfer of the same property would be exempt if the transfer was  
14 made directly from the grantor to the beneficiary or beneficiaries  
15 under the trust. No such exemption shall be granted unless the  
16 register of deeds is presented with a signed statement certifying

17 that the transfer of the property is made under such circumstances  
 18 as to come within one of the exemptions specified in this section  
 19 and that evidence supporting the exemption is maintained by the  
 20 person signing the statement and is available for inspection by the  
 21 Department of Revenue;

22 (20) Deeds transferring property from a trustee to a  
 23 beneficiary of a trust;

24 (21) Deeds which convey property held in the name of any  
 25 partnership or limited liability company not subject to subdivision  
 26 (5) of this section to any partner in the partnership or member of  
 27 the limited liability company or to his or her spouse;

1 (22) Leases;

2 (23) Easements; ~~or~~

3 (24) Deeds which transfer title from a trustee to a  
 4 beneficiary pursuant to a power of sale exercised by a trustee  
 5 under a trust deed; ~~or~~;

6 (25) Deeds transferring property, without actual  
 7 consideration therefor, to a nonprofit organization that is exempt  
 8 from federal income tax under section 501(c)(3) of the Internal  
 9 Revenue Code and is not a private foundation as defined in section  
 10 509(a) of the Internal Revenue Code.

11 2. Renumber the remaining sections and correct internal  
 12 references accordingly.

13 3. Correct the operative date and repealer sections so  
 14 that the section added by this amendment becomes operative three  
 15 calendar months after the adjournment of this legislative session.

#### GENERAL FILE

**LEGISLATIVE BILL 863.** Senator Kintner withdrew his amendment, FA244, found on page 837.

The second committee amendment, AM2298, found on page 827 and considered on page 837, was renewed.

The second committee amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

The third committee amendment, AM2299, found on page 830, was offered.

The third committee amendment lost with 3 ayes, 24 nays, 17 present and not voting, and 5 excused and not voting.

The fourth committee amendment, AM2300, found on page 831, was offered.

The fourth committee amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.



The fifth committee amendment, AM2301, found on page 834, was offered.

The fifth committee amendment lost with 0 ayes, 24 nays, 20 present and not voting, and 5 excused and not voting.

The sixth committee amendment, AM2302, found on page 835, was offered.

The sixth committee amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The seventh committee amendment, AM2303, found on page 836, was offered.

The seventh committee amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

### COMMITTEE REPORT

Judiciary

**LEGISLATIVE BILL 999.** Placed on General File with amendment.

AM2173

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 Section 1. (1) The Hastings Correctional Mental Health
- 4 Facility shall be created at the Hastings Regional Center. The
- 5 Hastings Correctional Mental Health Facility shall be administered
- 6 by the Division of Behavioral Health of the Department of Health
- 7 and Human Services to meet the long-term needs of mentally ill
- 8 inmates in the correctional system and to provide alcohol and drug
- 9 treatment for inmates who have drug or alcohol addictions. The
- 10 division may contract with other entities to provide services at
- 11 the facility.
- 12 (2) The facility shall be housed in building seven of the
- 13 Hastings Regional Center and the building shall be upgraded to meet
- 14 the needs of the facility. The division shall prepare documents
- 15 for the rehabilitation of building seven to have approximately two
- 16 hundred beds for inmates and shall acquire estimates of the costs
- 17 for such rehabilitation. The division shall also acquire estimates
- 18 of the costs to rehabilitate the administration building at the
- 19 Hastings Regional Center to update the building for office space.

(Signed) Brad Ashford, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 481.** Introduced by Brasch, 16.

WHEREAS, Jordan Nielsen, a senior at Blair High School and the son of Micky and Lisa Nielsen, 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, Jordan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Jordan created handicapped-accessible fishing areas at Dead Timber State Recreation Area in Dodge County; and

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

WHEREAS, Jordan, 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 Jordan Nielsen on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jordan Nielsen.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Wallman filed the following amendment to LB1001:  
AM2316

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) A postsecondary institution in this state
- 4 or the Department of Agriculture may grow or cultivate industrial
- 5 hemp if the industrial hemp is grown or cultivated for purposes
- 6 of research conducted under an agricultural pilot program or other
- 7 agricultural or academic research.
- 8 (2) Sites used for growing or cultivating industrial
- 9 hemp must be certified by, and registered with, the Department of
- 10 Agriculture.
- 11 (3) The Department of Agriculture shall adopt and

12 promulgate rules and regulations with respect to the growth  
13 or cultivation of industrial hemp and the certification and  
14 registration of sites growing or cultivating industrial hemp as  
15 authorized under this section.

16 (4) For purposes of this section:

17 (a) Agricultural pilot program means a pilot program to  
18 study the growth, cultivation, or marketing of industrial hemp;

19 (b) Industrial hemp means the plant Cannabis sativa L.  
20 and any part of such plant, whether growing or not, with a delta-9  
21 tetrahydrocannabinol concentration of not more than three-tenths  
22 percent on a dry weight basis; and

23 (c) Postsecondary institution means a postsecondary  
1 institution as defined in section 85-2403 that also meets the  
2 requirements of 20 U.S.C. 1001, as such section existed on January  
3 1, 2014.

4 Sec. 2. Section 28-401, Revised Statutes Supplement,  
5 2013, is amended to read:

6 28-401 As used in the Uniform Controlled Substances Act,  
7 unless the context otherwise requires:

8 (1) Administer shall mean to directly apply a controlled  
9 substance by injection, inhalation, ingestion, or any other means  
10 to the body of a patient or research subject;

11 (2) Agent shall mean an authorized person who acts on  
12 behalf of or at the direction of another person but shall not  
13 include a common or contract carrier, public warehouse keeper, or  
14 employee of a carrier or warehouse keeper;

15 (3) Administration shall mean the Drug Enforcement  
16 Administration, United States Department of Justice;

17 (4) Controlled substance shall mean a drug, biological,  
18 substance, or immediate precursor in Schedules I to V of section  
19 28-405. Controlled substance shall not include distilled spirits,  
20 wine, malt beverages, tobacco, or any nonnarcotic substance if such  
21 substance may, under the Federal Food, Drug, and Cosmetic Act, 21  
22 U.S.C. 301 et seq., as such act existed on January 1, 2009, and  
23 the law of this state, be lawfully sold over the counter without a  
24 prescription;

25 (5) Counterfeit substance shall mean a controlled  
26 substance which, or the container or labeling of which, without  
27 authorization, bears the trademark, trade name, or other  
1 identifying mark, imprint, number, or device, or any likeness  
2 thereof, of a manufacturer, distributor, or dispenser other than  
3 the person or persons who in fact manufactured, distributed, or  
4 dispensed such substance and which thereby falsely purports or is  
5 represented to be the product of, or to have been distributed by,  
6 such other manufacturer, distributor, or dispenser;

7 (6) Department shall mean the Department of Health and  
8 Human Services;

9 (7) Division of Drug Control shall mean the personnel of  
10 the Nebraska State Patrol who are assigned to enforce the Uniform

11 Controlled Substances Act;

12 (8) Dispense shall mean to deliver a controlled substance  
13 to an ultimate user or a research subject pursuant to a medical  
14 order issued by a practitioner authorized to prescribe, including  
15 the packaging, labeling, or compounding necessary to prepare the  
16 controlled substance for such delivery;

17 (9) Distribute shall mean to deliver other than by  
18 administering or dispensing a controlled substance;

19 (10) Prescribe shall mean to issue a medical order;

20 (11) Drug shall mean (a) articles recognized in  
21 the official United States Pharmacopoeia, official Homeopathic  
22 Pharmacopoeia of the United States, official National Formulary,  
23 or any supplement to any of them, (b) substances intended for use  
24 in the diagnosis, cure, mitigation, treatment, or prevention of  
25 disease in human beings or animals, and (c) substances intended for  
26 use as a component of any article specified in subdivision (a) or  
27 (b) of this subdivision, but shall not include devices or their  
1 components, parts, or accessories;

2 (12) Deliver or delivery shall mean the actual,  
3 constructive, or attempted transfer from one person to another  
4 of a controlled substance, whether or not there is an agency  
5 relationship;

6 (13) Marijuana shall mean all parts of the plant of  
7 the genus cannabis, whether growing or not, the seeds thereof,  
8 and every compound, manufacture, salt, derivative, mixture, or  
9 preparation of such plant or its seeds, but shall not include  
10 the mature stalks of such plant, hashish, tetrahydrocannabinols  
11 extracted or isolated from the plant, fiber produced from such  
12 stalks, oil or cake made from the seeds of such plant, any other  
13 compound, manufacture, salt, derivative, mixture, or preparation of  
14 such mature stalks, or the sterilized seed of such plant which is  
15 incapable of germination. When the weight of marijuana is referred  
16 to in the Uniform Controlled Substances Act, it shall mean its  
17 weight at or about the time it is seized or otherwise comes into  
18 the possession of law enforcement authorities, whether cured or  
19 uncured at that time. When industrial hemp as defined in section 1  
20 of this act is in the possession of a person as authorized under  
21 section 1 of this act, it is not considered marijuana for purposes  
22 of the Uniform Controlled Substances Act;

23 (14) Manufacture shall mean the production, preparation,  
24 propagation, conversion, or processing of a controlled substance,  
25 either directly or indirectly, by extraction from substances of  
26 natural origin, independently by means of chemical synthesis, or  
27 by a combination of extraction and chemical synthesis, and shall  
1 include any packaging or repackaging of the substance or labeling  
2 or relabeling of its container. Manufacture shall not include  
3 the preparation or compounding of a controlled substance by an  
4 individual for his or her own use, except for the preparation or  
5 compounding of components or ingredients used for or intended to

6 be used for the manufacture of methamphetamine, or the preparation,  
7 compounding, conversion, packaging, or labeling of a controlled  
8 substance: (a) By a practitioner as an incident to his or her  
9 prescribing, administering, or dispensing of a controlled substance  
10 in the course of his or her professional practice; or (b) by a  
11 practitioner, or by his or her authorized agent under his or her  
12 supervision, for the purpose of, or as an incident to, research,  
13 teaching, or chemical analysis and not for sale;

14 (15) Narcotic drug shall mean any of the following,  
15 whether produced directly or indirectly by extraction from  
16 substances of vegetable origin, independently by means of chemical  
17 synthesis, or by a combination of extraction and chemical  
18 synthesis: (a) Opium, opium poppy and poppy straw, coca leaves,  
19 and opiates; (b) a compound, manufacture, salt, derivative, or  
20 preparation of opium, coca leaves, or opiates; or (c) a substance  
21 and any compound, manufacture, salt, derivative, or preparation  
22 thereof which is chemically equivalent to or identical with any  
23 of the substances referred to in subdivisions (a) and (b) of this  
24 subdivision, except that the words narcotic drug as used in the  
25 Uniform Controlled Substances Act shall not include decocainized  
26 coca leaves or extracts of coca leaves, which extracts do not  
27 contain cocaine or ecgonine, or isoquinoline alkaloids of opium;

1 (16) Opiate shall mean any substance having an  
2 addiction-forming or addiction-sustaining liability similar to  
3 morphine or being capable of conversion into a drug having  
4 such addiction-forming or addiction-sustaining liability. Opiate  
5 shall not include the dextrorotatory isomer of 3-methoxy-n  
6 methylmorphinan and its salts. Opiate shall include its racemic and  
7 levorotatory forms;

8 (17) Opium poppy shall mean the plant of the species  
9 *Papaver somniferum* L., except the seeds thereof;

10 (18) Poppy straw shall mean all parts, except the seeds,  
11 of the opium poppy after mowing;

12 (19) Person shall mean any corporation, association,  
13 partnership, limited liability company, or one or more individuals;

14 (20) Practitioner shall mean a physician, a physician  
15 assistant, a dentist, a veterinarian, a pharmacist, a podiatrist,  
16 an optometrist, a certified nurse midwife, a certified registered  
17 nurse anesthetist, a nurse practitioner, a scientific investigator,  
18 a pharmacy, a hospital, or any other person licensed, registered,  
19 or otherwise permitted to distribute, dispense, prescribe, conduct  
20 research with respect to, or administer a controlled substance in  
21 the course of practice or research in this state, including an  
22 emergency medical service as defined in section 38-1207;

23 (21) Production shall include the manufacture, planting,  
24 cultivation, or harvesting of a controlled substance;

25 (22) Immediate precursor shall mean a substance which is  
26 the principal compound commonly used or produced primarily for use  
27 and which is an immediate chemical intermediary used or likely

1 to be used in the manufacture of a controlled substance, the  
2 control of which is necessary to prevent, curtail, or limit such  
3 manufacture;

4 (23) State shall mean the State of Nebraska;

5 (24) Ultimate user shall mean a person who lawfully  
6 possesses a controlled substance for his or her own use, for the  
7 use of a member of his or her household, or for administration  
8 to an animal owned by him or her or by a member of his or her  
9 household;

10 (25) Hospital shall have the same meaning as in section  
11 71-419;

12 (26) Cooperating individual shall mean any person, other  
13 than a commissioned law enforcement officer, who acts on behalf of,  
14 at the request of, or as agent for a law enforcement agency for the  
15 purpose of gathering or obtaining evidence of offenses punishable  
16 under the Uniform Controlled Substances Act;

17 (27) Hashish or concentrated cannabis shall mean: (a)  
18 The separated resin, whether crude or purified, obtained from a  
19 plant of the genus cannabis; or (b) any material, preparation,  
20 mixture, compound, or other substance which contains ten percent  
21 or more by weight of tetrahydrocannabinols. When resins extracted  
22 from industrial hemp as defined in section 1 of this act are in  
23 the possession of a person as authorized under section 1 of this  
24 act, they are not considered hashish or concentrated cannabis for  
25 purposes of the Uniform Controlled Substances Act;

26 (28) Exceptionally hazardous drug shall mean (a)  
27 a narcotic drug, (b) thiophene analog of phencyclidine,  
1 (c) phencyclidine, (d) amobarbital, (e) secobarbital, (f)  
2 pentobarbital, (g) amphetamine, or (h) methamphetamine;

3 (29) Imitation controlled substance shall mean a  
4 substance which is not a controlled substance but which, by way  
5 of express or implied representations and consideration of other  
6 relevant factors including those specified in section 28-445,  
7 would lead a reasonable person to believe the substance is a  
8 controlled substance. A placebo or registered investigational drug  
9 manufactured, distributed, possessed, or delivered in the ordinary  
10 course of practice or research by a health care professional shall  
11 not be deemed to be an imitation controlled substance;

12 (30)(a) Controlled substance analogue shall mean a  
13 substance (i) the chemical structure of which is substantially  
14 similar to the chemical structure of a Schedule I or Schedule  
15 II controlled substance as provided in section 28-405 or (ii)  
16 which has a stimulant, depressant, analgesic, or hallucinogenic  
17 effect on the central nervous system that is substantially similar  
18 to or greater than the stimulant, depressant, analgesic, or  
19 hallucinogenic effect on the central nervous system of a Schedule I  
20 or Schedule II controlled substance as provided in section 28-405.  
21 A controlled substance analogue shall, to the extent intended for  
22 human consumption, be treated as a controlled substance under

23 Schedule I of section 28-405 for purposes of the Uniform Controlled  
24 Substances Act; and

25 (b) Controlled substance analogue shall not include (i)  
26 a controlled substance, (ii) any substance generally recognized as  
27 safe and effective within the meaning of the Federal Food, Drug,  
1 and Cosmetic Act, 21 U.S.C. 301 et seq., as such act existed on  
2 January 1, 2009, (iii) any substance for which there is an approved  
3 new drug application, or (iv) with respect to a particular person,  
4 any substance if an exemption is in effect for investigational use  
5 for that person, under section 505 of the Federal Food, Drug, and  
6 Cosmetic Act, 21 U.S.C. 355, as such section existed on January  
7 1, 2009, to the extent conduct with respect to such substance is  
8 pursuant to such exemption;

9 (31) Anabolic steroid shall mean any drug or hormonal  
10 substance, chemically and pharmacologically related to testosterone  
11 (other than estrogens, progestins, and corticosteroids), that  
12 promotes muscle growth and includes any controlled substance in  
13 Schedule III(d) of section 28-405. Anabolic steroid shall not  
14 include any anabolic steroid which is expressly intended for  
15 administration through implants to cattle or other nonhuman species  
16 and has been approved by the Secretary of Health and Human Services  
17 for such administration, but if any person prescribes, dispenses,  
18 or distributes such a steroid for human use, such person shall  
19 be considered to have prescribed, dispensed, or distributed an  
20 anabolic steroid within the meaning of this subdivision;

21 (32) Chart order shall mean an order for a controlled  
22 substance issued by a practitioner for a patient who is in the  
23 hospital where the chart is stored or for a patient receiving  
24 detoxification treatment or maintenance treatment pursuant to  
25 section 28-412. Chart order shall not include a prescription;

26 (33) Medical order shall mean a prescription, a  
27 chart order, or an order for pharmaceutical care issued by a  
1 practitioner;

2 (34) Prescription shall mean an order for a controlled  
3 substance issued by a practitioner. Prescription shall not include  
4 a chart order;

5 (35) Registrant shall mean any person who has a  
6 controlled substances registration issued by the state or the  
7 administration;

8 (36) Reverse distributor shall mean a person whose  
9 primary function is to act as an agent for a pharmacy, wholesaler,  
10 manufacturer, or other entity by receiving, inventorying, and  
11 managing the disposition of outdated, expired, or otherwise  
12 nonsaleable controlled substances;

13 (37) Signature shall mean the name, word, or mark of  
14 a person written in his or her own hand with the intent to  
15 authenticate a writing or other form of communication or a digital  
16 signature which complies with section 86-611 or an electronic  
17 signature;

18 (38) Facsimile shall mean a copy generated by a  
19 system that encodes a document or photograph into electrical  
20 signals, transmits those signals over telecommunications lines,  
21 and reconstructs the signals to create an exact duplicate of the  
22 original document at the receiving end;  
23 (39) Electronic signature shall have the definition found  
24 in section 86-621;  
25 (40) Electronic transmission shall mean transmission  
26 of information in electronic form. Electronic transmission may  
27 include computer-to-computer transmission or computer-to-facsimile  
1 transmission; and  
2 (41) Long-term care facility shall mean an intermediate  
3 care facility, an intermediate care facility for persons with  
4 developmental disabilities, a long-term care hospital, a mental  
5 health center, a nursing facility, or a skilled nursing facility,  
6 as such terms are defined in the Health Care Facility Licensure  
7 Act.  
8 Sec. 3. Original section 28-401, Revised Statutes  
9 Supplement, 2013, is repealed.

Senator Lathrop filed the following amendment to LB1074:  
AM2360 is available in the Bill Room.

**NOTICE OF COMMITTEE HEARING**

Natural Resources

Room 1525

Tuesday, March 18, 2014 11:30 a.m.

AM2360 to LB1074

Hearing Time: 11:30 a.m. - 1:30 p.m.

(Signed) Tom Carlson, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Krist asked unanimous consent to add his name as cointroducer to  
LB987. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 1012.** Title read. Considered.

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



**LEGISLATIVE BILL 1103.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on AM2282 and AM2019 to LB905.

(Signed) Charlie Janssen

**VISITORS**

Visitors to the Chamber were 53 fourth-grade students, teachers, and sponsors from Bryan Elementary, Lexington.

The Doctor of the Day was Dr. Richard Gustafson from Lincoln.

**ADJOURNMENT**

At 5:10 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Wednesday, March 12, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SECOND DAY - MARCH 12, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 12, 2014

**PRAYER**

The prayer was offered by Chaplain Rebecca Hjelle, Blair First United Methodist Church, Blair.

**ROLL CALL**

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

The roll was called and all members were present except Senators Kolowski and Lautenbaugh who were excused; and Senators Conrad, Hadley, Janssen, Karpisek, Larson, Murante, Schilz, and Schumacher who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 560A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 974A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 867A.** Title read. Considered.

Senator Hadley offered the following amendment:

FA246

Add the Emergency Clause.

The Hadley amendment was adopted with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1092.** Title read. Considered.

Committee AM2067, found on page 629, was offered.

**SENATOR WATERMEIER PRESIDING**

**SENATOR COASH PRESIDING**

Senator Nordquist moved the previous question. The question is, "Shall the debate now close?"

Senator Nordquist moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The motion to cease debate prevailed with 26 ayes, 9 nays, 12 present and not voting, and 2 excused and not voting.

The committee amendment was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA247

Amend AM2067

Page 1, line 6, strike beginning with "Furthermore" through the period in line 10.

Pending.

#### **MESSAGE FROM THE GOVERNOR**

March 12, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Ethanol Board:

Michael Thede, 327 "R" Road, Palmer, NE 68864  
Mark A. Ondracek, 3476 Golden Eagle Circle, Blair, NE 68008-6704

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Ondracek, Mark A. - Nebraska Ethanol Board - Natural Resources  
Thede, Michael - Nebraska Ethanol Board - Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

#### AMENDMENT - Print in Journal

Senator Nordquist filed the following amendment to LB867:  
AM2262

(Amendments to E & R amendments, ER155)

- 1 1. Insert the following new sections:
- 2 Sec. 4. Section 14-2138, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 14-2138 The metropolitan utilities district shall pay to
- 5 the city of the metropolitan class a sum equivalent to two percent
- 6 of the annual gross revenue derived from all retail sales of water
- 7 and gas sold by such district within such city, except that until
- 8 January 1, 2020, retail sales of gas shall not include the retail
- 9 sale of natural gas used as vehicular fuel. Such sum shall be paid
- 10 on a quarterly basis, the last quarterly payment to be made not
- 11 later than the thirtieth day of January of the next succeeding
- 12 year, except that annual payments to such city shall not be less
- 13 than five hundred thousand dollars. Such city shall not levy or
- 14 collect any license, occupation, or excise tax upon or from such
- 15 district. All payments provided by this section shall be allocated
- 16 by the district among the several utilities operated by it upon
- 17 such basis as the district shall determine.
- 18 Sec. 5. Section 14-2139, Reissue Revised Statutes of
- 19 Nebraska, is amended to read:
- 20 14-2139 A metropolitan utilities district shall pay to
- 21 every city or village of any class, other than metropolitan, in

22 which such district sells water or gas, or both, at retail, a sum  
 1 equivalent to two percent of the annual gross revenue derived from  
 2 all retail sales of water or gas, or both, sold by such district  
 3 within the city or village, except that until January 1, 2020,  
 4 retail sales of gas shall not include the retail sale of natural  
 5 gas used as vehicular fuel. Such sums shall be paid not later  
 6 than the thirtieth day of January of the next succeeding year.  
 7 Such cities or villages shall not levy or collect any license,  
 8 occupation, or excise tax upon or from such district. All payments  
 9 provided by this section shall be allocated by the district among  
 10 the several utilities operated by it upon such basis as the  
 11 district shall determine.

12 Sec. 6. Section 66-6,102, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 66-6,102 Gallon equivalent means: ~~the~~

15 (1) For compressed natural gas, the amount of any  
 16 ~~nonliquid compressed fuel-compressed natural gas~~ that is deemed  
 17 to be the energy equivalent of a gallon of gasoline according to  
 18 the National Institute of Standards and Technology Handbook 130  
 19 entitled Uniform Regulation for the Method of Sale of Commodities,  
 20 ~~Regulation, Paragraph 2.27.1.3; or-~~

21 (2) For liquefied natural gas, the amount of liquefied  
 22 natural gas that is deemed to be the energy equivalent of a gallon  
 23 of diesel fuel at diesel fuel's lower heating value of one hundred  
 24 twenty-eight thousand seven hundred British thermal units, which  
 25 amount shall be equal to six and six-hundredths pounds of liquefied  
 26 natural gas.

27 Sec. 11. Section 77-2704.13, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 77-2704.13 Sales and use taxes shall not be imposed on  
 3 the gross receipts from the sale, lease, or rental of and the  
 4 storage, use, or other consumption in this state of:

5 (1) Sales and purchases of electricity, coal, gas, fuel  
 6 oil, diesel fuel, tractor fuel, propane, gasoline, coke, nuclear  
 7 fuel, butane, wood as fuel, and corn as fuel when more than fifty  
 8 percent of the amount purchased is for use directly in irrigation  
 9 or farming;

10 (2) Sales and purchases of such energy sources or fuels  
 11 ~~made before April 1, 1993, or after March 31, 1994,~~ when more  
 12 than fifty percent of the amount purchased is for use directly  
 13 in processing, manufacturing, or refining, in the generation of  
 14 electricity, in the compression of natural gas for retail sale  
 15 as a vehicle fuel, or by any hospital; and -The state tax paid  
 16 on purchases of such energy sources or fuels during the period  
 17 beginning April 1, 1993, and ending March 31, 1994, shall not  
 18 exceed one hundred thousand dollars for any one location when more  
 19 than fifty percent of the amount purchased is for use directly  
 20 in processing, manufacturing, or refining or by any hospital. All  
 21 purchases of such energy sources or fuels for use in the generation

22 of electricity during the period beginning April 1, 1993, and  
 23 ending March 31, 1994, shall be taxable. Any taxpayer who has paid  
 24 the limit of state tax on such energy sources or fuels at one  
 25 location shall be exempt on all other qualifying purchases at such  
 26 location. Such taxpayer shall be entitled to a refund of any amount  
 27 of state or local option tax paid on an energy source or fuel  
 1 exempt under this subdivision. A refund shall be made pursuant to  
 2 section 77-2708; and

3 (3) Sales and purchases of water used for irrigation of  
 4 agricultural lands and manufacturing purposes.

5 2. Renumber the remaining sections and correct internal  
 6 references accordingly.

7 3. Correct the operative date and repealer sections so  
 8 that the sections added by this amendment become operative on  
 9 January 1, 2015.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Bloomfield and Garrett asked unanimous consent to add their names as cointroducers to LB902. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB902 and LB75. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Connor McCoy and Coage Taylor from Gothenburg; 15 fourth-grade students and teacher from Faith Lutheran School, Lincoln; 55 members from Youth Leadership Kearney; and 45 fourth-grade students from Eagle.

#### **RECESS**

At 12:04 p.m., on a motion by Senator Scheer, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

#### **ROLL CALL**

The roll was called and all members were present except Senators Kolowski, Lautenbaugh, and Nordquist who were excused; and Senators Ashford, Conrad, Janssen, Larson, Mello, Schilz, and Watermeier who were excused until they arrive.

**COMMITTEE REPORT**

## Revenue

**LEGISLATIVE BILL 75.** Placed on General File with amendment.

AM2392

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-2716, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 77-2716 (1) The following adjustments to federal adjusted
- 6 gross income or, for corporations and fiduciaries, federal taxable
- 7 income shall be made for interest or dividends received:
- 8 (a) There shall be subtracted interest or dividends
- 9 received by the owner of obligations of the United States and its
- 10 territories and possessions or of any authority, commission, or
- 11 instrumentality of the United States to the extent includable in
- 12 gross income for federal income tax purposes but exempt from state
- 13 income taxes under the laws of the United States;
- 14 (b) There shall be subtracted that portion of the
- 15 total dividends and other income received from a regulated
- 16 investment company which is attributable to obligations described
- 17 in subdivision (a) of this subsection as reported to the recipient
- 18 by the regulated investment company;
- 19 (c) There shall be added interest or dividends received
- 20 by the owner of obligations of the District of Columbia, other
- 21 states of the United States, or their political subdivisions,
- 22 authorities, commissions, or instrumentalities to the extent
- 23 excluded in the computation of gross income for federal income
- 1 tax purposes except that such interest or dividends shall not be
- 2 added if received by a corporation which is a regulated investment
- 3 company;
- 4 (d) There shall be added that portion of the total
- 5 dividends and other income received from a regulated investment
- 6 company which is attributable to obligations described in
- 7 subdivision (c) of this subsection and excluded for federal
- 8 income tax purposes as reported to the recipient by the regulated
- 9 investment company; and
- 10 (e)(i) Any amount subtracted under this subsection shall
- 11 be reduced by any interest on indebtedness incurred to carry the
- 12 obligations or securities described in this subsection or the
- 13 investment in the regulated investment company and by any expenses
- 14 incurred in the production of interest or dividend income described
- 15 in this subsection to the extent that such expenses, including
- 16 amortizable bond premiums, are deductible in determining federal
- 17 taxable income.
- 18 (ii) Any amount added under this subsection shall be
- 19 reduced by any expenses incurred in the production of such income
- 20 to the extent disallowed in the computation of federal taxable
- 21 income.



22 (2) There shall be allowed a net operating loss derived  
23 from or connected with Nebraska sources computed under rules  
24 and regulations adopted and promulgated by the Tax Commissioner  
25 consistent, to the extent possible under the Nebraska Revenue  
26 Act of 1967, with the laws of the United States. For a resident  
27 individual, estate, or trust, the net operating loss computed  
1 on the federal income tax return shall be adjusted by the  
2 modifications contained in this section. For a nonresident  
3 individual, estate, or trust or for a partial-year resident  
4 individual, the net operating loss computed on the federal return  
5 shall be adjusted by the modifications contained in this section  
6 and any carryovers or carrybacks shall be limited to the portion of  
7 the loss derived from or connected with Nebraska sources.

8 (3) There shall be subtracted from federal adjusted gross  
9 income for all taxable years beginning on or after January 1, 1987,  
10 the amount of any state income tax refund to the extent such refund  
11 was deducted under the Internal Revenue Code, was not allowed in  
12 the computation of the tax due under the Nebraska Revenue Act of  
13 1967, and is included in federal adjusted gross income.

14 (4) Federal adjusted gross income, or, for a fiduciary,  
15 federal taxable income shall be modified to exclude the portion of  
16 the income or loss received from a small business corporation with  
17 an election in effect under subchapter S of the Internal Revenue  
18 Code or from a limited liability company organized pursuant to the  
19 Nebraska Uniform Limited Liability Company Act that is not derived  
20 from or connected with Nebraska sources as determined in section  
21 77-2734.01.

22 (5) There shall be subtracted from federal adjusted gross  
23 income or, for corporations and fiduciaries, federal taxable income  
24 dividends received or deemed to be received from corporations which  
25 are not subject to the Internal Revenue Code.

26 (6) There shall be subtracted from federal taxable income  
27 a portion of the income earned by a corporation subject to the  
1 Internal Revenue Code of 1986 that is actually taxed by a foreign  
2 country or one of its political subdivisions at a rate in excess  
3 of the maximum federal tax rate for corporations. The taxpayer may  
4 make the computation for each foreign country or for groups of  
5 foreign countries. The portion of the taxes that may be deducted  
6 shall be computed in the following manner:

7 (a) The amount of federal taxable income from operations  
8 within a foreign taxing jurisdiction shall be reduced by the amount  
9 of taxes actually paid to the foreign jurisdiction that are not  
10 deductible solely because the foreign tax credit was elected on the  
11 federal income tax return;

12 (b) The amount of after-tax income shall be divided by  
13 one minus the maximum tax rate for corporations in the Internal  
14 Revenue Code; and

15 (c) The result of the calculation in subdivision (b) of  
16 this subsection shall be subtracted from the amount of federal

17 taxable income used in subdivision (a) of this subsection. The  
18 result of such calculation, if greater than zero, shall be  
19 subtracted from federal taxable income.

20 (7) Federal adjusted gross income shall be modified to  
21 exclude any amount repaid by the taxpayer for which a reduction  
22 in federal tax is allowed under section 1341(a)(5) of the Internal  
23 Revenue Code.

24 (8)(a) Federal adjusted gross income or, for corporations  
25 and fiduciaries, federal taxable income shall be reduced, to the  
26 extent included, by income from interest, earnings, and state  
27 contributions received from the Nebraska educational savings plan  
1 trust created in sections 85-1801 to 85-1814.

2 (b) Federal adjusted gross income or, for corporations  
3 and fiduciaries, federal taxable income shall be reduced by any  
4 contributions as a participant in the Nebraska educational savings  
5 plan trust, to the extent not deducted for federal income tax  
6 purposes, but not to exceed five thousand dollars per married  
7 filing separate return or ten thousand dollars for any other  
8 return. With respect to a qualified rollover within the meaning  
9 of section 529 of the Internal Revenue Code from another state's  
10 plan, any interest, earnings, and state contributions received from  
11 the other state's educational savings plan which is qualified under  
12 section 529 of the code shall qualify for the reduction provided in  
13 this subdivision. For contributions by a custodian of a custodial  
14 account including rollovers from another custodial account, the  
15 reduction shall only apply to funds added to the custodial account  
16 after January 1, 2014.

17 (c) Federal adjusted gross income or, for corporations  
18 and fiduciaries, federal taxable income shall be increased by  
19 the amount resulting from the cancellation of a participation  
20 agreement refunded to the taxpayer as a participant in the Nebraska  
21 educational savings plan trust to the extent previously deducted as  
22 a contribution to the trust.

23 (9)(a) For income tax returns filed after September 10,  
24 2001, for taxable years beginning or deemed to begin before January  
25 1, 2006, under the Internal Revenue Code of 1986, as amended,  
26 federal adjusted gross income or, for corporations and fiduciaries,  
27 federal taxable income shall be increased by eighty-five percent  
1 of any amount of any federal bonus depreciation received under  
2 the federal Job Creation and Worker Assistance Act of 2002 or the  
3 federal Jobs and Growth Tax Act of 2003, under section 168(k) or  
4 section 1400L of the Internal Revenue Code of 1986, as amended,  
5 for assets placed in service after September 10, 2001, and before  
6 December 31, 2005.

7 (b) For a partnership, limited liability company,  
8 cooperative, including any cooperative exempt from income taxes  
9 under section 521 of the Internal Revenue Code of 1986, as amended,  
10 limited cooperative association, subchapter S corporation, or  
11 joint venture, the increase shall be distributed to the partners,

12 members, shareholders, patrons, or beneficiaries in the same  
13 manner as income is distributed for use against their income tax  
14 liabilities.

15 (c) For a corporation with a unitary business having  
16 activity both inside and outside the state, the increase shall be  
17 apportioned to Nebraska in the same manner as income is apportioned  
18 to the state by section 77-2734.05.

19 (d) The amount of bonus depreciation added to federal  
20 adjusted gross income or, for corporations and fiduciaries, federal  
21 taxable income by this subsection shall be subtracted in a  
22 later taxable year. Twenty percent of the total amount of bonus  
23 depreciation added back by this subsection for tax years beginning  
24 or deemed to begin before January 1, 2003, under the Internal  
25 Revenue Code of 1986, as amended, may be subtracted in the first  
26 taxable year beginning or deemed to begin on or after January 1,  
27 2005, under the Internal Revenue Code of 1986, as amended, and  
1 twenty percent in each of the next four following taxable years.  
2 Twenty percent of the total amount of bonus depreciation added back  
3 by this subsection for tax years beginning or deemed to begin on or  
4 after January 1, 2003, may be subtracted in the first taxable year  
5 beginning or deemed to begin on or after January 1, 2006, under the  
6 Internal Revenue Code of 1986, as amended, and twenty percent in  
7 each of the next four following taxable years.

8 (10) For taxable years beginning or deemed to begin on  
9 or after January 1, 2003, and before January 1, 2006, under the  
10 Internal Revenue Code of 1986, as amended, federal adjusted gross  
11 income or, for corporations and fiduciaries, federal taxable income  
12 shall be increased by the amount of any capital investment that is  
13 expensed under section 179 of the Internal Revenue Code of 1986,  
14 as amended, that is in excess of twenty-five thousand dollars that  
15 is allowed under the federal Jobs and Growth Tax Act of 2003.  
16 Twenty percent of the total amount of expensing added back by  
17 this subsection for tax years beginning or deemed to begin on or  
18 after January 1, 2003, may be subtracted in the first taxable year  
19 beginning or deemed to begin on or after January 1, 2006, under the  
20 Internal Revenue Code of 1986, as amended, and twenty percent in  
21 each of the next four following tax years.

22 (11)(a) Federal adjusted gross income shall be reduced  
23 by contributions, up to two thousand dollars per married filing  
24 jointly return or one thousand dollars for any other return, and  
25 any investment earnings made as a participant in the Nebraska  
26 long-term care savings plan under the Long-Term Care Savings Plan  
27 Act, to the extent not deducted for federal income tax purposes.

1 (b) Federal adjusted gross income shall be increased by  
2 the withdrawals made as a participant in the Nebraska long-term  
3 care savings plan under the act by a person who is not a qualified  
4 individual or for any reason other than transfer of funds to a  
5 spouse, long-term care expenses, long-term care insurance premiums,  
6 or death of the participant, including withdrawals made by reason

7 of cancellation of the participation agreement or termination of  
 8 the plan, to the extent previously deducted as a contribution or as  
 9 investment earnings.

10 (12) There shall be added to federal adjusted gross  
 11 income for individuals, estates, and trusts any amount taken as  
 12 a credit for franchise tax paid by a financial institution under  
 13 sections 77-3801 to 77-3807 as allowed by subsection (5) of section  
 14 77-2715.07.

15 (13) An individual may make a one-time election within  
 16 two calendar years after the date of his or her retirement from  
 17 the military to exclude income received as a military retirement  
 18 benefit by the individual to the extent included in federal  
 19 adjusted gross income and as provided in this subsection. The  
 20 individual may elect to exclude forty percent of his or her  
 21 military retirement benefit income for seven consecutive taxable  
 22 years beginning with the year in which the election is made or may  
 23 elect to exclude fifteen percent of his or her military retirement  
 24 benefit income for all taxable years beginning with the year in  
 25 which he or she turns sixty-seven years of age. For purposes  
 26 of this subsection, military retirement benefit means retirement  
 27 benefits that are periodic payments attributable to service in  
 1 the uniformed services of the United States for personal services  
 2 performed by an individual prior to his or her retirement.

3 Sec. 2. This act becomes operative for all taxable years  
 4 beginning or deemed to begin on or after January 1, 2015, under the  
 5 Internal Revenue Code of 1986, as amended.

6 Sec. 3. Original section 77-2716, Revised Statutes  
 7 Supplement, 2013, is repealed.

(Signed) Galen Hadley, Chairperson

#### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 853.** Placed on Select File with amendment.  
 ER162 is available in the Bill Room.

**LEGISLATIVE BILL 1001A.** Placed on Select File.

(Signed) John Murante, Chairperson

#### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB1028:

FA248

Page 2, line 4 strike and show as stricken "which" and insert "that".

FA249

Page 2, line 6 after "having" insert "at least".

FA250

Page 2, line 7 strike and show as stricken beginning with the first "inhabitants" through "inhabitants" and insert "residents but no more than one hundred ninety-nine thousand, nine hundred ninety-nine residents".

FA251

Page 2, line 9 strike and show as stricken beginning with first "inhabitants" through "inhabitants" and insert "residents and no more than three hundred ninety-nine thousand, three hundred ninety-nine residents".

FA252

Page 2, line 20 after "emergency" insert "as defined by Black's Law Dictionary".

FA253

Page 2, line 11 reinstate stricken language and strike new language and insert "Four".

FA254

Page 2, line 13 strike and show as stricken, beginning with "The" through the period in line 14. Insert "Senior judge means the judge who has served longest as a juvenile court judge. The senior judge shall be the presiding judge."

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 464, 465, 466, 467, and 468 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 464, 465, 466, 467, and 468.

### **SENATOR KRIST PRESIDING**

### **GENERAL FILE**

**LEGISLATIVE BILL 1092.** The Chambers amendment, FA247, found in this day's Journal, was renewed.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Ashford	Coash	Hadley	Krist	Wallman
Bloomfield	Conrad	Hansen	Nelson	
Brasch	Cook	Johnson	Pirsch	
Chambers	Garrett	Kintner	Smith	

Voting in the negative, 5:

Avery	Campbell	Karpisek	Murante	Scheer
-------	----------	----------	---------	--------

Present and not voting, 21:

Adams	Davis	Harr, B.	Mello	Wightman
Bolz	Dubas	Howard	Schilz	
Carlson	Gloor	Lathrop	Schumacher	
Christensen	Haar, K.	McCoy	Seiler	
Crawford	Harms	McGill	Sullivan	

Excused and not voting, 6:

Janssen	Larson	Nordquist
Kolowski	Lautenbaugh	Watermeier

The Chambers amendment lost with 17 ayes, 5 nays, 21 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### **COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 907.** Placed on General File with amendment. AM2376 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

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

Senator Campbell filed the following amendment to LB887:  
AM2370

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 31, line 3, strike "persons" and insert
- 2 "individuals".

Senator Campbell filed the following amendment to LB887:  
AM2369

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 30, line 10, strike "public and".

Senator Campbell filed the following amendment to LB887:  
AM2368

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 14, line 24, strike "newly eligible
- 2 individuals" and insert "Wellness In Nebraska Act participants".

Senator Campbell filed the following amendment to LB887:  
AM2367

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 9, line 20, strike "nineteen years of age or"
- 2 and after "older" insert "than eighteen years of age".

Senator Nordquist filed the following amendment to LB1076:  
AM2305

(Amendments to Standing Committee amendments, AM1903)

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 71-8503, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-8503 For purposes of the Nebraska Telehealth Act:
- 5 (1) Department means the Department of Health and Human
- 6 Services;
- 7 (2) Health care practitioner means a Nebraska
- 8 medicaid-enrolled provider who is licensed, registered, or
- 9 certified to practice in this state by the department;
- 10 (3) Telehealth means the use of ~~telecommunications~~
- 11 ~~technology by a health care practitioner to deliver health care~~
- 12 ~~services within his or her scope of practice at a site other than~~
- 13 ~~the site where the patient is located; and medical information~~
- 14 ~~electronically exchanged from one site to another, whether~~
- 15 ~~synchronously or asynchronously, to aid a health care practitioner~~
- 16 ~~in the diagnosis or treatment of a patient. Telehealth includes~~
- 17 ~~services originating from a patient's home or any other location~~
- 18 ~~where such patient is located, asynchronous services involving the~~
- 19 ~~acquisition and storage of medical information at one site that is~~
- 20 ~~then forwarded to or retrieved by a health care practitioner at~~
- 21 ~~another site for medical evaluation, and telemonitoring;~~
- 22 (4) Telehealth consultation means any contact between a
- 1 patient and a health care practitioner relating to the health care
- 2 diagnosis or treatment of such patient through telehealth; ~~and but~~
- 3 ~~does not include a telephone conversation, electronic mail message,~~
- 4 ~~or facsimile transmission between a health care practitioner and a~~
- 5 ~~patient or a consultation between two health care practitioners.~~
- 6 (5) Telemonitoring means the remote monitoring of a
- 7 patient's vital signs, biometric data, or subjective data by a
- 8 monitoring device which transmits such data electronically to a
- 9 health care practitioner for analysis and storage.
- 10 Sec. 4. Section 71-8506, Revised Statutes Supplement,
- 11 2013, is amended to read:

12 71-8506 (1) In-person contact between a health care  
 13 practitioner and a patient shall not be required under the  
 14 medical assistance program established pursuant to the Medical  
 15 Assistance Act and Title XXI of the federal Social Security Act,  
 16 as amended, for health care services delivered through telehealth  
 17 that are otherwise eligible for reimbursement under such program  
 18 and federal act. Such services shall be subject to reimbursement  
 19 policies developed pursuant to such program and federal act. This  
 20 section also applies to managed care plans which contract with  
 21 the department pursuant to the Medical Assistance Act only to the  
 22 extent that:

23 (a) Health care services delivered through telehealth  
 24 are covered by and reimbursed under the medicaid fee-for-service  
 25 program; and

26 (b) Managed care contracts with managed care plans are  
 27 amended to add coverage of health care services delivered through  
 1 telehealth and any appropriate capitation rate adjustments are  
 2 incorporated.

3 (2) The reimbursement rate for a telehealth consultation  
 4 shall, as a minimum, be set at the same rate as the medical  
 5 assistance program rate for a comparable in-person consultation,  
 6 and the rate shall not depend on the distance between the health  
 7 care practitioner and the patient.

8 (3) The department shall establish rates for transmission  
 9 cost reimbursement for telehealth consultations, considering, to  
 10 the extent applicable, reductions in travel costs by health care  
 11 practitioners and patients to deliver or to access health care  
 12 services and such other factors as the department deems relevant.  
 13 Such rates shall include reimbursement for all two-way, real-time,  
 14 interactive communications, unless provided by an Internet service  
 15 provider, between the patient and the physician or health care  
 16 practitioner at the distant site which comply with the federal  
 17 Health Insurance Portability and Accountability Act of 1996 and  
 18 rules and regulations adopted thereunder and with regulations  
 19 relating to encryption adopted by the federal Centers for Medicare  
 20 and Medicaid Services and which satisfy federal requirements  
 21 relating to efficiency, economy, and quality of care.

22 Sec. 5. Section 71-8508, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 71-8508 ~~By July 1, 2000, the~~ The department shall  
 25 adopt and promulgate rules and regulations to carry out the  
 26 Nebraska Telehealth Act, including, but not limited to, rules and  
 27 regulations to: (1) Ensure the provision of appropriate care to  
 1 patients; (2) prevent fraud and abuse; and (3) establish necessary  
 2 methods and procedures, necessary to safeguard against unnecessary  
 3 utilization of telehealth consultations.

4 2. Renumber the remaining sections and correct internal  
 5 references accordingly.

6 3. Correct the operative date and repealer sections so



7 that the sections added by this amendment become operative three  
8 calendar months after the adjournment of this legislative session.

**GENERAL FILE**

**LEGISLATIVE BILL 1092.** Senator Chambers offered the following amendment:

FA255

Amend AM2067

Page 1, line 14, after "2033" place a period and strike remaining language through the period in line 16.

Senator Chambers offered the following motion:

MO142

Bracket until April 17, 2014.

Senator Bloomfield moved the previous question. The question is, "Shall the debate now close?"

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

Senator Bloomfield requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Adams	Coash	Johnson	McGill	Schilz
Ashford	Crawford	Karpisek	Mello	Schumacher
Avery	Dubas	Krist	Murante	Seiler
Bloomfield	Garrett	Larson	Nelson	Sullivan
Bolz	Haar, K.	Lathrop	Pirsch	Wallman
Campbell	Howard	McCoy	Scheer	Wightman

Voting in the negative, 13:

Brasch	Christensen	Gloor	Harms	Watermeier
Carlson	Conrad	Hadley	Kintner	
Chambers	Cook	Hansen	Smith	

Present and not voting, 1:

Davis

Excused and not voting, 5:

Harr, B.      Janssen      Kolowski      Lautenbaugh      Nordquist

The motion to cease debate prevailed with 30 ayes, 13 nays, 1 present and not voting, and 5 excused and not voting.

The Chambers motion to bracket failed with 14 ayes, 27 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

#### **AMENDMENT - Print in Journal**

Senator Campbell filed the following amendment to LB1076:  
AM2314

(Amendments to Standing Committee amendments, AM1903)

- 1 1. On page 1, line 9, strike "of 2010".
- 2 2. On page 2, strike beginning with "of" in line 6
- 3 through "2014" in line 7.

#### **COMMITTEE REPORTS**

##### Agriculture

**LEGISLATIVE RESOLUTION 413.** Reported to the Legislature for further consideration with the following amendment:

AM2371

- 1 1. Strike the second Resolved clause and insert:
- 2 "2. That the Legislature further requests the United
- 3 States Department of Agriculture to not expand the exceptions to
- 4 the prohibition against the importation of any ruminant or swine or
- 5 any fresh (chilled or frozen) meat of ruminants and swine pursuant
- 6 to 9 C.F.R. 94.1 to allow the importation of fresh and chilled
- 7 beef from the country of Brazil or any region of Brazil until the
- 8 United States Secretary of Agriculture certifies to Congress that
- 9 every region of Brazil is free of foot-and-mouth disease without
- 10 vaccination."

**LEGISLATIVE RESOLUTION 427.** Reported to the Legislature for further consideration with the following amendment:

AM2372

- 1 1. Strike the first WHEREAS clause and insert:
- 2 "WHEREAS, in accordance with the federal Energy Policy
- 3 Act of 2005 and the Energy Independence and Security Act of
- 4 2007, the United States has demonstrated its commitment to the
- 5 long-term policy of increasing the production of clean renewable
- 6 fuels according to the federal Renewable Fuel Standard (RFS) by
- 7 enabling the increased domestic production and use of renewable
- 8 fuels, which include renewable biofuels such as ethanol, biodiesel,
- 9 cellulosic, and advanced biofuels; and"
- 10 2. Strike the first Resolved clause and insert:
- 11 "1. That the Legislature urges the United States
- 12 Government to maintain and reaffirm its commitment to realizing the

13 goals of the Energy Policy Act of 2005 and the Energy Independence  
14 and Security Act of 2007 for rural economic development, energy  
15 security, and diversity of our nation's energy portfolio, to lessen  
16 pressure on fuel prices, to stimulate investment in development and  
17 commercial deployment of advanced renewable fuel systems, and to  
18 encourage clean air, other environmental benefits, and a robust and  
19 sustainable renewable fuels industry by adhering to the schedule  
20 of renewable fuel volume requirements set forth in the current  
21 Renewable Fuel Standard."

(Signed) Ken Schilz, Chairperson

### **NOTICE OF COMMITTEE HEARINGS**

Judiciary

Room 1113

Wednesday, March 19, 2014 1:00 p.m.

G. Randall "Rand" Hansen - Crime Victim's Reparations Committee  
Rita G. Sanders - Crime Victim's Reparations Committee

Wednesday, March 19, 2014 12:00 p.m.

AM2173 - LB999

(Signed) Brad Ashford, Chairperson

Health and Human Services

Room 1510

Thursday, March 20, 2014 12:00 p.m.

Brian Buhlke - Nebraska Rural Health Advisory Commission  
Joyce Bischoff - Stem Cell Research Advisory Committee

(Signed) Kathy Campbell, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 482.** Introduced by Carlson, 38; Bloomfield, 17; Brasch, 16; Christensen, 44; Davis, 43; Garrett, 3; Hansen, 42; Janssen, 15; Johnson, 23; Kintner, 2; McCoy, 39; Murante, 49; Schilz, 47; Seiler, 33; Smith, 14; Watermeier, 1; Wightman, 36.

WHEREAS, a reliable and affordable energy supply is vital to Nebraska's economic growth, jobs, and the overall benefit of its citizens, and Nebraska

supports a diversified "all-the-above" energy strategy because it is in the best interest of the state and the nation; and

WHEREAS, the United States has abundant supplies of coal that provide economic and energy security benefits, and coal provides affordable and reliable electricity to the citizens of Nebraska; and

WHEREAS, carbon regulations for existing coal-fueled power plants could threaten the affordability and reliability of Nebraska's electricity supplies and risk substantial job losses through the premature closure of power plants that have just invested in pollution controls to meet the recent mercury regulations of the United States Environmental Protection Agency (EPA); and

WHEREAS, carbon dioxide emissions from coal-fueled power plants in the United States represent only 3 percent of global anthropogenic greenhouse gas emissions; and

WHEREAS, the United States Energy Information Administration projects that in the United States, electric sector carbon dioxide emissions will be 14 percent below 2005 levels in 2020, and coal-fueled power plant carbon dioxide emissions will be 19 percent below 2005 levels in 2020; and

WHEREAS, on June 25, 2013, President Obama directed the EPA Administrator to issue standards, regulations, or guidelines to address carbon dioxide emissions from new, existing, modified, and reconstructed fossil-fueled power plants; and

WHEREAS, the President expressly recognized that states "will play a central role in establishing and implementing carbon standards for existing power plants"; and

WHEREAS, the Clean Air Act requires the EPA to establish a procedure under which each state shall develop a plan for establishing and implementing standards of performance for existing sources within the state; and

WHEREAS, the Clean Air Act expressly allows states, in developing and applying such standards of performance, "to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies"; and

WHEREAS, the EPA's existing regulations provide that states may adopt less stringent emissions standards or longer compliance schedules than EPA guidelines based on factors such as unreasonable cost of control, physical impossibility of installing necessary control equipment, or other factors that make less stringent standards or longer compliance times significantly more reasonable; and

WHEREAS, it is in the best interest of electricity consumers in Nebraska to continue to benefit from reliable and affordable electricity provided by coal-based electricity generating plants.

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

1. That the Legislature urges the United States Environmental Protection Agency (EPA), in developing guidelines for regulating carbon dioxide emissions from existing power plants, to respect the primacy of Nebraska and other states and to rely on state regulators to develop performance

standards for carbon dioxide emissions that take into account the unique policies, energy needs, resource mix, and economic priorities of each state.

2. That the EPA should issue guidelines and approve state-established performance standards that are based on reductions of carbon dioxide emissions achievable by measures undertaken at fossil-fueled power plants.

3. That the EPA should allow Nebraska and other states to set less stringent performance standards or longer compliance schedules and give each state maximum flexibility to implement carbon dioxide performance standards for fossil-fueled power plants within their own jurisdiction.

4. That a copy of this resolution be sent to United States EPA Administrator Gina McCarthy and to each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR482 was referred to the Reference Committee.

#### **GENERAL FILE**

**LEGISLATIVE BILL 251.** Title read. Considered.

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

#### **SENATOR COASH PRESIDING**

**LEGISLATIVE BILL 751.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 751A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 660.** Title read. Considered.

Committee AM1985, found on page 563, was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

Senator Krist withdrew his amendment, AM1668, found on page 320.

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

**AMENDMENT - Print in Journal**

Senator Avery filed the following amendment to LB744:  
AM2393

1. On page 3, line 1, after "gifts" insert ", grants".

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 705A.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 705, One Hundred Third Legislature, Second Session, 2014.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Kintner and Schilz asked unanimous consent to add their names as cointroducers to LB75. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 24 fourth-grade students and teacher from St. Bernard School, Omaha; and 14 members of the Nebraska Rural Electric Association from across the state.

The Doctor of the Day was Dr. Klutman from Columbus.

**ADJOURNMENT**

At 5:22 p.m., on a motion by Senator Davis, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-THIRD DAY - MARCH 13, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 13, 2014

**PRAYER**

The prayer was offered by Reverend Vern Olson, TriValley Faith Alliance Church, Fullerton.

**ROLL CALL**

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

The roll was called and all members were present except Senators Ashford, Campbell, Christensen, Kolowski, Lautenbaugh, and Nordquist who were excused; and Senators Bloomfield, Hansen, Murante, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 12, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bromm, Curt/Bromm & Associates  
VMR PRODUCTS, LLC  
Ensign-Barstow, Holly  
B Lab  
Husch Blackwell LLP  
Koch Companies Public Sector, LLC and Affiliates  
Jensen Rogert Associates, Inc.  
Exeter Group, Inc. (Withdrawn 03/12/2014)

Junge, Jolanda J.  
We Support Agriculture  
Kelley Governmental Relations, LLC  
No Do Zest Operating, LLC

### REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### GENERAL FILE

**LEGISLATIVE BILL 836.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 1114.** Title read. Considered.

Senator Mello offered his amendment, AM2051, found on page 665.

The Mello amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

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

**LEGISLATIVE BILL 1114A.** Title read. Considered.

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

**LEGISLATIVE BILL 967.** Title read. Considered.

Committee AM2199, found on page 847, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Sullivan withdrew her amendment, AM1712, found on page 424.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.



**LEGISLATIVE BILL 1087.** Title read. Considered.

**SENATOR KRIST PRESIDING**

Senator Chambers offered the following amendment:  
FA256  
Strike Section 1.

**SENATOR GLOOR PRESIDING**

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 682.** Title read. Considered.

Committee AM1888, found on page 515, was offered.

Senator Scheer offered the following amendment to the committee amendment:

AM2260

(Amendments to Standing Committee amendments, AM1888)

- 1 1. Insert the following new section:
- 2 Sec. 4. A member school district which purchases computer
- 3 hardware or software for the purpose of providing or maintaining
- 4 distance education courses is eligible to be reimbursed up to a
- 5 maximum of twenty-five thousand dollars per school year for the
- 6 cost of such hardware or software and associated labor costs. A
- 7 member school district seeking reimbursement under this section
- 8 shall file an application on a form provided by the State
- 9 Department of Education which shall be accompanied by documentation
- 10 of the expense of such purchase.
- 11 2. On page 1, strike beginning with "On" in line 3
- 12 through the period in line 11 and insert "(1) Beginning July 1,
- 13 2015, through June 30, 2018, any school district in Nebraska with
- 14 an average daily membership for grades kindergarten through twelve
- 15 of fewer than six hundred fifty students for the most recently
- 16 complete data year and the school fiscal year immediately preceding
- 17 the most recently complete data year that is not already a member
- 18 of an allied system may form an allied system (a) with at least
- 19 three other school districts or join an existing allied system or
- 20 (b) with one school district having an average daily membership for
- 21 grades kindergarten through twelve of six hundred fifty students or
- 22 more.
- 1 (2) Beginning July 1, 2018, and each July 1 thereafter,
- 2 any school district in Nebraska with an average daily membership
- 3 for grades kindergarten through twelve of fewer than six hundred
- 4 fifty students for the most recently complete data year and the

- 5 school fiscal year immediately preceding the most recently complete  
 6 data year that is not already a member of an allied system  
 7 shall form an allied system (a) with at least three other school  
 8 districts or join an existing allied system or (b) with one school  
 9 district having an average daily membership for grades kindergarten  
 10 through twelve of six hundred fifty students or more.  
 11 (3)"; and in line 13 strike "such date" and insert "the  
 12 date required by subsection (2) of this section".  
 13 3. On page 2, line 2, strike "at least four" and insert  
 14 "the"; and in line 26 strike "No" and insert "(a) Except as  
 15 provided in subdivision (6)(b) of this section, no".  
 16 4. On page 3, after line 17, insert the following new  
 17 subdivision:  
 18 "(b) Subdivision (6)(a) of this section does not apply to  
 19 an allied system formed pursuant to subdivision (1)(b) or (2)(b) of  
 20 section 1 of this act."; in line 24 strike "3" and insert "4"; and  
 21 after line 27 insert the following new paragraph:  
 22 "Nothing in sections 1 to 4 of this act shall be  
 23 construed to require some or all of the member school districts of  
 24 an allied system to consolidate or merge.".  
 25 5. Renumber the remaining section accordingly.

Senator Scheer offered the following motion:

MO143

Unanimous consent to bracket until April 17, 2014.

No objections. So ordered.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 986A.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 986, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

**LEGISLATIVE BILL 987A.** Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, One Hundred Third Legislature, Second Session, 2014.

**LEGISLATIVE BILL 1087A.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1087, One Hundred Third Legislature, Second Session, 2014.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 483.** Introduced by Karpisek, 32.

WHEREAS, Jackson Bates of Wilber-Clatonia High School won the 2014 Class C State Wrestling Championship in the 106-pound division; and

WHEREAS, Jackson displayed outstanding determination and skill in winning the state championship and finished the season with a record of 47 wins and 2 losses; 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 Jackson Bates on winning the 2014 Class C State Wrestling Championship in the 106-pound division.
2. That a copy of this resolution be sent to Jackson Bates.

Laid over.

**LEGISLATIVE RESOLUTION 484.** Introduced by Karpisek, 32.

WHEREAS, Cody Krula of Thayer Central High School won the 2014 Class D State Wrestling Championship in the 152-pound division; and

WHEREAS, Cody displayed outstanding determination and skill in winning the state championship and finished the season with a record of 39 wins and 1 loss; 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 Cody Krula on winning the 2014 Class D State Wrestling Championship in the 152-pound division.
2. That a copy of this resolution be sent to Cody Krula.

Laid over.

**LEGISLATIVE RESOLUTION 485.** Introduced by Karpisek, 32.

WHEREAS, Zemua Baptista of Friend High School won the 2014 Class D State Wrestling Championship in the 145-pound division; and

WHEREAS, Zemua displayed outstanding determination and skill in winning the state championship and finished the season undefeated with a record of 48-0; 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 Zemua Baptista on winning the 2014 Class D State Wrestling Championship in the 145-pound division.
2. That a copy of this resolution be sent to Zemua Baptista.

Laid over.

**LEGISLATIVE RESOLUTION 486.** Introduced by Karpisek, 32.

WHEREAS, the Friend High School girls' basketball team won the 2014 Class D-1 Girls' State Basketball Championship by defeating Humphrey St. Francis by a score of 44-43; and

WHEREAS, the Friend High School girls' basketball team ended the season with a record of 28-1; and

WHEREAS, the win gave Friend High School their first ever girls' state basketball 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 Friend High School girls' basketball team on winning the 2014 Class D-1 Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Friend High School girls' basketball team.

Laid over.

#### REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR482	Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

#### AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB845:  
AM2054

(Amendments to Standing Committee amendments, AM2043)

- 1 1. On page 1, strike beginning with "in" in line 5
- 2 through the semicolon in line 7; and in line 8 before "strike"
- 3 insert "and".

**SENATOR KRIST PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 946.** Title read. Considered.

Committee AM2047, found on page 644, was offered.

Senator Avery offered his amendment, AM2121, found on page 786, to the committee amendment.

The Avery amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Senator Murante offered his amendment, AM2120, found on page 786, to the committee amendment.

The Murante amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Dubas offered her amendment, AM2204, found on page 810, to the committee amendment.

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

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Coash filed the following amendment to LB853:  
AM2396

(Amendments to E & R amendments, ER162)

- 1 1. Insert the following new section:
- 2 Sec. 45. Section 71-3405, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 71-3405 For purposes of the Child and Maternal Death
- 5 Review Act:
- 6 (1) Child means a person from birth to eighteen years of
- 7 age;
- 8 (2) Investigation of child death means a review of
- 9 existing records and other information regarding the child from
- 10 relevant agencies, professionals, and providers of medical, dental,
- 11 prenatal, and mental health care. The records to be reviewed

12 may include, but not be limited to, medical records, coroner's  
13 reports, autopsy reports, social services records, records of  
14 alternative response cases under alternative response demonstration  
15 projects implemented in accordance with sections 2 to 4 of this  
16 act, educational records, emergency and paramedic records, and law  
17 enforcement reports;

18 (3) Investigation of maternal death means a review of  
19 existing records and other information regarding the woman from  
20 relevant agencies, professionals, and providers of medical, dental,  
21 prenatal, and mental health care. The records to be reviewed may  
22 include, but not be limited to, medical records, coroner's reports,  
1 autopsy reports, social services records, educational records,  
2 emergency and paramedic records, and law enforcement reports;

3 (4) Maternal death means the death of a woman during  
4 pregnancy or the death of a postpartum woman;

5 (5) Postpartum woman means a woman during the period of  
6 time beginning when the woman ceases to be pregnant and ending one  
7 year after the woman ceases to be pregnant;

8 (6) Preventable child or maternal death means the death  
9 of any child or pregnant or postpartum woman which reasonable  
10 medical, social, legal, psychological, or educational intervention  
11 may have prevented. Preventable child or maternal death includes,  
12 but is not limited to, the death of a child or pregnant or  
13 postpartum woman from (a) intentional and unintentional injuries,  
14 (b) medical misadventures, including untoward results, malpractice,  
15 and foreseeable complications, (c) lack of access to medical care,  
16 (d) neglect and reckless conduct, including failure to supervise  
17 and failure to seek medical care for various reasons, and (e)  
18 preventable premature birth;

19 (7) Reasonable means taking into consideration the  
20 condition, circumstances, and resources available; and

21 (8) Team means the State Child and Maternal Death Review  
22 Team.

23 2. On page 4, line 19, after "implementation" insert  
24 "plan".

25 3. On page 5, strike line 3 and insert "this section to  
26 the commission and electronically to the Legislature by November".

27 4. On page 7, lines 4 and 5, strike "the provisions of  
1 this legislative bill" and insert "sections 2 to 4 of this act".

2 5. On page 9, line 8, after the second comma insert "the  
3 age of the child or children".

4 6. On page 13, strike beginning with "The" in line 10  
5 through the period in line 11 and show as stricken.

6 7. Renumber the remaining sections and correct the  
7 repealer accordingly.

Senator Howard filed the following amendment to LB853:  
AM2397

(Amendments to E & R amendments, ER162)

- 1 1. Insert the following new section:
- 2 Sec. 45. To facilitate consistency in training all case
- 3 managers and allow for Title IV-E reimbursement for case manager
- 4 training under Title IV-E of the federal Social Security Act, as
- 5 amended, the same program for initial training of case managers
- 6 shall be utilized for all case managers, whether they are employed
- 7 by the department or by an organization under contract with the
- 8 department. The initial training of all case managers shall be
- 9 provided by the department or one or more organizations under
- 10 contract with the department. The department shall create a formal
- 11 system for measuring and evaluating the quality of such training.
- 12 All case managers shall complete a formal assessment process
- 13 after initial training to demonstrate competency prior to assuming
- 14 responsibilities as a case manager. The training curriculum for
- 15 case managers shall include, but not be limited to: (a) An
- 16 understanding of the benefits of utilizing evidence-based and
- 17 promising casework practices; (b) the importance of guaranteeing
- 18 service providers' fidelity to evidence-based and promising
- 19 casework practices; and (c) a commitment to evidence-based and
- 20 promising family-centered casework practices that utilize a least
- 21 restrictive approach for children and families.
- 22 2. Renumber the remaining sections accordingly.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Hadley asked unanimous consent to add his name as cointroducer to LB998. No objections. So ordered.

#### **SPEAKER ADAMS PRESIDING**

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 469, 470, and 471 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 469, 470, and 471.

#### **VISITORS**

Visitors to the Chamber were Jessi, Katie, and Jo Heyen from Ceresco; 25 fourth-grade students, teacher, and sponsors from Lincoln Christian School; 25 members of Leadership Nebraska City and Leadership Nemaha County; Paul and Cheri Underwood from McCool Junction, and Mads Bundgaard, a foreign exchange student from Denmark; 115 fourth-grade students,

teachers, and sponsors from Reeder Elementary, Gretna; 45 fourth-grade students and teachers from Avery Elementary, Bellevue; and 9 third- and fourth-grade students and teacher from McPherson Elementary, Tryon.

The Doctor of the Day was Dr. Weirman from Lincoln.

### **ADJOURNMENT**

At 1:47 p.m., on a motion by Senator Gloor, the Legislature adjourned until 10:00 a.m., Tuesday, March 18, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FOURTH DAY - MARCH 18, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 18, 2014

**PRAYER**

The prayer was offered by Reverend Roxie Sullivan, First United Presbyterian Church, Falls City.

**ROLL CALL**

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

The roll was called and all members were present except Senator Christensen who was excused; and Senator Sullivan who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 905.** Placed on Select File with amendment.

ER168

1	1. In the Standing Committee amendments, AM2019:		
2	a. Strike section 62 and insert the following new		
3	section:		
4	Sec. 62. Laws 2013, LB195, section 109, is amended to		
5	read:		
6	Sec. 109. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN		
7	SERVICES		
8	Program No. 424 - Developmental Disability Aid		
9	FY2013-14		FY2014-15
10	<del>GENERAL FUND</del>	<del>109,173,012</del>	<del>126,248,291</del>
11	<u>GENERAL FUND</u>	<u>110,673,012</u>	<u>137,040,195</u>
12	CASH FUND	6,312,000	6,312,000
13	<del>PROGRAM TOTAL</del>	<del>115,485,012</del>	<del>132,560,291</del>
14	<u>PROGRAM TOTAL</u>	<u>116,985,012</u>	<u>143,352,195</u>

15 (1) There is included in the appropriation to this  
 16 program for FY2013-14 ~~\$109,173,012~~ \$110,673,012 General Funds and  
 17 \$6,312,000 Cash Funds for state aid, which shall only be used  
 18 for such purpose. There is included in the appropriation to this  
 19 program for FY2014-15 ~~\$126,248,291~~ \$137,040,195 General Funds and  
 20 \$6,312,000 Cash Funds for state aid, which shall only be used for  
 21 such purpose.

22 (2) There is included in the amount shown as Cash Fund  
 23 aid in this program for FY2013-14 \$5,000,000 Cash Funds and for  
 1 FY2014-15 \$5,000,000 Cash Funds from the Nebraska Health Care  
 2 Cash Fund to be used for services for persons with developmental  
 3 disabilities ~~(1)-(a)~~ (a) who were on the waiting list for such services  
 4 prior to July 1, 2001, and began receiving such services on and  
 5 after such date and ~~(2)-(b)~~ (b) who are on the waiting list for such  
 6 services on and after July 1, 2013, beginning with those who have  
 7 been on the waiting list for the greatest length of time past their  
 8 date of need.

9 (3) There is included in the amount shown as General Fund  
 10 aid in this program for FY2013-14 \$2,826,383 General Funds for a  
 11 two and twenty-five hundredths percent increase in rates paid to  
 12 providers of developmental disability services, which shall only be  
 13 used for such purpose.

14 (4) There is included in the amount shown as General Fund  
 15 aid in this program for FY2014-15 \$2,595,048 General Funds for a  
 16 two percent increase in rates paid to providers of developmental  
 17 disability services, which shall only be used for such purpose.

18 (5)(a) There is included in the amount shown for this  
 19 program for FY2013-14 \$1,500,000 General Funds and for FY2014-15  
 20 \$1,500,000 General Funds for a State Ward Permanency Pilot  
 21 Project which is hereby created. The pilot project shall provide  
 22 developmental disabilities services to state wards in order to  
 23 provide optimal habilitative supports and promote permanency.

24 (b) The pilot project shall serve (i) state wards who  
 25 are eligible for services through the Division of Developmental  
 26 Disabilities of the Department of Health and Human Services and who  
 27 do not qualify for priority status and (ii) state wards who are  
 1 in need of habilitative supports to achieve permanency. Services  
 2 shall include any service provided pursuant to the Developmental  
 3 Disabilities Services Act available to persons under twenty-one  
 4 years of age.

5 (c) A state ward shall be eligible to participate in the  
 6 pilot project if he or she qualifies for developmental disabilities  
 7 services and has been assessed to need individually planned and  
 8 coordinated habilitative supports, such as those addressing skills  
 9 necessary for self-care, communication, mobility, and capacity for  
 10 independent living. State wards currently receiving an enhanced  
 11 level of care through letters of agreement between the Division  
 12 of Children and Family Services of the Department of Health and  
 13 Human Services and the providers of such enhanced level of care

14 and state wards with above-average habilitative needs as indicated  
15 on assessments shall be given priority to participate in the pilot  
16 project.

17 (d) The Division of Developmental Disabilities of the  
18 Department of Health and Human Services, the Division of Children  
19 and Family Services of the department or any lead agency, the State  
20 Department of Education, and developmental disabilities service  
21 providers shall collaborate to implement the pilot project to  
22 promote stability and permanency for state wards, to provide  
23 assessments, and to provide training to caseworkers and service  
24 providers.

25 (e) The pilot project shall collect data on the  
26 following:

27 (i) The impact of services provided pursuant to the pilot  
1 project on state wards' developmental progress;

2 (ii) The number of state wards participating in the  
3 pilot project who achieve permanency in the child welfare system,  
4 including adoption, permanent guardianship, reunification, or  
5 another form of permanency;

6 (iii) The level of stability in placements for state  
7 wards participating in the pilot project;

8 (iv) The total number of state wards participating in the  
9 pilot project and their current status in the child welfare system;  
10 and

11 (v) The impact on the overall support to families before  
12 and after permanency is achieved through adoption, permanent  
13 guardianship, reunification, or another form of permanency for  
14 twelve months following court involvement.

15 (f) Data collected from the project shall be reported to  
16 the Foster Care Review Office which shall analyze the data and  
17 electronically provide a report to the Health and Human Services  
18 Committee of the Legislature and the Appropriations Committee of  
19 the Legislature every six months during the term of the pilot  
20 project.

21 (g) The pilot project shall terminate June 30, 2016.

22 (6) There is included in the amount shown as General  
23 Fund aid in this program for FY2013-14 \$1,946,650 General Funds and  
24 for FY2014-15 ~~\$3,893,300~~ \$8,638,300 General Funds to be used for  
25 services for persons with developmental disabilities who were on  
26 the waiting list and past their date of need for services as of  
27 January 18, 2013, beginning with those who have been on the waiting  
1 list for the greatest length of time past their date of need.

2 (7) It is the intent of the Legislature that the  
3 Department of Health and Human Services shall provide a quarterly  
4 report to the Legislature regarding the usage of General Funds  
5 and Federal Funds for the waiting list. The initial quarterly  
6 report shall be submitted within two weeks after the quarter ending  
7 September 30, 2013. Subsequent reports shall be submitted for the  
8 ensuing quarters, within two weeks after the end of each quarter,

9 for FY2013-14 and FY2014-15. The reports shall include, but not  
 10 be limited to, the number of persons offered services, the type  
 11 of service offered and the cost of such services, the number of  
 12 persons accepting services, the services accepted, the cost of each  
 13 type of service accepted in each fiscal year, and ongoing annual  
 14 expenditures for such services.

15 (8) The reports required by this section shall be  
 16 submitted electronically.

17 b. On page 5, line 11, strike "Facility";

18 c. On page 7, line 25, after "title" insert "and";

19 d. On page 9, line 9, after the first "the" insert  
 20 "Nebraska"; and in line 11 after "the" insert "federal";

21 e. On page 19, line 9, after "aid" insert an underscored  
 22 comma;

23 f. On page 21, line 19, after "project" insert an  
 24 underscored comma; and in line 22 after "Legislature" insert  
 25 "electronically";

26 g. On page 29, line 22, after "Nebraska" insert an  
 27 underscored comma;

1 h. On page 53, line 25, after "Committee" insert "of the  
 2 Legislature";

3 i. On page 60, strike line 27;

4 j. On page 61, line 1, strike beginning with "Third"  
 5 through "2014," and insert "Pursuant to sections 24-205 and  
 6 24-227.01";

7 k. On page 65, line 12, after "Title" insert "and"; and

8 l. On page 84, line 19, after "108," insert "109,"; in  
 9 line 20 after "232," insert "233,"; and in line 24 after "95"  
 10 insert a semicolon.

11 2. On page 1, strike lines 2 through 8 and insert  
 12 "sections 18, 46, 47, 48, 67, 75, 87, 92, 93, 94, 102, 103, 107,  
 13 108, 109, 142, 161, 167, 169, 203, 232, 233, 236, 250, 261, 263,  
 14 and 264; Laws 2013, LB198, section 51; Laws 2013, LB6A, section  
 15 1; Laws 2013, LB517A, section 1; and section 90-539, Revised  
 16 Statutes Supplement, 2013; to define terms; to provide, change,  
 17 and eliminate provisions relating to appropriations; to repeal the  
 18 original sections; to outright repeal Laws 2013, LB195, section 95;  
 19 and Laws 2013, LB583A, section 1; and to declare an emergency."

**LEGISLATIVE BILL 906.** Placed on Select File with amendment.

ER171

1 1. In the Standing Committee amendments, AM2175:

2 a. On page 1, lines 7 and 18, after "Title" insert "and";

3 b. On page 12, line 13, after "dollars" insert "from the  
 4 Supreme Court Education Fund"; and in line 16 strike "fund", show  
 5 as stricken, and insert "Supreme Court Education Fund"; and

6 c. On page 13, line 8, after "dollars" insert "from the  
 7 Supreme Court Automation Cash Fund".

8 2. On page 1, strike beginning with "2-3225" in line

9 1 through line 4 and insert "2-1588, 2-1592, 2-3225, 2-3226.05,  
 10 and 81-1204, Reissue Revised Statutes of Nebraska, sections  
 11 24-205, 24-227.01, 39-1390, 48-622.01, 58-708, and 81-1205,  
 12 Revised Statutes Cumulative Supplement, 2012, and sections 71-7611  
 13 and 81-2516, Revised Statutes Supplement, 2013; to provide for  
 14 transfers of funds; to create and eliminate funds; to change  
 15 provisions relating to the source of revenue and use of funds in  
 16 the Nebraska Resources Development Fund, for water and related land  
 17 resources, by natural resources districts, for judges' education  
 18 and retirement, for Supreme Court automation, for employment  
 19 security settlements, from the Affordable Housing Trust Fund, from  
 20 the Nebraska Health Care Cash Fund, and for job training grants; to  
 21 require reports; to".

**LEGISLATIVE BILL 130.** Placed on Select File with amendment.

ER169

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 66-1345, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 66-1345 (1) There is hereby created the Ethanol  
 6 Production Incentive Cash Fund which shall be used by the board  
 7 to pay the credits created in section 66-1344 to the extent  
 8 provided in this section. Any money in the fund available for  
 9 investment shall be invested by the state investment officer  
 10 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 11 State Funds Investment Act. The State Treasurer shall transfer to  
 12 the Ethanol Production Incentive Cash Fund such money as shall be  
 13 (a) appropriated to the Ethanol Production Incentive Cash Fund by  
 14 the Legislature, (b) given as gifts, bequests, grants, or other  
 15 contributions to the Ethanol Production Incentive Cash Fund from  
 16 public or private sources, (c) made available due to failure to  
 17 fulfill conditional requirements pursuant to investment agreements  
 18 entered into prior to April 30, 1992, (d) received as return on  
 19 investment of the Ethanol Authority and Development Cash Fund, (e)  
 20 credited to the Ethanol Production Incentive Cash Fund from the  
 21 excise taxes imposed by section 66-1345.01 through December 31,  
 22 2012, and (f) credited to the Ethanol Production Incentive Cash  
 23 Fund pursuant to sections 66-489, 66-726, 66-1345.04, and 66-1519,  
 1 ~~and (g) directed to be transferred pursuant to section 84-612.~~  
 2 (2) The Department of Revenue shall, at the end of each  
 3 calendar month, notify the State Treasurer of the amount of motor  
 4 fuel tax that was not collected in the preceding calendar month  
 5 due to the credits provided in section 66-1344. The State Treasurer  
 6 shall transfer from the Ethanol Production Incentive Cash Fund to  
 7 the Highway Trust Fund an amount equal to such credits less the  
 8 following amounts:

9 (a) For 1993, 1994, and 1995, the amount generated during  
10 the calendar quarter by a one-cent tax on motor fuel pursuant to  
11 sections 66-489 and 66-6,107;

12 (b) For 1996, the amount generated during the calendar  
13 quarter by a three-quarters-cent tax on motor fuel pursuant to such  
14 sections;

15 (c) For 1997, the amount generated during the calendar  
16 quarter by a one-half-cent tax on motor fuel pursuant to such  
17 sections; and

18 (d) For 1998 and each year thereafter, no reduction.

19 For 1993 through 1997, if the amount generated pursuant  
20 to subdivisions (a), (b), and (c) of this subsection and the  
21 amount transferred pursuant to subsection (1) of this section are  
22 not sufficient to fund the credits provided in section 66-1344,  
23 then the credits shall be funded through the Ethanol Production  
24 Incentive Cash Fund but shall not be funded through either the  
25 Highway Cash Fund or the Highway Trust Fund. For 1998 and each year  
26 thereafter, the credits provided in such section shall be funded  
27 through the Ethanol Production Incentive Cash Fund but shall not be  
1 funded through either the Highway Cash Fund or the Highway Trust  
2 Fund.

3 If, during any month, the amount of money in the Ethanol  
4 Production Incentive Cash Fund is not sufficient to reimburse the  
5 Highway Trust Fund for credits earned pursuant to section 66-1344,  
6 the Department of Revenue shall suspend the transfer of credits by  
7 ethanol producers until such time as additional funds are available  
8 in the Ethanol Production Incentive Cash Fund for transfer to the  
9 Highway Trust Fund. Thereafter, the Department of Revenue shall, at  
10 the end of each month, allow transfer of accumulated credits earned  
11 by each ethanol producer on a prorated basis derived by dividing  
12 the amount in the fund by the aggregate amount of accumulated  
13 credits earned by all ethanol producers.

14 (3) The State Treasurer shall transfer from the Ethanol  
15 Production Incentive Cash Fund to the Management Services Expense  
16 Revolving Fund the amount reported under subsection (4) of section  
17 66-1345.02 for each calendar month of the fiscal year as provided  
18 in such subsection.

19 (4) On December 31, 2012, the State Treasurer shall  
20 transfer one-half of the unexpended and unobligated funds,  
21 including all subsequent investment interest, from the Ethanol  
22 Production Incentive Cash Fund to the Nebraska Corn Development,  
23 Utilization, and Marketing Fund and the Grain Sorghum Development,  
24 Utilization, and Marketing Fund in the same proportion as funds  
25 were collected pursuant to section 66-1345.01 from corn and grain  
26 sorghum. The Department of Agriculture shall assist the State  
27 Treasurer in determining the amounts to be transferred to the  
1 funds. The State Treasurer shall transfer the remaining one-half of  
2 the unexpended and unobligated funds to the General Fund.

3 (5) Whenever the unobligated balance in the Ethanol  
4 Production Incentive Cash Fund exceeds twenty million dollars, the  
5 Department of Revenue shall notify the Department of Agriculture at  
6 which time the Department of Agriculture shall suspend collection  
7 of the excise tax levied pursuant to section 66-1345.01. If, after  
8 suspension of the collection of such excise tax, the balance of  
9 the fund falls below ten million dollars, the Department of Revenue  
10 shall notify the Department of Agriculture which shall resume  
11 collection of the excise tax.

12 (6) On or before December 1, 2003, and each December  
13 1 thereafter, the Department of Revenue and the Nebraska Ethanol  
14 Board shall jointly submit a report electronically to the  
15 Legislature which shall project the anticipated revenue and  
16 expenditures from the Ethanol Production Incentive Cash Fund  
17 through the termination of the ethanol production incentive  
18 programs pursuant to section 66-1344. The initial report shall  
19 include a projection of the amount of ethanol production for  
20 which the Department of Revenue has entered agreements to provide  
21 ethanol production credits pursuant to section 66-1344.01 and any  
22 additional ethanol production which the Department of Revenue and  
23 the Nebraska Ethanol Board reasonably anticipate may qualify for  
24 credits pursuant to section 66-1344.

25 Sec. 2. Section 84-612, Revised Statutes Supplement,  
26 2013, is amended to read:

27 84-612 (1) There is hereby created within the state  
1 treasury a fund known as the Cash Reserve Fund which shall be under  
2 the direction of the State Treasurer. The fund shall only be used  
3 pursuant to this section.

4 (2) The State Treasurer shall transfer funds from the  
5 Cash Reserve Fund to the General Fund upon certification by the  
6 Director of Administrative Services that the current cash balance  
7 in the General Fund is inadequate to meet current obligations. Such  
8 certification shall include the dollar amount to be transferred.  
9 Any transfers made pursuant to this subsection shall be reversed  
10 upon notification by the Director of Administrative Services that  
11 sufficient funds are available.

12 (3) In addition to receiving transfers from other funds,  
13 the Cash Reserve Fund shall receive federal funds received by the  
14 State of Nebraska for undesignated general government purposes,  
15 federal revenue sharing, or general fiscal relief of the state.

16 (4) On July 7, 2009, the State Treasurer shall transfer  
17 five million dollars from the Cash Reserve Fund to the Roads  
18 Operations Cash Fund. The Department of Roads shall use such  
19 funds to provide the required state match for federal funding made  
20 available to the state through congressional earmarks.

21 ~~(5) The State Treasurer shall transfer a total of~~  
22 ~~thirty seven million dollars from the Cash Reserve Fund to the~~  
23 ~~General Fund on or before June 30, 2012, on such dates and in~~

24 such amounts as directed by the budget administrator of the budget  
25 division of the Department of Administrative Services.

26 ~~(6)~~(5) The State Treasurer shall transfer a total of  
27 sixty-eight million dollars from the Cash Reserve Fund to the  
1 General Fund on or before June 30, 2013, on such dates and in  
2 such amounts as directed by the budget administrator of the budget  
3 division of the Department of Administrative Services.

4 ~~(7)~~ The State Treasurer, at the direction of the  
5 budget administrator of the budget division of the Department  
6 of Administrative Services, shall transfer not to exceed twelve  
7 million dollars in total between July 1, 2011, and November  
8 30, 2012, from the Cash Reserve Fund to the Ethanol Production  
9 Incentive Cash Fund, for ethanol production incentive credits,  
10 on such dates and in such amounts as certified by the Tax  
11 Commissioner.

12 ~~(8)~~ The State Treasurer, at the direction of the  
13 budget administrator of the budget division of the Department  
14 of Administrative Services, shall transfer an amount equal to the  
15 total amount transferred pursuant to subsection (7) of this section  
16 from the Ethanol Production Incentive Cash Fund to the Cash Reserve  
17 Fund in such amounts as certified by the Tax Commissioner on or  
18 before November 30, 2012.

19 ~~(9)~~ The State Treasurer, at the direction of the  
20 budget administrator of the budget division of the Department  
21 of Administrative Services, shall transfer eighty million dollars  
22 from the Cash Reserve Fund to the Nebraska Capital Construction  
23 Fund on or before August 15, 2012.

24 ~~(10)~~ The State Treasurer, at the direction of the  
25 budget administrator of the budget division of the Department  
26 of Administrative Services, shall transfer one million dollars from  
27 the Cash Reserve Fund to the Affordable Housing Trust Fund on or  
1 before August 15, 2012.

2 ~~(11)~~(6) The State Treasurer shall transfer ten million  
3 dollars from the Cash Reserve Fund to the General Fund on  
4 or before June 30, 2013, on such date as directed by the  
5 budget administrator of the budget division of the Department  
6 of Administrative Services.

7 ~~(12)~~(7) The State Treasurer, at the direction of the  
8 budget administrator of the budget division of the Department of  
9 Administrative Services, shall transfer not to exceed forty-three  
10 million fifteen thousand four hundred fifty-nine dollars in total  
11 from the Cash Reserve Fund to the Nebraska Capital Construction  
12 Fund between July 1, 2013, and June 30, 2017.

13 (8) The State Treasurer shall transfer fourteen million  
14 five hundred thousand dollars from the Cash Reserve Fund to the  
15 Nebraska Capital Construction Fund on or before June 30, 2015, on  
16 such date as directed by the budget administrator of the budget  
17 division of the Department of Administrative Services.



18 (9) The State Treasurer shall transfer fifty million five  
 19 hundred thousand dollars from the Cash Reserve Fund to the General  
 20 Fund on or before December 31, 2014, on such date as directed by  
 21 the budget administrator of the budget division of the Department  
 22 of Administrative Services.

23 Sec. 3. Original section 66-1345, Revised Statutes  
 24 Cumulative Supplement, 2012, and section 84-612, Revised Statutes  
 25 Supplement, 2013, are repealed.

26 2. On page 1, strike beginning with "sections" in line  
 27 1 through line 5 and insert "section 66-1345, Revised Statutes  
 1 Cumulative Supplement, 2012, and section 84-612, Revised Statutes  
 2 Supplement, 2013; to provide and eliminate transfers of funds; to  
 3 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 949.** Placed on Select File with amendment.

ER170

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. The following sums of money, or so much  
 4 thereof as may be required, are hereby appropriated from the  
 5 General Fund or from other funds as indicated in the state  
 6 treasury, not otherwise appropriated, for the payment of tort  
 7 claims which have been settled by the State Claims Board and  
 8 approved by the district court, which have been settled by the  
 9 Attorney General in the district court, or in which court judgments  
 10 have been entered and which require the approval of the Legislature  
 11 for payment.

12 \$600,000.00 for Tort Claim Number 2009-03406, against the  
 13 State of Nebraska, pay to Locke E. Bowman, Roderick MacArthur  
 14 Justice Center, Northwestern University School of Law, 375 East  
 15 Chicago Avenue, Chicago, IL 60611, out of the General Fund.

16 \$152,752.67 for Tort Claim Number 2009-03539, against  
 17 the State of Nebraska, pay to Sandra Ham, Guardian for Ian Ham,  
 18 and Disability Rights Nebraska, 134 South 13th Street, Suite 600,  
 19 Lincoln, NE 68508, out of the General Fund.

20 \$250,000 for Tort Claim Number 2010-09761, against the  
 21 State of Nebraska, pay to Berry Law Firm, 2650 North 48th Street,  
 22 Lincoln, NE 68504-3631, out of the General Fund.

23 \$125,000 for Tort Claim Number 2011-11365, against the  
 1 State of Nebraska, pay \$48,564 to Mattson Ricketts Law Firm, 134  
 2 South 13th Street, Suite 1200, Lincoln, NE 68508, and pay \$76,436  
 3 to Pacific Life and Annuity Services, Inc., 700 Newport Center  
 4 Drive, 1st Floor Treasury, Newport Beach, CA 92660-6397, out of the  
 5 General Fund.

6 \$15,000 for Tort Claim Number 2014-13247, against the  
 7 State of Nebraska, pay to Telma S. Diaz and Adam Sipple, 9900  
 8 Nicholas Street, Suite 225, Omaha, NE 68114, out of the General  
 9 Fund.

10 \$325,000 for Tort Claim Number 2014-13248, against the  
 11 State of Nebraska, pay to Nicholas Sampson and Chaloupka, Holyoke,  
 12 Snyder, Chaloupka, Longoria, and Kishiyama PC, LLO, 1714 Second  
 13 Avenue, P.O. Box 2424, Scottsbluff, NE 69363-2424, out of the  
 14 General Fund.

15 The claims included in this section shall be paid through  
 16 Program 591 in Agency 65.

17 For informational purposes only, the appropriations  
 18 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20 <u>GENERAL FUND</u>	<u>\$1,467,752.67</u>
21 <u>CASH FUND</u>	<u>\$-0-</u>
22 <u>REVOLVING FUND</u>	<u>\$-0-</u>
23 <u>TOTAL</u>	<u>\$1,467,752.67</u>

24 Sec. 2. The following sums of money, or so much thereof  
 25 as may be required, are hereby appropriated from the General  
 26 Fund or from other funds as indicated in the state treasury, not  
 27 otherwise appropriated, for the payment of tort claims which have  
 1 been settled by the State Claims Board and approved by the district  
 2 court, which have been settled by the Attorney General in the  
 3 district court, or in which court judgments have been entered and  
 4 which require the approval of the Legislature for payment.

5 \$575,000 for Tort Claim Number 2013-12765, against the  
 6 State of Nebraska, pay to Ruben Maravilla-Servin and Heldt and  
 7 McKeone, P.O. Box 1050, 710 North Grant Street, Lexington, NE  
 8 68850-5050, out of the State Insurance Fund.

9 \$32,807 for Tort Claim Number 2013-12766, against the  
 10 State of Nebraska, pay to Brian McCoy, 6677 Route 96A, P.O. Box  
 11 239, Ovid, NY 14521, out of the State Insurance Fund.

12 \$29,996.27 for Tort Claim Number 2013-12904, against the  
 13 State of Nebraska, pay to Progressive Insurance, attention Chris  
 14 Woolfolk, P.O. Box 512929, Los Angeles, CA 90051-0924, out of the  
 15 State Insurance Fund.

16 \$2,000,000 for Tort Claim Number 2014-13083, against the  
 17 State of Nebraska, pay to Leonard Meeks and Martell Buchanan,  
 18 Co-Special Administrators of the Estate of Joyce Meeks, Lapin Law  
 19 Offices and Cavanagh Law Group, c/o Jeffrey Lapin, 8033 South 15th  
 20 Street, Suite A, Lincoln, NE 68512, out of the State Insurance  
 21 Fund.

22 The claims included in this section shall be paid through  
 23 Program 594 in Agency 65.

24 For informational purposes only, the appropriations  
 25 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
26 <u>GENERAL FUND</u>	<u>\$-0-</u>
1 <u>CASH FUND</u>	<u>\$-0-</u>
2 <u>REVOLVING FUND</u>	<u>\$2,637,803.27</u>
3 <u>TOTAL</u>	<u>\$2,637,803.27</u>

4 Sec. 3. The following sum of money, or so much thereof as  
 5 may be required, is hereby appropriated from the General Fund or  
 6 from other funds as indicated in the state treasury, not otherwise  
 7 appropriated, for the payment of workers' compensation claims which  
 8 have been settled by the Attorney General in the Nebraska Workers'  
 9 Compensation Court or in which court judgments have been entered  
 10 and which require the approval of the Legislature for payment.

11 \$150,000.00 for a workers' compensation claim, pay  
 12 to Kathleen Roberts and Gregory Coffey, attorney, Friedman Law  
 13 Offices, PC, 3800 Normal Boulevard, Suite 200, Lincoln, NE  
 14 68501-2009, out of the Workers' Compensation Claims Revolving Fund.

15 The claim included in this section shall be paid through  
 16 Program 593 in Agency 65.

17 For informational purposes only, the appropriation  
 18 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
20 <u>GENERAL FUND</u>	<u>\$-0-</u>
21 <u>CASH FUND</u>	<u>\$-0-</u>
22 <u>REVOLVING FUND</u>	<u>\$150,000.00</u>
23 <u>TOTAL</u>	<u>\$150,000.00</u>

24 Sec. 4. The Director of Administrative Services is hereby  
 25 authorized and directed to draw his or her warrants upon the  
 26 funds in the state treasury enumerated in this act, in favor of  
 27 the several beneficiaries named in this act for the amount set  
 1 opposite their respective names upon the presentation of proper  
 2 vouchers therefor. The several amounts appropriated in this act  
 3 shall be in full payment of any and all claims, rights, causes  
 4 of action, damages, and demands of every character and kind owing  
 5 by or against the State of Nebraska, its officers, agents, and  
 6 employees, and their successors and assigns with respect to each  
 7 of the beneficiaries respectively in whose favor the appropriations  
 8 are made. The director shall not deliver any warrant for any  
 9 items appropriated in this act until a receipt and release in  
 10 full, releasing the State of Nebraska, its officers, employees, and  
 11 agents, and their successors and assigns, has been filed by each of  
 12 the beneficiaries respectively. Upon presentation of the warrants,  
 13 the State Treasurer is hereby directed to pay the same out of money  
 14 in the General Fund or out of money in other funds indicated in  
 15 this act not otherwise appropriated.

16 Sec. 5. The following requests were filed by state  
 17 agencies seeking permission to write off certain accounts. The  
 18 State Claims Board reviewed and approved the following requests:

19 \$108,009.81 for Request Number 2014-13271, made by the  
 20 Department of Roads.

21 \$286.29 for Request Number 2014-13278, made by the  
 22 Supreme Court.

23 \$7,546.27 for Request Number 2014-13323, made by the  
 24 Military Department.

- 25 \$747,545.18 for Request Number 2014-13354, made by the  
 26 Department of Health and Human Services.  
 27 \$16,385.66 for Request Number 2014-13356, made by the  
 1 Lottery Division of the Department of Revenue.  
 2 \$1,190.85 for Request Number 2014-13364, made by the  
 3 Department of Motor Vehicles.  
 4 \$7,572.57 for Request Number 2014-13370, made by the  
 5 Board of Educational Lands and Funds.  
 6 Sec. 6. Since an emergency exists, this act takes effect  
 7 when passed and approved according to law.

**LEGISLATIVE BILL 987.** Placed on Select File.

**LEGISLATIVE BILL 863.** Placed on Select File with amendment.  
 ER173 is available in the Bill Room.

**LEGISLATIVE BILL 1012.** Placed on Select File.

**LEGISLATIVE BILL 1103.** Placed on Select File.

**LEGISLATIVE BILL 560A.** Placed on Select File.

**LEGISLATIVE BILL 867A.** Placed on Select File with amendment.  
 ER174

- 1 1. On page 1, line 3, after "2014" insert "; and to
- 2 declare an emergency".

**LEGISLATIVE BILL 974A.** Placed on Select File.

**LEGISLATIVE BILL 251.** Placed on Select File with amendment.  
 ER175

- 1 1. On page 3, line 22, strike "2013" and insert "2014".

**LEGISLATIVE BILL 751.** Placed on Select File with amendment.  
 ER176

- 1 1. On page 2, line 3, strike "(a)" and insert "(1)"; in
- 2 line 5 strike "(b)" and insert "(2)"; in line 11 strike "(c)" and
- 3 insert "(3)"; and in line 19 strike "(d)" and insert "(4)".
- 4 2. On page 3, line 11; and page 11, line 5, after
- 5 "articles" insert "of incorporation".
- 6 3. On page 7, line 16, strike the first "the".
- 7 4. On page 10, line 23, after the semicolon insert "and".
- 8 5. On page 13, line 4; and page 17, line 25, before
- 9 "report" insert "benefit".
- 10 6. On page 15, line 17, after "the" insert "annual".
- 11 7. On page 19, line 20, strike "(4)" and insert "(1)".

**LEGISLATIVE BILL 751A.** Placed on Select File.

**LEGISLATIVE BILL 660.** Placed on Select File.

**LEGISLATIVE BILL 836.** Placed on Select File.

**LEGISLATIVE BILL 1114.** Placed on Select File.

**LEGISLATIVE BILL 1114A.** Placed on Select File.

**LEGISLATIVE BILL 967.** Placed on Select File with amendment.

ER177

- 1 1. In the Standing Committee amendments, AM2199:
- 2 a. On page 10, line 10, strike "rest" and insert
- 3 "remaining amount";
- 4 b. On page 20, line 2, strike "fund", show as stricken,
- 5 and insert "Excellence in Teaching Cash Fund";
- 6 c. On page 52, line 6, after "such" insert "funds";
- 7 d. On page 54, line 27, after "increase" insert
- 8 "achievement";
- 9 e. On page 55, line 2, strike "department" and insert
- 10 "State Department of Education"; and
- 11 f. On page 67, line 12, strike "or" and show as stricken.
- 12 2. On page 1, strike beginning with "schools" in
- 13 line 1 through 14 and insert "education; to amend sections
- 14 1-116, 79-526, 79-535, 79-1101, 79-1102, and 79-1337, Reissue
- 15 Revised Statutes of Nebraska, sections 79-319, 79-759, 79-8,133,
- 16 79-8,137.01, 79-8,137.05, 79-1011, 79-1012, and 85-2407, Revised
- 17 Statutes Cumulative Supplement, 2012, and sections 9-812, 79-1003,
- 18 79-1007.11, 79-1007.23, 79-1007.25, 79-1017.01, 79-1028.01,
- 19 79-1118.01, 79-2306, 85-1603, 85-1604, and 85-2405, Revised
- 20 Statutes Supplement, 2013; to change provisions relating to
- 21 accountant licensing examination accreditation, education funding,
- 22 powers and duties of school boards, boards of education, the
- 23 State Board of Education, the State Department of Education,
- 1 and the Coordinating Commission for Postsecondary Education, the
- 2 Attracting Excellence to Teaching Program, the Enhancing Excellence
- 3 in Teaching Program, the Tax Equity and Educational Opportunities
- 4 Support Act, and early childhood education programs; to provide
- 5 for appointment of a student achievement coordinator; to redefine
- 6 disability relating to special education; to change provisions
- 7 relating to distance education program incentives and regulation;
- 8 to change provisions relating to the Private Postsecondary Career
- 9 School Act; to harmonize provisions; to repeal the original
- 10 sections; and to declare an emergency."

**LEGISLATIVE BILL 1087.** Placed on Select File with amendment.

ER178 is available in the Bill Room.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator Lathrop filed the following amendment to LB560:  
AM2391

(Amendments to E & R amendments, ER161)

- 1 1. On page 3, line 3, after "hours" insert "for which";
- 2 and in line 4 strike "worked" and insert "was paid".

Senator Coash filed the following amendment to LB853:  
AM2441

(Amendments to E & R amendments, ER162)

- 1 1. Insert the following new section:
- 2 Sec. 45. Section 71-3405, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 71-3405 For purposes of the Child and Maternal Death
- 5 Review Act:
- 6 (1) Child means a person from birth to eighteen years of
- 7 age;
- 8 (2) Investigation of child death means a review of
- 9 existing records and other information regarding the child from
- 10 relevant agencies, professionals, and providers of medical, dental,
- 11 prenatal, and mental health care. The records to be reviewed
- 12 may include, but not be limited to, medical records, coroner's
- 13 reports, autopsy reports, social services records, records of
- 14 alternative response cases under alternative response demonstration
- 15 projects implemented in accordance with sections 2 to 4 of this
- 16 act, educational records, emergency and paramedic records, and law
- 17 enforcement reports;
- 18 (3) Investigation of maternal death means a review of
- 19 existing records and other information regarding the woman from
- 20 relevant agencies, professionals, and providers of medical, dental,
- 21 prenatal, and mental health care. The records to be reviewed may
- 22 include, but not be limited to, medical records, coroner's reports,
- 1 autopsy reports, social services records, educational records,
- 2 emergency and paramedic records, and law enforcement reports;
- 3 (4) Maternal death means the death of a woman during
- 4 pregnancy or the death of a postpartum woman;
- 5 (5) Postpartum woman means a woman during the period of
- 6 time beginning when the woman ceases to be pregnant and ending one
- 7 year after the woman ceases to be pregnant;
- 8 (6) Preventable child or maternal death means the death
- 9 of any child or pregnant or postpartum woman which reasonable
- 10 medical, social, legal, psychological, or educational intervention
- 11 may have prevented. Preventable child or maternal death includes,
- 12 but is not limited to, the death of a child or pregnant or
- 13 postpartum woman from (a) intentional and unintentional injuries,
- 14 (b) medical misadventures, including untoward results, malpractice,
- 15 and foreseeable complications, (c) lack of access to medical care,
- 16 (d) neglect and reckless conduct, including failure to supervise

- 17 and failure to seek medical care for various reasons, and (e)  
 18 preventable premature birth;  
 19 (7) Reasonable means taking into consideration the  
 20 condition, circumstances, and resources available; and  
 21 (8) Team means the State Child and Maternal Death Review  
 22 Team.  
 23 2. On page 4, line 19, after "implementation" insert  
 24 "plan".  
 25 3. On page 5, strike line 3 and insert "this section to  
 26 the commission and electronically to the Legislature by November".  
 27 4. On page 7, lines 4 and 5, strike "the provisions of  
 1 this legislative bill" and insert "sections 2 to 4 of this act";  
 2 and strike beginning with "that" in line 24 through "and" in line  
 3 26 and insert "pursuant to the department's rules, regulations, and  
 4 policies, to evaluate the information, and to".  
 5 5. On page 9, line 8, after the second comma insert "the  
 6 age of the child or children".  
 7 6. On page 13, strike beginning with "The" in line 10  
 8 through the period in line 11 and show as stricken.  
 9 7. Renumber the remaining sections and correct the  
 10 repealer accordingly.

### MESSAGES FROM THE GOVERNOR

March 12, 2014

Mr. President, Speaker Adams  
 and Members of the Legislature  
 State Capitol  
 Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

John F. Krager III, 15205 Bauman Avenue, Omaha, NE 68116

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
 (Signed) Dave Heineman  
 Governor

Enclosures

March 12, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Foster Care Advisory Committee:

Elizabeth Neeley, 1525 N. 1st Street, Seward, NE 68434  
Sandra Kruback, 9524 S. Coyote Lane, North Platte, NE 69101

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Electrical Board:

James S. Brummer, 1823 Imperial Road, Norfolk, NE 68701

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures



March 14, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

Kevin Peterson, 13010 K Road, Osceola, NE 68651

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

March 17, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Board of Parole:

Rosalyn Cotton, 17189 Manderson Street, Omaha, NE 68116

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 472, 473, 474, 475, 476, 477, 478, 479, 480, and 481 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 472, 473, 474, 475, 476, 477, 478, 479, 480, and 481.

**SELECT FILE**

**LEGISLATIVE BILL 132.** ER152, found on page 760, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 728.** ER153, found on page 764, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 884.** ER151, found on page 785, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1014.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 986.** ER157, found on page 846, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 974.** ER166, found on page 849, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 974A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 854.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 941.** ER164, found on page 855, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 941A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 692.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 464.** ER33, found on page 817, First Session, 2013, was adopted.

Senator Krist withdrew his amendment, AM1674, found on page 345.

Senator Ashford withdrew his amendment, AM1734, found on page 401.

Senator Krist offered his amendment, AM2163, found on page 717.

Senator Krist offered the following amendment to his amendment:

AM2419

(Amendments to AM2163)

1 1. Strike section 5 and insert the following new section:  
 2 Sec. 5. The Department of Health and Human Services,  
 3 as the single state agency administering the Title IV-E state  
 4 plan, has the authority to enter into the agreement with the  
 5 Office of Probation Administration to act as a surrogate of the  
 6 Department of Health and Human Services to administer the Title  
 7 IV-E state plan for children it has placement and care authority  
 8 of. The Department of Health and Human Services as the public  
 9 agency administering or supervising the administration of the Title  
 10 IV-E State Plan in accordance with section 472(a)(2)(B)(ii) of the  
 11 federal Social Security Act, 42 U.S.C. 672(a)(2)(B)(ii), to obtain  
 12 federal reimbursement for allowable maintenance, administrative,  
 13 and training expenses in accordance with Title IV-E of the  
 14 federal Social Security Act, Public Law 96-272, Public Law 105-89,  
 15 and Public Law 110-351, maintains the ultimate responsibility  
 16 to supervise the Office of Probation Administration's activities  
 17 regarding the Title IV-E requirements for eligible children served  
 18 under the agreement.  
 19 The Office of Probation Administration has placement  
 20 and care responsibility for juveniles in out-of-home placement,  
 21 also known as foster care, described in subdivision (1), (2),  
 22 (3)(b), or (4) of section 43-247. Placement and care constitutes  
 1 accountability for the day-to-day care and protection of juveniles.  
 2 The responsibility of having placement and care includes the  
 3 development of an individual case plan for the juvenile, including  
 4 periodic review of the appropriateness and suitability of the  
 5 plan and the foster case placement, to ensure that proper care  
 6 and services are provided to facilitate return to the juvenile's  
 7 own home or to make an alternative placement. The case plan  
 8 activities include such items as assessing family strength and  
 9 needs, identifying and using community resources, and the period

- 10 review and determination of continued appropriateness of placement.  
 11 Placement and care does not include rights retained by the legal  
 12 custodian, including, but not limited to, provisions and decisions  
 13 surrounding education, morality, religion, discipline, and medical  
 14 care.

The Krist amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Krist amendment, AM2163, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Ashford offered his amendment, AM2164, found on page 709.

Senator Ashford offered the following amendment to his amendment:  
 AM2450

(Amendments to Ashford amendments, AM2164)

- 1 1. Insert the following new amendment:
- 2 3. Change the operative date so that the sections added
- 3 by this amendment become operative three calendar months after the
- 4 adjournment of this legislative session.

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

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

The Chair declared the call raised.

The Ashford amendment, AM2164, as amended, was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

## RESOLUTION

**LEGISLATIVE RESOLUTION 487.** Introduced by McCoy, 39.

WHEREAS, improving access to quality health care for all Nebraskans is essential to improving the health of the state's population and strengthening the state's economy; and

WHEREAS, health benefits for all Nebraskans should be attained in a manner that encourages personal responsibility, leverages insurance offered by employers and private insurance companies, and seeks to improve the health outcomes and financial security of those receiving benefits; and

WHEREAS, health insurance in Nebraska should be provided in a manner that encourages fiscal responsibility, safeguards the interests of Nebraska taxpayers, and protects Nebraska jobs; and

WHEREAS, health care reform enacted by the United States Congress should recognize that the most cost effective health care coverage fits the individual needs of the consumer and encourages increased competition, consumer choice, and cost reduction within the private marketplace; and

WHEREAS, such reform by Congress should allow small businesses and individuals to pool together to purchase health care coverage; and

WHEREAS, such reform by Congress should provide continuity and portability of coverage by allowing the purchase of health care coverage across state lines; and

WHEREAS, such reform by Congress should allow the purchase of health care coverage that does not infringe on a consumer's religious rights or personal beliefs; and

WHEREAS, such reform by Congress should seek to reform medical liability and thus mitigate defensive medicine practices and lower health care costs; and

WHEREAS, such reform by Congress should allow consumers greater flexibility in their health spending by easing restrictions on the utilization of health savings accounts; and

WHEREAS, such reform by Congress should include reforms to Medicaid to provide states greater flexibility in spending to maximize market efficiencies.

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

1. That the Legislature urges the United States Congress to take affirmative action to enact comprehensive health care reform which adopts the considerations, provides the protections, and secures the rights and interests described in this resolution.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation.

Laid over.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR487 was referred to the Reference Committee.

#### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 488.** Introduced by Davis, 43; Kintner, 2.

WHEREAS, Louis Knoflicek was born on May 16, 1914, on the family farm near Plattsmouth, Nebraska; and

WHEREAS, Louis attended Plattsmouth High School where he played on the basketball team that went to the 1932 State Basketball Tournament; and

WHEREAS, Louis majored in agriculture at the University of Nebraska, was a member of Farmhouse Fraternity, met his future wife Winifred White at a square dance, and graduated in 1942; and

WHEREAS, during World War II, Louis served in Panama as a master sergeant with the 6th Army Air Corps; and

WHEREAS, Louis and Winifred were married on August 16, 1944, while on a 30-day furlough from the service, and they had 3 children named Kathryn, Michael, and David, 9 grandchildren, and 18 great-grandchildren; and

WHEREAS, Louis worked for the Nebraska Certified Potato Growers Association until he and his business partner, Ed Weaver, started Western Potatoes Company to supply potatoes to Weaver's Potato Chips; and

WHEREAS, Louis expanded the Western Potatoes Company to supply additional companies, including Frito-Lay, with potatoes for chips and seed, and upon retirement Louis sold the company to his employees under the employee stock ownership plan; and

WHEREAS, during his career, Louis was a member of the Nebraska Potato Development Committee and the Potato Association of America, and was appointed by former Governor J. James Exon to the Nebraska Natural Resources Commission; and

WHEREAS, in 1980 Louis received the Panhandle Outstanding Service to Agriculture Award from the University of Nebraska-Lincoln Panhandle Research and Extension Center; and

WHEREAS, after Winifred passed away, Louis was married again to Phyllis Rothwell Curtiss on October 19, 1991, and added Phyllis' four children, Larry, Jim, Mary, and Jeanne, along with Phyllis' 12 grandchildren and 22 great-grandchildren, to his family; and

WHEREAS, Louis Knoflicek will celebrate his 100th birthday on May 16, 2014, with an open house for his community, family, and friends in Alliance, Nebraska, and Louis will continue to celebrate this event at a party in Alliance on May 17.

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

1. That the Legislature congratulates Louis Knoflicek on the occasion of his 100th birthday on May 16, 2014.
2. That a copy of this resolution be sent to Louis Knoflicek at Highland Park Care Center in Alliance, Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 489.** Introduced by Larson, 40.

WHEREAS, Seth Shanks of Emerson, 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, Seth has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Seth constructed a two-foot tall white wooden cross with American flags attached to be placed in the cemetery during the annual Memorial Day program; and

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

WHEREAS, Seth, 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 Seth Shanks on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Seth Shanks.

Laid over.

**LEGISLATIVE RESOLUTION 490.** Introduced by Crawford, 45.

WHEREAS, Brent Myers is a successful social studies teacher at the Mission Middle School in Bellevue, Nebraska; and

WHEREAS, Brent is one of 36 teachers nationwide to be selected as a National History Day Behring Teacher Ambassador; and

WHEREAS, Brent was nationally recognized for this honor by excelling in developing his students' interest in history.

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

1. That the Legislature congratulates Brent Myers on being selected as a National History Day Behring Teacher Ambassador.

2. That a copy of this resolution be sent to Brent Myers at the Mission Middle School in Bellevue.

Laid over.

**LEGISLATIVE RESOLUTION 491.** Introduced by Davis, 43; Brasch, 16; Carlson, 38; Christensen, 44; Johnson, 23; Scheer, 19; Schilz, 47; Wallman, 30; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study the application of LB985 (2014) and the need to clarify and expand the application of LB985 to other political subdivisions. While current statutes provide that certain political subdivisions have the power and authority to bring, defend, or intervene in judicial and quasi-judicial actions to protect and conserve the quantity or quality of ground water and surface water resources, agency and court interpretations of such statutes have raised questions regarding the

actual power and authority of a political subdivision to establish standing when an agency's proposed action will impair or alter the political subdivision's ability to carry out its statutory duties and responsibilities. This study shall include, but not be limited to, the following issues:

(1) An examination of the current standing principles before the Department of Natural Resources;

(2) A determination of the adequacy and effectiveness of current statutes; and

(3) Any other issues that the committee deems relevant.

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

1. That the Natural Resources 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.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Brummer, James S. - State Electrical Board - General Affairs

Cotton, Rosalyn - Nebraska Board of Parole - Judiciary

Krager, John F., III - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Kruback, Sandra - Foster Care Advisory Committee - Health and Human Services

Neeley, Elizabeth - Foster Care Advisory Committee - Health and Human Services

Peterson, Kevin - Nebraska Environmental Trust Board - Natural Resources

(Signed) John Wightman, Chairperson  
Executive Board

#### **COMMITTEE REPORT**

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dean Cerny - Nebraska Motor Vehicle Industry Licensing Board

Donald Hansen - Nebraska Motor Vehicle Industry Licensing Board

Angela Quinn - Nebraska Motor Vehicle Industry Licensing Board



Aye: 5 Brasch, Dubas, Hadley, Smith, Watermeier. Nay: 0. Absent: 3 Janssen, McCoy, Murante. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 887A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 102, 111, and 161; to appropriate funds to aid in carrying out the provisions of Legislative Bill 887, One Hundred Third Legislature, Second Session, 2014; to state intent; to repeal the original sections; and to declare an emergency.

### **VISITORS**

Visitors to the Chamber were 90 fourth-grade students, teachers, and sponsors from Aurora; 18 twelfth-grade students, teacher, and sponsors from Bertrand; and 20 twelfth-grade students and teacher from Southwest High School, Bartley.

### **RECESS**

At 12:02 p.m., on a motion by Senator Seiler, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Adams presiding.

### **ROLL CALL**

The roll was called and all members were present except Senator Christensen who was excused; and Senators Ashford, Coash, Davis, Dubas, K. Haar, Janssen, Kolowski, Lautenbaugh, and Sullivan who were excused until they arrive.

### **COMMITTEE REPORTS**

Judiciary

**LEGISLATIVE BILL 811.** Placed on General File with amendment. AM2400 is available in the Bill Room.

**LEGISLATIVE BILL 1034.** Placed on General File with amendment.  
AM2343

1 1. On page 2, line 7, after "or" insert "live".

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

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

Aye: 8 Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 887.** Title read. Considered.

Committee AM2032, found on page 657, was offered.

Senator Campbell asked unanimous consent to withdraw her amendment, AM2370, found on page 886, and replace it with her substitute amendment, AM2437, to the committee amendment. No objections. So ordered.  
AM2437

(Amendments to Standing Committee amendments, AM2032)

1 1. On page 29, strike beginning with the second comma in  
2 line 20 through "Services" in line 22; and in line 23 strike the  
3 comma.

**SENATOR KRIST PRESIDING**

Senator Campbell moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Campbell requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Adams	Conrad	Gloor	Karpisek	Nordquist
Ashford	Cook	Haar, K.	Kolowski	Schumacher
Avery	Crawford	Hadley	Lathrop	Wallman
Bolz	Davis	Harr, B.	McGill	
Chambers	Dubas	Howard	Mello	

Voting in the negative, 0.

Present and not voting, 24:

Bloomfield	Garrett	Kintner	Murante	Seiler
Brasch	Hansen	Krist	Nelson	Smith
Campbell	Harms	Larson	Pirsch	Watermeier
Carlson	Janssen	Lautenbaugh	Scheer	Wightman
Coash	Johnson	McCoy	Schilz	

Excused and not voting, 2:

Christensen Sullivan

The Campbell amendment lost with 23 ayes, 0 nays, 24 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 492.** Introduced by Crawford, 45; McGill, 26; Nordquist, 7.

WHEREAS, Marissa Janning is a guard for the Creighton University Bluejays women's basketball team; and

WHEREAS, Marissa led the Creighton Bluejays to a 2013-14 regular season record of 19-13; and

WHEREAS, Marissa was named the 2014 Big East Conference Women's Basketball Player of the Year; and

WHEREAS, Marissa led the Big East Conference in scoring with 18.3 points per game and a free-throw percentage of over 86 percent.

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

1. That the Legislature congratulates Marissa Janning on being named the 2014 Big East Conference Women's Basketball Player of the Year and recognizes her outstanding athletic achievements.

2. That a copy of this resolution be sent to Marissa Janning.

Laid over.

**LEGISLATIVE RESOLUTION 493.** Introduced by Crawford, 45; McGill, 26.

WHEREAS, Dr. Subhash Bhatia has received the 2014 Irma Bland Award for Excellence in Teaching Residents from the American Psychiatric Association; and

WHEREAS, Dr. Bhatia has taught at Creighton University's School of Medicine for almost 40 years, and also serves as the chief of mental health

and behavioral services at the United States Department of Veterans Affairs Nebraska-Western Iowa Health Care System; and

WHEREAS, Dr. Bhatia supervises the Creighton University School of Medicine's student-run Magis Clinic which provides free services to the homeless and uninsured; and

WHEREAS, Dr. Bhatia has been listed multiple times in "The Best Doctors of America."

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

1. That the Legislature congratulates Dr. Subhash Bhatia on receiving the 2014 Irma Bland Award for Excellence in Teaching Residents from the American Psychiatric Association and recognizes his work in providing important access to quality mental health services.

2. That a copy of this resolution be sent to Dr. Subhash Bhatia.

Laid over.

#### AMENDMENTS - Print in Journal

Senator K. Haar filed the following amendment to LB967:  
AM2462

(Amendments to Standing Committee amendments, AM2199)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 72-201, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 72-201 (1) The Board of Educational Lands and Funds shall
- 5 consist of five members to be appointed by the Governor with the
- 6 consent of a majority of the members elected to the Legislature.
- 7 One member shall be appointed from each of the congressional
- 8 districts as the districts were constituted on January 1, 1961,
- 9 and a fifth member shall be appointed from the state at large. One
- 10 member of the board shall be competent in the field of investments.
- 11 The initial members shall be appointed to take office on October
- 12 1, 1955, and shall hold office for the following periods of time:
- 13 The member from the first congressional district for one year; the
- 14 member from the second congressional district for two years; the
- 15 member from the third congressional district for three years; the
- 16 member from the fourth congressional district for four years; and
- 17 the member from the state at large for five years. As the terms
- 18 of the members expire, the Governor shall appoint or reappoint
- 19 a member of the board for a term of five years, except members
- 20 appointed to fill vacancies whose tenures shall be the unexpired
- 21 terms for which they are appointed. If the Legislature is not
- 22 in session when such members, or some of them, are appointed by
- 1 the Governor, such members shall take office and act as recess
- 2 appointees until the Legislature next thereafter convenes. ~~Until~~
- 3 ~~October 1, 2011, the~~ The compensation of the members shall be
- 4 ~~forty~~ fifty dollars per day for each day's time actually engaged

5 in the performance of the duties of their office. ~~Before, on,~~  
 6 ~~and after October 1, 2011, each~~ Each member shall be paid his or  
 7 her necessary traveling expenses incurred while upon business of  
 8 the board as provided in sections 81-1174 to 81-1177. The board  
 9 shall cause all school, university, agricultural college, and state  
 10 college lands, owned by or the title to which may hereafter vest  
 11 in the state, to be registered, leased, and sold as provided in  
 12 sections 72-201 to 72-251 and shall have the general management  
 13 and control of such lands and make necessary rules not provided by  
 14 law. The funds arising from these lands shall be disposed of in the  
 15 manner provided by the Constitution of Nebraska, sections 72-201 to  
 16 72-251, and other laws of Nebraska not inconsistent herewith.

17 (2) No person shall be eligible to membership on the  
 18 board who is actively engaged in the teaching profession, who holds  
 19 or has any financial interest in a school land lease, who is a  
 20 holder of or a candidate for any state office or a member of any  
 21 state board or commission, or who has not resided in this state for  
 22 at least three years.

23 (3) The board shall elect one of its members as  
 24 chairperson of the Board of Educational Lands and Funds. In  
 25 the absence of the chairperson, any member of the board may, upon  
 26 motion duly carried, act in his or her behalf as such chairperson.  
 27 It shall keep a record of all proceedings and orders made by it. No  
 1 order shall be made except upon the concurrence of at least three  
 2 members of the board. It shall make all orders pertaining to the  
 3 handling of all lands and funds set apart for educational purposes.

4 (4) The board shall maintain an office in Lincoln and  
 5 shall meet in its office not less than once each month.

6 (5) The board may appoint a secretary for the board. The  
 7 compensation of the secretary shall be payable monthly, as fixed by  
 8 the board.

9 2. Renumber the remaining sections and amend the repealer  
 10 accordingly.

Senator K. Haar filed the following amendment to LB965:  
 AM2461

(Amendments to Standing Committee amendments, AM2045)

- 1 1. On page 1, line 3, after the semicolon insert "in line
- 2 19 strike 'costs'"; and strike beginning with "the" in line 12
- 3 through "8" in line 13 and insert "'costs' in line 8 and insert
- 4 'water usage'".

**GENERAL FILE**

**LEGISLATIVE BILL 887.** Senator Campbell offered the following motion:

MO144

Reconsider the vote taken on AM2437.

**SENATOR COASH PRESIDING**

Pending.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 946.** Placed on Select File with amendment. ER179 is available in the Bill Room.

(Signed) John Murante, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1093A.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, section 18, and Laws 2013, LB216A, section 1; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1093, One Hundred Third Legislature, Second Session, 2014; and to repeal the original sections.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 494.** Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School boys' basketball team won the 2014 Class D-2 Boys' State Basketball Championship by defeating High Plains High School by a score of 62-47; and

WHEREAS, the win gave the Bancroft-Rosalie Panthers their first ever boys' state basketball championship; and

WHEREAS, the Bancroft-Rosalie High School boys' basketball team ended their season with a record of 26 wins and 4 losses; 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 Bancroft-Rosalie High School boys' basketball team on winning the 2014 Class D-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School boys' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 495.** Introduced by Janssen, 15.

WHEREAS, Sheila Monke was selected as the 2014 Nebraska Mother of the Year by the Nebraska Mothers Association; and

WHEREAS, Sheila is a former teacher who spent much of her career working with children with special needs; and

WHEREAS, Sheila and her husband of 35 years, David Monke, live north of Fontanelle on the farm that her husband's family homesteaded in 1871 and together run the family business, Nebraska Irrigated Seeds, in Nickerson, North Bend, and Fremont; and

WHEREAS, Sheila and David raised three exceptional children, Jacob, Kate, and Adam, and Sheila is an outstanding mother-in-law to Kris Kavan and Sarah Monke, a daughter-in-law to Patty Wipperling, and a grandmother to Fiona and Jacobi Kavan; and

WHEREAS, Sheila is a past president of the board at The Bridge crisis center, a board member of the Fremont Area Medical Center Foundation, a board member of the Fremont Area Community Foundation, and a Eucharistic Minister at St. Patrick's Catholic Church in Fremont; and

WHEREAS, Sheila will be honored at the 79th national convention of American Mothers, Inc. in Colorado Springs, Colorado, in April 2014.

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

1. That the Legislature congratulates Sheila Monke on her selection as the 2014 Nebraska Mother of the Year.
2. That a copy of this resolution be sent to Sheila Monke.

Laid over.

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

Senator Mello filed the following amendment to LB905:  
AM2408

(Amendments to Standing Committee amendments, AM2019)

- 1 1. Purpose: Insert new section to add a fund name to the
- 2 fund listing.
- 3 Amendment:
- 4 a. Insert the following new section:
- 5 Sec. 76. Laws 2013, LB195, section 265, is amended to
- 6 read:
- 7 Sec. 265. REFUND AND DISTRIBUTIVE FUNDS.
- 8 The receipts for FY2013-14 and FY2014-15 inuring to the
- 9 several refund and distributive funds, together with any amounts
- 10 held in account by the State Treasurer on June 30, 2013, are hereby

11 credited to each of the funds respectively, which funds are hereby  
 12 appropriated for FY2013-14 and FY2014-15:  
 13 (1) State Treasurer: Car Line Refund Fund, Insurance Tax  
 14 Fund, Highway Allocation Fund, Aircraft Fuel Tax Fund, Severance  
 15 Tax Fund, Suspense Fund, State Treasurer's Land Sales Distributive  
 16 Fund, State Fleet Card Fund;  
 17 (2) State Department of Education: Public Grazing Fund,  
 18 Forest Reserve Fund, Flood Control Fund, Insurance Tax Fund;  
 19 (3) Department of Labor: Income Tax Setoff Fund;  
 20 (4) Department of Motor Vehicles: International  
 21 Registration Plan Distributive Fund;  
 22 (5) Department of Health and Human Services: Child  
 1 Support Operations Distribution Fund, Supplemental Security Income  
 2 Distribution Fund, Food Distribution Fund;  
 3 (6) Department of Roads: State Aid Bridge Fund;  
 4 (7) Nebraska Library Commission: NEBASE Fund;  
 5 (8) Coordinating Commission for Postsecondary Education:  
 6 State Student Incentive Grant Match Fund;  
 7 (9) Department of Administrative Services: Imprest  
 8 Payroll Distributive Fund, State Purchasing Card Distributive Fund;  
 9 and  
 10 (10) Public Employees Retirement Board: Deferred  
 11 Compensation Fund.  
 12 b. On page 84, line 20, strike "and 264" and insert "264,  
 13 and 265"; and  
 14 c. Renumber the remaining sections and correct internal  
 15 references accordingly.  
 16 2. Purpose: To establish a contingency appropriation to  
 17 fund the deficit resulting from the shortfall in LB561A in the  
 18 Supreme Court for FY2013-14 through General Fund reductions in two  
 19 Department of Health and Human Service Programs. In Program 347 -  
 20 Public Assistance, excess General Fund appropriations are reduced.  
 21 In Program 348 - Medicaid, additional cash funds from the False  
 22 Medicaid Claims Act are appropriated to free up General Funds for  
 23 the transfer to the Supreme Court.  
 24 Amendment:  
 25 a. Insert the following new section:  
 26 Sec. 12. AGENCY NO. 5 - SUPREME COURT  
 27 Program No. 436 - Juvenile Services Project Contingency

	<u>FY2013-14</u>	<u>FY2014-15</u>
1		
2	<u>7,400,000</u>	<u>-0-</u>
3	<u>7,400,000</u>	<u>-0-</u>
4	<u>There is included in the appropriation to this program</u>	
5	<u>for FY2013-14 \$7,400,000 General Funds set aside to reflect a</u>	
6	<u>potential shortfall in funds appropriated in Laws 2013, LB561A,</u>	
7	<u>for FY2013-14. No expenditures shall be made from this program.</u>	
8	<u>The probation administrator, or his or her designee, shall</u>	
9	<u>certify to the budget administrator of the budget division of</u>	
10	<u>the Department of Administrative Services the amounts necessary</u>	



11 to supplement General Funds appropriated by Laws 2013, LB561A,  
 12 to Program No. 435 - Probation Community Corrections, if such  
 13 General Fund appropriation to Program 435 is insufficient. The  
 14 budget administrator shall administratively transfer the available  
 15 appropriation balances as certified by the probation administrator,  
 16 or his or her designee, from appropriations contained in this  
 17 section to Program No. 435 - Probation Community Corrections.

18 b. On page 41, line 12, strike "108,359,868" and  
 19 insert "103,359,868"; in line 17 strike "214,979,439" and insert  
 20 "209,979,439"; and in line 19 strike "\$108,359,868" and insert  
 21 "\$103,359,868";

22 c. On page 42, line 21, strike "706,088,424" and  
 23 insert "703,688,424"; in line 23 strike "38,681,662" and insert  
 24 "41,081,662";

25 d. On page 43, line 2, strike "\$706,088,424" and insert  
 26 "\$703,688,424" and strike "\$38,681,662", show as stricken, and  
 27 insert "\$41,081,662"; and

1 e. Renumber the remaining sections and correct internal  
 2 references accordingly.

3 3. Purpose: To make technical harmonizing changes to the  
 4 appropriation.

5 Amendment:

6 a. Strike section 56 and insert the following new  
 7 section:

8 Sec. 26. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 9 SERVICES

10 Program No. 33 - Administration

	<u>FY2013-14</u>	<u>FY2014-15</u>
<u>GENERAL FUND</u>	<u>-0-</u>	<u>154,910</u>
<u>CASH FUND</u>	<u>-0-</u>	<u>500,000</u>
<u>FEDERAL FUND est.</u>	<u>-0-</u>	<u>177,090</u>
<u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>832,000</u>
<u>SALARY LIMIT</u>	<u>-0-</u>	<u>335,722</u>

17 There is included in the appropriations to this program  
 18 made by the One Hundred Third Legislature, First and Second  
 19 Sessions, for FY2013-14 \$500,000 General Funds for the electronic  
 20 records initiative, which shall only be used for such purpose.

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

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

3 It is the intent of the Legislature that the Department  
 4 of Health and Human Services shall provide quarterly status reports  
 5 electronically as the Request for Proposal (RFP) is being developed

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

20 b. On page 84, line 19, strike "93,".

21 c. Renumber the remaining sections accordingly.

22 4. Purpose: Correct a reference to an act.

23 Amendment:

24 a. On page 5, strike line 11 and all amendments thereto  
 25 and insert "approved under the Sports Arena Facility Financing  
 26 Assistance".

27 5. Purpose: Add intent language.

1 Amendment:

2 a. On page 15, after line 24 insert:

3 "It is the intent of the Legislature that as part  
 4 of the replacement of the existing heating, ventilating, and  
 5 air conditioning systems serving the Nebraska State Capitol, the  
 6 Office of the Nebraska Capitol Commission seek to maximize energy  
 7 efficiency in the State Capitol to the extent possible, seek out  
 8 or utilize energy service companies to analyze potential energy  
 9 savings that could be incorporated into the project, work with  
 10 public power entities to identify potential grants, incentives,  
 11 and rebates that could reduce energy costs in the State Capitol,  
 12 and include equipment for ongoing measurement and monitoring of  
 13 energy consumption in the State Capitol to ensure accountability  
 14 and energy savings into the future.".

15 6. Purpose: Increase TEEOSA aid by \$110,322 to reflect  
 16 the final calculation of certified aid for FY2014-15.

17 Amendment:

18 a. On page 22, line 2, strike "1,120,366,915" and insert  
 19 "1,120,477,237"; in line 6 strike "1,414,496,991" and insert  
 20 "1,414,607,313"; in line 12 strike "\$1,120,366,915" and insert  
 21 "\$1,120,477,237"; and in line 21 strike "\$880,531,825" and insert  
 22 "\$880,642,147".

23 7. Purpose: Clarify that unexpended behavioral health aid  
 24 funds are to be allocated to behavioral health regions.

25 Amendment:

26 a. On page 39, in lines 16 and 17 strike "providers  
 27 of behavioral health services" and insert "the behavioral health

1 regions".

2 8. Purpose: To add explanatory language to cash and  
3 federal fund appropriations changes.

4 Amendment:

5 a. On page 44, after line 23 insert:

6 "There is included in the appropriation to this program  
7 for FY2014-15 \$7,700,000 Cash Funds from funds transferred from the  
8 University of Nebraska Medical Center and an estimated \$9,200,000  
9 federal funds for supplemental payments to the Nebraska Medical  
10 Center. The payments are allowed pending the approval of a Medicaid  
11 State Plan Amendment by the Centers for Medicare and Medicaid.

12 There is included in the appropriation to this program  
13 for FY2014-15 \$2,400,000 Cash Funds from the Health and Human  
14 Services Cash Fund (Fund 22555) for FY2014-15."

15 9. Purpose: Eliminate a general fund aid appropriation  
16 for the State Ward Permanency Pilot Project in FY2013-14 to correct  
17 an error.

18 Amendment:

19 a. On page 47, line 4, strike "110,673,012" and  
20 insert "109,173,012"; in line 7 strike "116,985,012" and insert  
21 "115,485,012"; and in line 9 strike "110,673,012" and insert  
22 "\$109,173,012"; and

23 b. On page 48, line 7, strike "for FY2013-14 \$1,500,000  
24 General Funds and".

Senator Chambers filed the following amendment to LB905:  
AM2464

(Amendments to Standing Committee amendments, AM2019)

1 Purpose: To remove the additional appropriation that  
2 would allow the Department of Correctional Services to contract  
3 with counties to house up to 150 Nebraska inmates in county jails.

4 Amendment:

5 1. On page 51, line 27, strike "171,557,925 179,722,069"  
6 and insert "170,834,321 175,495,444".

7 2. On page 52, line 5, strike "193,529,875 201,796,168"  
8 and insert "192,806,271 197,569,543".

9 3. On page 53, strike lines 10 through 17.

Senator Janssen filed the following amendment to LB987:  
AM2458

1 1. On page 13, after line 1 insert the following new  
2 subsection:

3 "(14) For taxable years beginning or deemed to begin  
4 on or after January 1, 2015, under the Internal Revenue Code of  
5 1986, as amended, an individual may make a one-time election within  
6 two calendar years after the date of his or her retirement from  
7 the military to exclude income received as a military retirement  
8 benefit by the individual to the extent included in federal  
9 adjusted gross income and as provided in this subsection. The

10 individual may elect to exclude forty percent of his or her  
 11 military retirement benefit income for seven consecutive taxable  
 12 years beginning with the year in which the election is made or may  
 13 elect to exclude fifteen percent of his or her military retirement  
 14 benefit income for all taxable years beginning with the year in  
 15 which he or she turns sixty-seven years of age. For purposes  
 16 of this subsection, military retirement benefit means retirement  
 17 benefits that are periodic payments attributable to service in  
 18 the uniformed services of the United States for personal services  
 19 performed by an individual prior to his or her retirement."

**GENERAL FILE**

**LEGISLATIVE BILL 887.** The Campbell motion, MO144, found in this day's Journal, to reconsider the vote taken on AM2437, was renewed.

Senator Cook moved the previous question. The question is, "Shall the debate now close?"

Senator Cook moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The motion to cease debate prevailed with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

Senator Campbell requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 30:

Adams	Chambers	Gloor	Karpisek	Nordquist
Ashford	Conrad	Haar, K.	Kolowski	Schumacher
Avery	Cook	Hadley	Krist	Seiler
Bolz	Crawford	Harms	Lathrop	Sullivan
Campbell	Davis	Harr, B.	McGill	Wallman
Carlson	Dubas	Howard	Mello	Wightman

Voting in the negative, 16:

Bloomfield	Janssen	McCoy	Scheer
Brasch	Johnson	Murante	Schilz
Garrett	Kintner	Nelson	Smith
Hansen	Lautenbaugh	Pirsch	Watermeier

Present and not voting, 2:

Coash	Larson
-------	--------

Excused and not voting, 1:

Christensen

The Campbell motion to reconsider prevailed with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Campbell amendment, AM2437, found in this day's Journal, to the committee amendment, was reconsidered.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

The Campbell amendment was adopted with 29 ayes, 7 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Campbell withdrew her amendments, AM2369, AM2368, and AM2367, found on pages 886 and 887.

Senator Watermeier offered the following amendment to the committee amendment:

AM2418

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 1, strike beginning with "in" in line 8
- 2 through "aims" in line 9 and insert "with the aim".

#### **SENATOR GLOOR PRESIDING**

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The motion to cease debate prevailed with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

The Watermeier amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following amendment to the committee amendment:

AM2331

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 20, strike beginning with "Such" in line 26
- 2 through line 27.
- 3 2. On page 21, strike lines 1 through 25.

### **SENATOR COASH PRESIDING**

Pending.

### **AMENDMENT - Print in Journal**

Senator Campbell filed the following amendment to LB887:

AM2438

(Amendments to Standing Committee amendments, AM2032)

- 1 1. On page 30, line 27, strike "such" and insert
- 2 "information regarding potential".
- 3 2. On page 31, line 4, after "Act" insert ", including
- 4 amending, repealing, or affirming the Wellness in Nebraska Act".

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Krist asked unanimous consent to add his name as cointroducer to LR490. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were J.J. Green from Grand Island and Dave Skutnik from Doniphan; and Senator Avery's father-in-law, Jim Harrell, from Lincoln.

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

### **ADJOURNMENT**

At 8:12 p.m., on a motion by Senator Lautenbaugh, the Legislature adjourned until 9:00 a.m., Wednesday, March 19, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FIFTH DAY - MARCH 19, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 19, 2014

**PRAYER**

The prayer was offered by Pastor Zach Anderson, Hanscom Park United Methodist 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 Conrad, Karpisek, Kintner, and McCoy who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 496.** Introduced by Johnson, 23.

WHEREAS, the Bishop Neumann High School boys' basketball team won the 2014 Class C-1 Boys' State Basketball Championship by defeating Wahoo High School by a score of 68-47; and

WHEREAS, the win gave the Bishop Neumann Cavaliers their first state title since 2003; 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 Bishop Neumann High School boys' basketball team on winning the 2014 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bishop Neumann Cavaliers boys' basketball team and Coach Mike Weiss.

Laid over.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**        **Committee**  
LR487        Health and Human Services

(Signed) John Wightman, Chairperson  
Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 986A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 987A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1087A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, and 16 present and not voting.

**LEGISLATIVE BILL 887.** Senator McCoy asked unanimous consent to withdraw his amendment, AM2331, found on page 942, and replace it with his substitute amendment, FA268, to the committee amendment. No objections. So ordered.

FA268

Amend AM2032

Change line 24 of page 24 from two percent to five percent.

Pending.

**AMENDMENTS - Print in Journal**

Senator B. Harr filed the following amendment to LB946:  
AM2502

(Amendments to E & R amendments, ER179)

- 1 1. Strike section 11 and renumber the remaining sections
- 2 accordingly.

Senator Lautenbaugh filed the following amendment to LB1103:

FA257

On page 3, line 2, strike "December 31st" and insert "November 30th".



Senator Lautenbaugh filed the following amendment to LB863:  
FA258  
Page 10, line 22, strike "does not include" and insert "includes".

Senator Lautenbaugh filed the following amendment to LB1012:  
FA259  
Page 4, line 22, strike "defense" and insert "former military".

Senator Lautenbaugh filed the following amendment to LB251:  
FA260  
On page 3, line 22, strike "2014" and insert "2015".

Senator Lautenbaugh filed the following amendment to LB751:  
FA261  
Page 3, line 11, strike "of incorporation".

Senator Lautenbaugh filed the following amendment to LB751A:  
FA262  
Page 2, line 1, strike "10,640" and insert "1,000".

Senator Lautenbaugh filed the following amendment to LB660:  
FA263  
Page 3, line 4, strike "June 30, 2014" and insert "August 1, 2014".

Senator Lautenbaugh filed the following amendment to LB836:  
FA264  
Page 3, line 5, after "development" insert "as well as economic growth".

Senator Lautenbaugh filed the following amendment to LB1114:  
FA265  
Page 3, line 23, strike "2021" and insert "2020".

Senator Lautenbaugh filed the following amendment to LB1114A:  
FA266  
Page 2, line 1, strike "50,000" and insert "10,000".

Senator Lautenbaugh filed the following amendment to LB946:  
FA267  
Page 4, line 4, strike "county".

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

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

**LEGISLATIVE BILL 967A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, section 48; to appropriate funds to aid in carrying out the provisions of Legislative Bill 967, One Hundred Third Legislature, Second Session,

2014; to repeal the original section; and to declare an emergency.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 497.** Introduced by Gloor, 35.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should amend its insurance statutes to authorize property and casualty to engage in the following:

- (1) Electronic delivery of notices and documents; and
- (2) Internet posting of insurance policies.

The study should include an examination of issues raised during consideration of LB716 which was introduced in 2014 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 498.** Introduced by Gloor, 35.

**PURPOSE:** The purpose of this resolution is to further study the updating of Nebraska's business entity statutes. The study should include a review of current versions of business entity legislation as promulgated by the National Conference of Commissioners on Uniform State Laws and by the Corporate Laws Committee of the Business Law Section of the American Bar Association. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Secretary of State and should consider the input of interested persons, including the practicing bar, as the study committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 499.** Introduced by Gloor, 35.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska's Real Property Appraiser Act should be updated. The study should include an examination of issues raised during consideration of LB 685 (2014) which was referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 500.** Introduced by Krist, 10; Bloomfield, 17.

WHEREAS, Wayne E. Boyd of South Sioux City, Nebraska, has displayed tremendous public service and leadership during his life; and

WHEREAS, on March 10, 1982, Wayne was appointed by Governor Charles Thone to fill the unexpired term of a Nebraska Public Power District (NPPD) board member who died in office; and

WHEREAS, Wayne was elected to his first six-year term on the NPPD Board of Directors in 1982, and was subsequently reelected four consecutive times, serving in office through January 2, 2013; and

WHEREAS, Wayne is the longest-serving member of the NPPD Board of Directors and held many offices on the NPPD board, including ten years as board chairman; and

WHEREAS, Wayne serves as the city attorney for South Sioux City, a position he was first appointed to by Mayor Ernie Albertson in November 1968, and has also served as the city attorney for Dakota City and the village of Hubbard since 1987, which makes Wayne the longest serving city attorney in Nebraska representing multiple cities or villages; and

WHEREAS, Wayne received the prestigious James H. Epps III Award for 40 years of service to various northeast Nebraska cities during the International Municipal Lawyers Association (IMLA) annual conference in New Orleans in 2010; and

WHEREAS, with the IMLA award, Wayne was recognized for having the political and legal skills necessary to represent the same community for at least 30 years; and

WHEREAS, Wayne and his wife, Diane, were married on June 1, 1963, and they have three children, Dr. Scott Boyd, Laurie Boyd Petty, and Lynde Tyrrell, as well as several grandchildren.

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

1. That the Legislature recognizes Wayne E. Boyd for his many years of public service and thanks Wayne for his lifelong contributions to the State of Nebraska.
2. That a copy of this resolution be sent to Wayne E. Boyd.

Laid over.

**LEGISLATIVE RESOLUTION 501.** Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether the Nebraska Appraisal Management Company Registration Act should be updated. The study should include an examination of issues raised during consideration of LB684 (2014) which was referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the committee deems necessary or appropriate.

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

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 502.** Introduced by Crawford, 45; McGill, 26.

WHEREAS, Connie Yori is the head coach for the University of Nebraska women's basketball team and coached the team to a 2014 Big Ten Conference Women's Basketball Championship; and

WHEREAS, Connie was named the 2014 Big Ten Conference Women's Basketball Coach of the Year for the second consecutive year; and

WHEREAS, Connie led the 2013-14 University of Nebraska women's basketball team to a 25-6 regular season record and an appearance in the NCAA Tournament; and

WHEREAS, Connie played and coached women's basketball at Creighton University and was inducted into the Creighton University Athletic Hall of Fame; and

WHEREAS, Connie has experienced continued success in coaching women's basketball in the State of Nebraska with an all-time record of 410 wins and 256 losses while coaching both the Creighton Bluejays and Nebraska Cornhuskers women's basketball teams.

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

1. That the Legislature congratulates Connie Yori on being named the 2014 Big Ten Conference Women's Basketball Coach of the Year and extends its best wishes for her continued success.

2. That a copy of this resolution be sent to Coach Connie Yori.

Laid over.

**LEGISLATIVE RESOLUTION 503.** Introduced by Gloor, 35.

WHEREAS, Wasmer Elementary School in Grand Island was named a Title I Distinguished School for 2013 by the National Title I Association; and

WHEREAS, Wasmer Elementary School had the highest 2013 math and reading proficiency of those 77 Nebraska public elementary schools with 75% or more of students qualifying for free or reduced priced meals; and

WHEREAS, 91% of Wasmer Elementary School students scored proficient in math which was well above the 51% average for the group; and

WHEREAS, reading proficiency at Wasmer Elementary School was 87% as compared with the 57% average for the group; and

WHEREAS, Wasmer Elementary School was one of 46 high-poverty schools nationally to be named a Title I Distinguished School and the only honoree school selected from Nebraska.

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

1. That the Legislature congratulates Wasmer Elementary School on being named a Title I Distinguished School for 2013 and commends the faculty, staff, and students at Wasmer Elementary School on their academic achievements.

2. That a copy of this resolution be sent to Wasmer Elementary School and Principal Betty Desaire.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 887.** The McCoy amendment, FA268, found in this day's Journal, to the committee amendment, was renewed.

Senator Campbell offered the following motion:

MO145

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 27:

Adams	Conrad	Haar, K.	Kolowski	Sullivan
Ashford	Cook	Hadley	Lathrop	Wallman
Avery	Crawford	Harr, B.	McGill	Wightman
Bolz	Davis	Howard	Mello	
Campbell	Dubas	Johnson	Nordquist	
Chambers	Gloor	Karpisek	Schumacher	

Voting in the negative, 21:

Bloomfield	Garrett	Larson	Pirsch	Watermeier
Brasch	Hansen	Lautenbaugh	Scheer	
Carlson	Harms	McCoy	Schilz	
Christensen	Janssen	Murante	Seiler	
Coash	Kintner	Nelson	Smith	

Present and not voting, 1:

Krist

The Campbell motion to invoke cloture failed with 27 ayes, 21 nays, and 1 present and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 905.** ER168, found on page 905, was adopted.

Senator Mello offered his amendment, AM2408, found on page 935.

The Mello amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Chambers offered his amendment, AM2464, found on page 939.

### **SPEAKER ADAMS PRESIDING**

Pending.

### **CEREMONIES**

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

### **VISITORS**

Visitors to the Chamber were 12 members of Elkhorn Rural Public Power District from Battle Creek; 21 twelfth-grade students, teacher, and sponsors from Burwell; 52 fourth-grade students and teachers from Sandoz Elementary, Lexington; Senator Carlson's wife, Margo, and Lanna Haflich, Rona Isaacson, Julie Bergman, and Kathy Doiel from Holdrege, and Kris Earsom and Karen Hadley from Loomis; and 70 fourth-grade students and sponsors from Gretna.

### **RECESS**

At 11:44 a.m., on a motion by Senator Bolz, 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 Garrett and Lautenbaugh who were excused until they arrive.

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 986A.** Placed on Select File.

**LEGISLATIVE BILL 987A.** Placed on Select File.

**LEGISLATIVE BILL 1087A.** Placed on Select File.

(Signed) John Murante, Chairperson

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 132.** Placed on Final Reading.

**LEGISLATIVE BILL 692.** Placed on Final Reading.

**LEGISLATIVE BILL 728.** Placed on Final Reading.  
**LEGISLATIVE BILL 854.** Placed on Final Reading.  
**LEGISLATIVE BILL 884.** Placed on Final Reading.  
**LEGISLATIVE BILL 941.** Placed on Final Reading.  
**LEGISLATIVE BILL 941A.** Placed on Final Reading.  
**LEGISLATIVE BILL 974.** Placed on Final Reading.  
**LEGISLATIVE BILL 974A.** Placed on Final Reading.

**LEGISLATIVE BILL 986.** Placed on Final Reading.  
 ST52

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

1. On page 1, line 4, "; to provide a homestead exemption for individuals with a developmental disability" has been inserted after "limitations".

**LEGISLATIVE BILL 1014.** Placed on Final Reading.

(Signed) John Murante, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 905.** The Chambers amendment, AM2464, found on page 939 and considered in this day's Journal, was renewed.

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 amendment.

Voting in the affirmative, 16:

Adams	Cook	Hansen	Krist
Ashford	Crawford	Harr, B.	Lathrop
Campbell	Dubas	Howard	McGill
Chambers	Haar, K.	Kolowski	Wallman

Voting in the negative, 22:

Avery	Coash	Harms	Lautenbaugh	Seiler
Bloomfield	Davis	Johnson	McCoy	Wightman
Brasch	Garrett	Karpisek	Murante	
Carlson	Gloor	Kintner	Scheer	
Christensen	Hadley	Larson	Schilz	

Present and not voting, 7:

Bolz	Mello	Nordquist	Smith
Conrad	Nelson	Schumacher	



Excused and not voting, 4:

Janssen          Pirsch          Sullivan          Watermeier

The Chambers amendment lost with 16 ayes, 22 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 994A.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

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

Senator Smith filed the following amendment to LB965:

AM2349

(Amendments to Standing Committee amendments, AM2045)

- 1 1. On page 1, line 1, after the semicolon insert "in
- 2 line 15 after 'generation' insert 'and transmission';"; and in line
- 3 11 before the semicolon insert "and after 'generation' insert 'and
- 4 transmission";".

Senator Smith filed the following amendment to LB965:

AM2346

(Amendments to Standing Committee amendments, AM2045)

- 1 1. On page 1, line 3, after the semicolon insert "in line
- 2 20 strike 'but is not limited to;'"; and in line 13 after the
- 3 semicolon insert "strike beginning with the comma in line 9 through
- 4 the first comma in line 10;".

Senator Mello filed the following amendment to LB851:

AM2510

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 77-367, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-367 (1) The Department of Revenue may contract to
- 5 procure products and services to develop, deploy, or administer
- 6 systems or programs which identify nonfilers of returns,
- 7 underreporters, or nonpayers of taxes administered by the
- 8 department or improper or fraudulent payments made through programs

9 administered by the department. The department shall enter into at  
 10 least one such contract by December 31, 2014, and such contract  
 11 shall be for the purpose of identifying nonfilers of returns with  
 12 a tax liability in any amount or underreporters or nonpayers of  
 13 taxes with an outstanding tax liability of at least five thousand  
 14 dollars. Fees for services, reimbursements, costs incurred by the  
 15 department, or other remuneration may be funded from the amount of  
 16 tax, penalty, interest, or other recovery actually collected and  
 17 shall be paid only after the amount is collected. The Legislature  
 18 intends to appropriate an amount from the tax, penalty, interest,  
 19 and other recovery actually collected, not to exceed the amount  
 20 collected, which is sufficient to pay for services, reimbursements,  
 21 costs incurred by the department, or other remuneration pursuant to  
 22 this section. Vendors entering into a contract with the department  
 23 pursuant to this section are subject to the requirements and  
 1 penalties of the confidentiality laws of this state regarding tax  
 2 information.

3 (2) Ten percent of all proceeds received during each  
 4 calendar year due to the contracts entered into pursuant to this  
 5 section shall be deposited in the Department of Revenue Enforcement  
 6 Fund for purposes of identifying nonfilers, underreporters,  
 7 nonpayers, and improper or fraudulent payments.

8 (3) The Tax Commissioner shall submit electronically an  
 9 annual report to the Revenue Committee of the Legislature and  
 10 Appropriations Committee of the Legislature on the amount of  
 11 dollars generated during the previous fiscal year pursuant to this  
 12 section.

13 2. Renumber the remaining sections and correct internal  
 14 references accordingly.

15 3. Correct the operative date and repealer sections so  
 16 that the section added by this amendment becomes operative three  
 17 calendar months after the adjournment of this legislative session.

Senator Karpisek filed the following amendment to LB946:  
 AM2517

(Amendments to E & R amendments, ER179)

1 1. Insert the following new section:  
 2 Sec. 4. Section 32-207, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 32-207 The office of election commissioner shall be  
 5 created for each county having a population of more than one  
 6 hundred thousand inhabitants. The election commissioner shall be  
 7 appointed by the Governor subject to the approval of a majority  
 8 of the members of the Legislature and shall serve for a term of  
 9 four years or until a successor has been appointed and qualified.  
 10 In the event of a vacancy, the Governor shall appoint an election  
 11 commissioner subject to the approval of a majority of the members  
 12 of the Legislature to serve the unexpired portion of the term.  
 13 If the Legislature is not in session, any appointment shall be

- 14 temporary until the next session of the Legislature, at which  
15 time a majority of the members of the Legislature may approve or  
16 disapprove such appointment.  
17 2. Renumber the remaining sections and correct internal  
18 references and the repealer accordingly.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 504.** Introduced by Garrett, 3;  
Crawford, 45.

WHEREAS, the Bellevue West High School boys' basketball team won the 2014 Class A Boys' State Basketball Championship by defeating Omaha Westside High School in overtime by a score of 56-50; and

WHEREAS, the Bellevue West Thunderbirds boys' basketball team ended their season with a record of 21 wins and 6 losses; 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 Bellevue West High School boys' basketball team and Head Coach Doug Woodard on winning the 2014 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bellevue West High School boys' basketball team and Coach Doug Woodard.

Laid over.

**LEGISLATIVE RESOLUTION 505.** Introduced by Garrett, 3;  
Crawford, 45.

WHEREAS, the Bellevue West High School and Bellevue East High School girls' basketball teams both advanced to the 2014 Class A Girls' State Basketball Tournament; and

WHEREAS, the Bellevue West High School girls' basketball team played in the championship game and finished in second place; 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 Bellevue West High School and Bellevue East High School girls' basketball teams on advancing to the 2014 Class A Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Bellevue West High School and Bellevue East High School girls' basketball teams.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 905.** Senator Lautenbaugh offered the following amendment:

FA269

Amend AM2019

Strike Section 7 on page 2, and renumber the remaining sections.

**SENATOR COASH PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers requested a roll call vote on the Lautenbaugh amendment.

Voting in the affirmative, 3:

Bloomfield      Kintner      Lautenbaugh

Voting in the negative, 34:

Adams	Coash	Haar, K.	Kolowski	Nordquist
Ashford	Conrad	Hadley	Krist	Scheer
Avery	Cook	Hansen	Lathrop	Seiler
Bolz	Crawford	Harms	McCoy	Sullivan
Campbell	Davis	Howard	McGill	Wallman
Carlson	Dubas	Johnson	Mello	Wightman
Chambers	Gloor	Karpisek	Nelson	

Present and not voting, 7:

Brasch	Garrett	Murante	Schumacher
Christensen	Janssen	Schilz	

Excused and not voting, 5:

Harr, B.	Larson	Pirsch	Smith	Watermeier
----------	--------	--------	-------	------------

The Lautenbaugh amendment lost with 3 ayes, 34 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 906.** ER171, found on page 908, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 130.** ER169, found on page 909, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 949.** ER170, found on page 913, was adopted.

Advanced to Enrollment and Review for Engrossment.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 660A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 660, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 506.** Introduced by Christensen, 44.

**PURPOSE:** The purpose of this resolution is to examine section 8-157.01 to determine the following:

(1) Whether, as a result of evolution in the electronic payments market, the goals of section 8-157.01 are now adequately served through other means such as increased competition and federal regulation; and

(2) Whether changes in the electronic payments market have effectively rendered section 8-157.01 unworkable and inapplicable to financial institutions, payment networks, and other entities involved in the delivery of electronic payment services.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 507.** Introduced by Janssen, 15.

WHEREAS, the Fremont Bergan High School boys' basketball team won the 2014 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the win gave the school its first state title since 2008; and  
 WHEREAS, the Fremont Bergan Knights capped off an impressive season with a 71-69 overtime win in the championship game; and

WHEREAS, the Knights played five overtime games during the 2013-14 season, winning all five and finishing the season with a record of 24 wins and 3 losses; and

WHEREAS, the Knights team includes players Jonah Madsen, Adam Dykman, Nate Griffen, Colton Brdicko, Cole Conrad, Logan Bovill, Ogbe Thompson, Tyler Thomsen, Austin Ottis, Santana Melgoza, Wes LaBelle, JT Vecera, Brian Wilmes, Wil Kammerer, Blake Dieckmann, and Tanner Boggs, student assistants Bryant Carlson and Lane Degroff, and coaches Chris Paulson, Chris Rainforth, Derek Melgoza, Chad Swanson, Matt Sleister, and Zach Stauffer.

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

1. That the Legislature congratulates the Fremont Bergan High School boys' basketball team on winning the 2014 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Fremont Bergan Knights boys' basketball team and Head Coach Chris Paulson.

Laid over.

**LEGISLATIVE RESOLUTION 508.** Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine issues surrounding the Nebraska P-16 Initiative organized and managed by the University of Nebraska. This study shall include, but not be limited to, the following issues:

(1) A review of the history, structure, and current membership of the Nebraska P-16 Initiative;

(2) A review of past and current goals and priorities set by the Nebraska P-16 Initiative, as well as efforts to implement those goals and priorities by the membership; and

(3) An examination of the need to restructure the Nebraska P-16 Initiative and also codify it in the Revised Statutes of Nebraska.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 987.** Senator Janssen offered his amendment, AM2458, found on page 939.

The Janssen amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 814.** ER154, found on page 785, was adopted.

Senator Avery offered his amendment, AM2248, found on page 818.

The Avery amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 814A.** Senator Avery offered his amendment, AM2258, found on page 800.

The Avery amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 867.** ER155, found on page 785, was adopted.

Senator Nelson offered his amendment, AM2223, found on page 862.

The Nelson amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Nordquist offered his amendment, AM2262, found on page 877.

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

Senator Hadley offered the following amendment:  
AM2449

(Amendments to E & R amendments, ER155)

- 1 1. Strike sections 1 to 3 and insert the following new
- 2 sections:
- 3 Section 1. Section 13-2709, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 13-2709 The department shall submit, as part of the
- 6 department's annual status report under section 81-1201.11, the
- 7 following information regarding the Civic and Community Center

8 Financing Act:

9 (1) Information documenting the grants conditionally  
10 approved for funding by the Legislature in the following fiscal  
11 year;

12 (2) Reasons why a full application was not sent to any  
13 municipality seeking assistance under the act;

14 (3) The amount of sales tax revenue generated for the  
15 fund pursuant to subsection (4) of section 13-2610 and subsection  
16 ~~(6)-(9)~~ of section 13-3108, the total amount of grants applied for  
17 under the act, the year-end fund balance, and, if all available  
18 funds have not been committed to funding grants under the act, an  
19 explanation of the reasons why all such funds have not been so  
20 committed;

21 (4) The amount of appropriated funds actually expended by  
22 the department for the year;

1 (5) The department's current budget for administration  
2 of the act and the department's planned use and distribution of  
3 funds, including details on the amount of funds to be expended on  
4 grants and the amount of funds to be expended by the department for  
5 administrative purposes; and

6 (6) Grant summaries, including the applicant  
7 municipality, project description, grant amount requested,  
8 amount and type of matching funds, and reasons for approval  
9 or denial based on evaluation criteria from section 13-2707 or  
10 13-2707.01 for every application seeking assistance under the act.

11 Sec. 2. Section 13-3107, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 13-3107 (1) If an application is approved, the Tax  
14 Commissioner shall:

15 (a) Audit or review audits of the approved eligible  
16 sports arena facility to determine the (i) state sales tax revenue  
17 collected by retailers doing business at such facility on sales at  
18 such facility, (ii) state sales tax revenue collected on primary  
19 and secondary box office sales of admissions to such facility, and  
20 (iii) new state sales tax revenue collected by nearby retailers;

21 (b) Certify annually the amount of state sales tax  
22 revenue and new state sales tax revenue determined under  
23 subdivision (a) of this subsection to the ~~State Treasurer~~  
24 Legislature; and

25 (c) Determine if more than one facility is eligible  
26 for state assistance from state sales tax revenue collected by  
27 the same nearby retailers. If the Tax Commissioner has made such  
1 a determination, the facility that was first determined to be  
2 eligible for state assistance shall be the only facility eligible  
3 to receive such funds.

4 (2) State sales tax revenue collected by retailers that  
5 are doing business at an eligible sports arena facility and new  
6 state sales tax revenue collected by nearby retailers shall be  
7 reported on informational returns developed by the Department of



8 Revenue and provided to any such retailers by the facility. The  
 9 informational returns shall be submitted to the department by the  
 10 retailer by the twentieth day of the month following the month the  
 11 sales taxes are collected. The Tax Commissioner shall use the data  
 12 from the informational returns and sales tax returns of both such  
 13 categories of retailers and the sports arena facility ~~to determine~~  
 14 ~~the appropriate amount of state sales tax revenue, for purposes of~~  
 15 the Sports Arena Facility Financing Assistance Act.

16 (3) On or before April 1, 2014, the Tax Commissioner  
 17 shall certify to the State Treasurer, for each eligible sports  
 18 arena facility for which state assistance has been approved, the  
 19 total amount of state sales tax revenue and new state sales tax  
 20 revenue described in subdivisions (1)(a)(i) through (iii) of this  
 21 section that was collected from July 1, 2013, through December 31,  
 22 2013. The certified amount shall be used for purposes of making the  
 23 transfer required under subdivision (2)(a) of section 13-3108 and  
 24 making the distribution of state assistance described in subsection  
 25 (4) of section 13-3108.

26 (4) Beginning in 2014, the Tax Commissioner shall use  
 27 data from the informational returns and sales tax returns described  
 1 in subsection (2) of this section to certify quarterly, for each  
 2 eligible sports arena facility for which state assistance has been  
 3 approved, the total amount of state sales tax revenue and new  
 4 state sales tax revenue described in subdivisions (1)(a)(i) through  
 5 (iii) of this section that was collected in the preceding calendar  
 6 quarter. The Tax Commissioner shall certify such amount to the  
 7 State Treasurer within sixty days after the end of each calendar  
 8 quarter, and such certification shall be used for purposes of  
 9 making the transfers required under subdivision (2)(b) of section  
 10 13-3108 and making the quarterly distributions of state assistance  
 11 described in subsection (5) of section 13-3108.

12 ~~(3)-(5)~~ The Department of Revenue may adopt and  
 13 promulgate rules and regulations to carry out the Sports Arena  
 14 Facility Financing Assistance Act.

15 Sec. 3. Section 13-3108, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 13-3108 (1) ~~Upon the annual certification under section~~  
 18 ~~13-3107, the State Treasurer shall transfer after the audit the~~  
 19 ~~amount certified to the~~ The Sports Arena Facility Support Fund  
 20 ~~which is hereby created.~~ Any money in the fund available for  
 21 investment shall be invested by the state investment officer  
 22 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 23 State Funds Investment Act.

24 (2)(a) Upon receiving the certification described in  
 25 subsection (3) of section 13-3107, the State Treasurer shall  
 26 transfer the amount certified to the fund.

27 (b) Upon receiving the quarterly certification described  
 1 in subsection (4) of section 13-3107, the State Treasurer shall  
 2 transfer the amount certified to the fund.

3 ~~(2)(a)~~(3)(a) It is the intent of the Legislature to  
 4 appropriate from the fund money to be distributed as provided  
 5 in subsections (4) and (5) of this section to any political  
 6 subdivision for which an application for state assistance under the  
 7 Sports Arena Facility Financing Assistance Act has been approved an  
 8 amount not to exceed seventy percent of the (i) state sales tax  
 9 revenue collected by retailers doing business at eligible sports  
 10 arena facilities on sales at such facilities, (ii) state sales  
 11 tax revenue collected on primary and secondary box office sales  
 12 of admissions to such facilities, and (iii) new state sales tax  
 13 revenue collected by nearby retailers and sourced under sections  
 14 77-2703.01 to 77-2703.04 to a location within six hundred yards of  
 15 the eligible facility.

16 (b) The amount to be appropriated for distribution as  
 17 state assistance to a political subdivision under this subsection  
 18 for any one year after the tenth year shall not exceed the  
 19 highest such amount appropriated under subdivision ~~(2)(a)~~(3)(a) of  
 20 this section during any one year of the first ten years of such  
 21 appropriation. If seventy percent of the state sales tax revenue as  
 22 described in subdivision ~~(2)(a)~~(3)(a) of this section exceeds the  
 23 amount to be appropriated under this subdivision, such excess funds  
 24 shall be transferred to the General Fund.

25 (4) The amount certified under subsection (3) of section  
 26 13-3107 shall be distributed as state assistance on or before April  
 27 15, 2014.

1 (5) Beginning in 2014, quarterly distributions of state  
 2 assistance shall be made. Such quarterly distributions shall be  
 3 based on the certifications provided under subsection (4) of  
 4 section 13-3107 and shall occur within fifteen days after receipt  
 5 of such certification.

6 ~~(3)~~(6) The total amount of state assistance approved  
 7 for an eligible sports arena facility shall not (a) exceed fifty  
 8 million dollars or (b) be paid out for more than twenty years after  
 9 the issuance of the first bond for the sports arena facility.

10 ~~(4)~~(7) State assistance to the political subdivision  
 11 shall no longer be available upon the retirement of the bonds  
 12 issued to acquire, construct, improve, or equip the facility or any  
 13 subsequent bonds that refunded the original issue or when state  
 14 assistance reaches the amount determined under subsection ~~(3)~~(6)  
 15 of this section, whichever comes first.

16 ~~(5)~~(8) State assistance shall not be used for an  
 17 operating subsidy or other ancillary facility.

18 ~~(6)~~(9) The thirty percent of state sales tax revenue  
 19 remaining after the appropriation and transfer in subsection ~~(2)~~  
 20 (3) of this section shall be appropriated by the Legislature to the  
 21 Civic and Community Center Financing Fund.

22 ~~(7)~~(10) Except as provided in subsection ~~(8)~~(11) of  
 23 this section for a city of the primary class, any municipality  
 24 that has applied for and received a grant of assistance under the

25 Civic and Community Center Financing Act shall not receive state  
 26 assistance under the Sports Arena Facility Financing Assistance Act  
 27 for the same project for which the grant was awarded under the  
 1 Civic and Community Center Financing Act.  
 2 ~~(8)~~(11) A city of the primary class shall not be  
 3 eligible to receive a grant of assistance from the Civic and  
 4 Community Center Financing Act if the city has applied for and  
 5 received a grant of assistance under the Sports Arena Facility  
 6 Financing Assistance Act.  
 7 2. Correct the operative date and repealer sections so  
 8 that the sections added by this amendment become operative on their  
 9 effective date with the emergency clause.

The Hadley amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1001.** Senator Wallman offered his amendment, AM2316, found on page 866.

**SENATOR KRIST PRESIDING**

The Wallman amendment was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1001A.** Senator Wallman offered the following motion:

MO146

Indefinitely postpone.

The Wallman motion to indefinitely postpone prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 560.** ER161, found on page 856, was adopted.

Senator Lathrop offered his amendment, AM2391, found on page 918.

The Lathrop amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 560A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 853.** ER162, found on page 884, was adopted.

Senator Coash withdrew his amendment, AM2396, found on page 901.

Senator Coash offered his amendment, AM2441, found on page 918.

The Coash amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Howard offered her amendment, AM2397, found on page 903.

The Howard amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 967.** ER177, found on page 917, was adopted.

Senator K. Haar offered his amendment, AM2462, found on page 932.

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

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Adams	Cook	Hansen	Krist	Scheer
Bolz	Crawford	Harms	Lathrop	Schumacher
Campbell	Dubas	Howard	McGill	Seiler
Carlson	Gloor	Johnson	Mello	Sullivan
Chambers	Haar, K.	Kolowski	Nelson	Wightman

Voting in the negative, 5:

Bloomfield	Karpisek	Kintner	Lautenbaugh	Wallman
------------	----------	---------	-------------	---------

Present and not voting, 9:

Avery	Christensen	Davis	McCoy	Schilz
Brasch	Coash	Hadley	Murante	

Excused and not voting, 10:

Ashford	Garrett	Janssen	Nordquist	Smith
Conrad	Harr, B.	Larson	Pirsch	Watermeier

The K. Haar amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 853A.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 853, One Hundred Third Legislature, Second Session, 2014.

### **AMENDMENT - Print in Journal**

Senators Hadley and Schilz filed the following amendment to LB1067:  
AM2457

- 1 1. Insert the following new sections:
- 2 Section 1. Section 77-27,144, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-27,144 (1) The Tax Commissioner shall collect the
- 5 tax imposed by any incorporated municipality concurrently with
- 6 collection of a state tax in the same manner as the state tax is
- 7 collected. The Tax Commissioner shall remit monthly the proceeds
- 8 of the tax to the incorporated municipalities levying the tax,
- 9 after deducting the amount of refunds made and three percent of the
- 10 remainder to be credited to the Municipal Equalization Fund.
- 11 (2) Deductions for a refund made pursuant to section
- 12 77-4105, 77-4106, ~~or 77-5725~~, or 77-5726 shall be delayed for
- 13 one year after the refund has been made to the taxpayer. The
- 14 Department of Revenue shall notify the municipality liable for
- 15 the refund of the pending refund, the amount of the refund, and
- 16 the month in which the deduction will be made or begin, except
- 17 that if the amount of a refund claimed under section 77-4105,
- 18 77-4106, ~~or 77-5725~~, or 77-5726 exceeds twenty-five percent of the
- 19 municipality's total sales and use tax receipts, net of any refunds
- 20 or sales tax collection fees, for the municipality's prior fiscal
- 21 year, the department shall deduct the refund over the period of
- 22 one year in equal monthly amounts beginning after the one-year
- 23 notification period required by this subsection. This subsection
- 1 applies to refunds owed by cities of the first class, cities of
- 2 the second class, and villages. This subsection applies to refunds
- 3 beginning January 1, 2014.
- 4 (3) The Tax Commissioner shall keep full and accurate
- 5 records of all money received and distributed under the provisions

6 of the Local Option Revenue Act. When proceeds of a tax levy  
7 are received but the identity of the incorporated municipality  
8 which levied the tax is unknown and is not identified within six  
9 months after receipt, the amount shall be credited to the Municipal  
10 Equalization Fund. The municipality may request the names and  
11 addresses of the retailers which have collected the tax as provided  
12 in subsection (13) of section 77-2711 and may certify a municipal  
13 employee to request and review confidential sales tax returns and  
14 sales tax return information as provided in subsection (14) of  
15 section 77-2711.  
16 Sec. 6. Since an emergency exists, this act takes effect  
17 when passed and approved according to law.  
18 2. On page 14, line 20, after the first comma insert  
19 "section 77-27,144, Revised Statutes Cumulative Supplement, 2012,".  
20 3. Renumber the remaining sections accordingly.

### VISITORS

Visitors to the Chamber were 225 social work students and faculty from Chadron State College, Creighton University, Grace Abbott School of Social Work at UNO, Nebraska Wesleyan University of Lincoln and Omaha, Union College, and the University of Nebraska at Kearney; 29 eleventh- and twelfth-grade students and teachers from Elwood; and Roger Foster, the mayor of Crete.

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

### ADJOURNMENT

At 6:05 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Thursday, March 20, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

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

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

**PRAYER**

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

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**RESOLUTION**

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

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

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

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

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

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

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

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

1. That the Legislature congratulates the Omaha Benson High School Magnet girls' basketball team on winning the 2014 Class A Girls' State Basketball Championship.

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

Laid over.

### MOTIONS - Approve Appointments

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

Nebraska Motor Vehicle Industry Licensing Board

Dean Cerny  
Donald Hansen  
Angela Quinn

Voting in the affirmative, 29:

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

Voting in the negative, 0.

Present and not voting, 17:

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

Excused and not voting, 3:

Conrad      Karpisek      Pirsch

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



Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 930:

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

Voting in the affirmative, 37:

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

Voting in the negative, 0.

Present and not voting, 10:

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

Excused and not voting, 2:

Karpisek	Pirsch
----------	--------

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

#### **GENERAL FILE**

**LEGISLATIVE BILL 967A.** Title read. Considered.

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

**LEGISLATIVE BILL 660A.** Title read. Considered.

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

**LEGISLATIVE BILL 853A.** Title read. Considered.

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

**SELECT FILE**

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

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

FA270

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

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

Advanced to Enrollment and Review for Engrossment.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 144.**

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

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 5:

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

Excused and not voting, 1:

Pirsch

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

**LEGISLATIVE BILL 259.**

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

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

Voting in the affirmative, 39:

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

Voting in the negative, 1:

Bloomfield

Present and not voting, 8:

Carlson	Kintner	Lathrop	Schumacher
Garrett	Kolowski	Schilz	Smith

Excused and not voting, 1:

Pirsch

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

**LEGISLATIVE BILL 371.** With Emergency Clause.

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

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Carlson	Lathrop	Schilz
Garrett	Nelson	Smith

Excused and not voting, 1:

Pirsch

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

**LEGISLATIVE BILL 371A.** With Emergency Clause.

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

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Carlson          Lathrop          Schilz

Excused and not voting, 1:

Pirsch

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

**Dispense With Reading at Large**

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

The following bill was put upon final passage:

**LEGISLATIVE BILL 474.** With Emergency Clause.

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

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Carlson      Lathrop      Schilz

Excused and not voting, 1:

Pirsch

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

#### **Dispense With Reading at Large**

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

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 546.**

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

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

Voting in the affirmative, 40:

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

Voting in the negative, 2:

Bloomfield    Davis

Present and not voting, 6:

Carlson	Lathrop	Mello
Garrett	Lautenbaugh	Schilz

Excused and not voting, 1:

Pirsch

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

#### **MOTION - Return LB671 to Select File**

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

FA271

Strike the enacting clause.

#### **SENATOR GLOOR PRESIDING**

Senator Chambers offered the following motion:

MO147

Bracket until April 17, 2014.

Senator Chambers withdrew his motion to bracket.

Pending.

#### **VISITORS**

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

**RECESS**

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

**AFTER RECESS**

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

**ROLL CALL**

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

**AMENDMENTS - Print in Journal**

Senator McCoy filed the following amendment to LB671:  
AM2534

(Amendments to Final Reading copy)

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



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

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

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

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

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

Senator Larson filed the following amendment to LB671:  
 AM2533

(Amendments to Final Reading copy)

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

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

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

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

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

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

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

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

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

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

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

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

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

#### SELECT FILE

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

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

Advanced to Enrollment and Review for Engrossment.

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

Advanced to Enrollment and Review for Engrossment.

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

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

Advanced to Enrollment and Review for Engrossment.

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

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

Advanced to Enrollment and Review for Engrossment.

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

Advanced to Enrollment and Review for Engrossment.

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

Advanced to Enrollment and Review for Engrossment.

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

Advanced to Enrollment and Review for Engrossment.

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

Advanced to Enrollment and Review for Engrossment.

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

Advanced to Enrollment and Review for Engrossment.

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

Senator Lautenbaugh withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

#### **NOTICE OF COMMITTEE HEARING**

Natural Resources

Room 1525

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

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

(Signed) Tom Carlson, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 510.** Introduced by Mello, 5.

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

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

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

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

Referred to the Executive Board.

**SELECT FILE**

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

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

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

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

Senator Karpisek withdrew his amendment.

Senator B. Harr offered the following amendment:  
AM2548

(Amendments to E & R amendments, ER179)

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

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

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

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

The Chair declared the call raised.

Senator Scheer offered the following amendment:  
 AM2448

(Amendments to E & R amendments, ER179)

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

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

Advanced to Enrollment and Review for Engrossment.

## RESOLUTION

**LEGISLATIVE RESOLUTION 511.** Introduced by Sullivan, 41.

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

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

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

WHEREAS, two Lady Jays, Rachele Tucker and Sydney Silhacek, were named to the Class C-1 All-tournament team; and

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

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

1. That the Legislature congratulates the Pierce High School Lady Jays basketball team and their coaches on winning the 2014 Class C-1 Girls' State Basketball Championship for the second year in a row.

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

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 998.** Title read. Considered.

#### SENATOR HOWARD PRESIDING

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

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

**LEGISLATIVE BILL 800.** Title read. Considered.

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

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

**LEGISLATIVE BILL 1067.** Title read. Considered.

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

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

AM2546

(Amendments to AM2457)

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

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

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

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

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

**LEGISLATIVE BILL 1115.** Title read. Considered.

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

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

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 130.** Placed on Final Reading.

**LEGISLATIVE BILL 905.** Placed on Final Reading.

ST57

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

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

**LEGISLATIVE BILL 906.** Placed on Final Reading.

**LEGISLATIVE BILL 949.** Placed on Final Reading.

(Signed) John Murante, Chairperson

### AMENDMENTS - Print in Journal

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

(Amendments to E & R amendments, ER138)

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

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

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

17    (4) For purposes of this section, subdivision means the  
18    common overall plan or approved preliminary plat.

19    Sec. 13. (1) When determining the actual value of two  
20    or more vacant or unimproved lots in the same subdivision and the  
21    same tax district that are owned by the same person and are held  
22    for sale or resale and that were elected to be treated as one  
1    parcel pursuant to subsection (3) of section 77-132, the county  
2    assessor shall utilize the income approach, including the use of a  
3    discounted cash-flow analysis.

4    (2) If a county assessor, based on the facts and  
5    circumstances, believes that the income approach, including the  
6    use of a discounted cash-flow analysis, does not result in a  
7    valuation at actual value, then the county assessor shall present  
8    such facts and circumstances to the county board of equalization.  
9    If the county board of equalization, based on such facts and  
10   circumstances, concurs with the county assessor, then the county  
11   board of equalization shall petition the Tax Equalization and  
12   Review Commission to consider the county assessor's utilization of  
13   another professionally accepted mass appraisal technique that,  
14   based on the facts and circumstances presented by a county  
15   board of equalization, would result in a substantially different  
16   determination of actual value. Petitions must be filed within  
17   thirty days after the property is assessed. Hearings held pursuant  
18   to this section may be held by means of videoconference or  
19   telephone conference. The burden of proof is on the petitioning  
20   county board of equalization to show that failure to make an  
21   adjustment to the professionally accepted mass appraisal technique  
22   utilized would result in a value that is not equitable and in  
23   accordance with the law. At the hearing, the commission may  
24   receive testimony from any interested person. After a hearing, the  
25   commission shall, within the powers granted in section 77-5023,  
26   enter its order based on evidence presented to it at such hearing.  
27   Payment of taxes shall be suspended, without penalty or interest,  
1    until the commission enters its order.

2    Sec. 18. Section 77-5007, Revised Statutes Cumulative  
3    Supplement, 2012, is amended to read:

4    77-5007 The commission has the power and duty to hear and  
5    determine appeals of:

6    (1) Decisions of any county board of equalization  
7    equalizing the value of individual tracts, lots, or parcels of



8 real property so that all real property is assessed uniformly and  
9 proportionately;

10 (2) Decisions of any county board of equalization  
11 granting or denying tax-exempt status for real or personal property  
12 or an exemption from motor vehicle taxes and fees;

13 (3) Decisions of the Tax Commissioner determining the  
14 taxable property of a railroad company, car company, public service  
15 entity, or air carrier within the state;

16 (4) Decisions of the Tax Commissioner determining  
17 adjusted valuation pursuant to section 79-1016;

18 (5) Decisions of any county board of equalization on  
19 the valuation of personal property or any penalties imposed under  
20 sections 77-1233.04 and 77-1233.06;

21 (6) Decisions of any county board of equalization on  
22 claims that a levy is or is not for an unlawful or unnecessary  
23 purpose or in excess of the requirements of the county;

24 (7) Decisions of any county board of equalization  
25 granting or rejecting an application for a homestead exemption;

26 (8) Decisions of the Department of Motor Vehicles  
27 determining the taxable value of motor vehicles pursuant to section  
1 60-3,188;

2 (9) Decisions of the Tax Commissioner made under section  
3 77-1330;

4 (10) Any other decision of any county board of  
5 equalization;

6 (11) Any other decision of the Tax Commissioner regarding  
7 property valuation, exemption, or taxation;

8 (12) Decisions of the Tax Commissioner pursuant to  
9 section 77-3520;

10 (13) Final decisions of a county board of equalization  
11 appealed by the Tax Commissioner or Property Tax Administrator  
12 pursuant to section 77-701; ~~and~~

13 (14) The requirement under section 13 of this act that  
14 the income approach, including the use of a discounted cash-flow  
15 analysis, be used by county assessors; and

16 ~~(14)-(15)~~ Any other decision, determination, action, or  
17 order from which an appeal to the commission is authorized.

18 The commission has the power and duty to hear and grant  
19 or deny relief on petitions.

20 Sec. 19. Sections 1 to 10, 12, 14 to 17, and 21 of this  
21 act become operative three calendar months after the adjournment  
22 of this legislative session. The other sections of this act become  
23 operative on their effective date.

24 Sec. 20. Original section 77-132, Reissue Revised  
25 Statutes of Nebraska, and section 77-5007, Revised Statutes  
26 Cumulative Supplement, 2012, are repealed.

27 Sec. 22. Since an emergency exists, this act takes effect  
1 when passed and approved according to law.

2 2. Renumber the remaining sections accordingly.

Senator McGill filed the following amendment to LB853A:

AM2552

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. There is hereby appropriated (1) \$515,480 from  
 4 the General Fund and \$609,324 from federal funds for FY2014-15 and  
 5 (2) \$384,400 from the General Fund and \$563,400 from federal funds  
 6 for FY2015-16 to the Department of Health and Human Services, for  
 7 Program 33, to aid in carrying out the provisions of Legislative  
 8 Bill 853, One Hundred Third Legislature, Second Session, 2014.  
 9 No expenditures for permanent and temporary salaries and  
 10 per diems for state employees shall be made from funds appropriated  
 11 in this section.  
 12 Sec. 2. There is hereby appropriated (1) \$35,488 from  
 13 the General Fund and \$172,569 from federal funds for FY2014-15 and  
 14 (2) \$300,807 from the General Fund and \$355,431 from federal funds  
 15 for FY2015-16 to the Department of Health and Human Services, for  
 16 Program 354, to aid in carrying out the provisions of Legislative  
 17 Bill 853, One Hundred Third Legislature, Second Session, 2014.  
 18 No expenditures for permanent and temporary salaries and  
 19 per diems for state employees shall be made from funds appropriated  
 20 in this section.

### GENERAL FILE

**LEGISLATIVE BILL 908.** Title read. Considered.

Committee AM1911, found on page 630, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 967A.** Placed on Select File.

**LEGISLATIVE BILL 660A.** Placed on Select File.

**LEGISLATIVE BILL 853A.** Placed on Select File.

(Signed) John Murante, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 717.** Title read. Considered.

Senator Gloor offered his amendment, AM2135, found on page 845.

The Gloor amendment was adopted with 31 ayes, 0 nays, 13 present and not

voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1048.** Title read. Considered.

**SENATOR BRASCH PRESIDING**

Committee AM1894, found on page 644, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 512.** Introduced by Scheer, 19; Avery, 28; Campbell, 25; Cook, 13; Crawford, 45; Davis, 43; Gloor, 35; K. Haar, 21; Harms, 48; Johnson, 23; Kolowski, 31; McGill, 26; Sullivan, 41; Wallman, 30.

WHEREAS, 89% of people who suffer an out-of-hospital cardiac arrest die because they do not receive immediate cardiopulmonary resuscitation (CPR) from someone on the scene; and

WHEREAS, 88% of cardiac arrests actually occur at home, making it most likely that a person who needs to administer CPR will be attempting to save the life of a loved one; and

WHEREAS, irreversible brain damage occurs after only three minutes of being deprived of oxygen, and irreversible heart damage occurs within twenty minutes of being deprived of oxygen; and

WHEREAS, hands-only CPR can double or even triple a victim's chance of survival, and learning hands-only CPR can take as little time as thirty minutes or less; and

WHEREAS, in the same amount of time it takes to watch a television sitcom, a teacher can give students the CPR skills they need to save someone's life; and

WHEREAS, including CPR as a skill taught to all Nebraska high school students would train thousands of students each year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports all Nebraska high school students learning the basic skills of administering cardiopulmonary resuscitation (CPR).

2. That the Legislature encourages all high schools throughout Nebraska to offer students hands-only CPR training.

Laid over.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR512 was referred to the Reference Committee.

**GENERAL FILE**

**LEGISLATIVE BILL 759.** Title read. Considered.

Committee AM2140, found on page 748, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 976.** Title read. Considered.

**SPEAKER ADAMS PRESIDING**

Pending.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 144, 259, 371, 371A, 474, and 546.

**AMENDMENTS - Print in Journal**

Senator Avery filed the following amendment to LB1087:  
AM2558

(Amendments to E & R amendments, ER178)

- 1 1. On page 2, line 1, strike "taxable value of the
- 2 homestead" and insert "average assessed value of single-family
- 3 residential property in the claimant's county of residence as
- 4 determined in section 77-3506.02"; and in line 10 after "77-3509"
- 5 insert "and section 5 of this act".

Senator Watermeier filed the following amendment to LB810:  
AM2557

- 1 1. In the Standing Committee amendments, AM1865, on page
- 2 1, line 3, strike "(3)" and insert "(2)".
- 3 2. On page 2, lines 5 and 6, strike "directly or
- 4 indirectly"; in line 6 after "impose" insert "upon," and after
- 5 "kind" insert "by, a lender, mortgagee, beneficiary, or trustee in
- 6 a trust deed or service"; and strike lines 10 through 12.

**VISITORS**

Visitors to the Chamber were 5 Southeast Community College students and teacher from Lincoln and Beatrice; 21 fourth-grade students and teacher from Omaha and Blair Christian Academy; 7 members of Women Involved in Farm Economics (WIFE) from across the state; and Steve and Patrick Williams from Lincoln.

**ADJOURNMENT**

At 7:57 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Friday, March 21, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SEVENTH DAY - MARCH 21, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 21, 2014

**PRAYER**

The prayer was offered by Pastor Darin Corder, Bennet Community Church, Bennet, and Chaplain of Hospice Community Care, Lincoln.

**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 Garrett, K. Haar, B. Harr, and Pirsch who were excused; and Senators Ashford, Lautenbaugh, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 20, 2014, at 8:00 p.m. were the following: LBs 144, 259, 371e, 371Ae, 474e, and 546.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 20, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Baier, Richard J.  
Nebraska Bankers Association

Nebraska Chamber of Commerce & Industry (Withdrawn 03/14/2014)  
Jim Driscoll  
Pfizer, Inc.  
Sarah Warbelow  
Human Rights Campaign

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**ANNOUNCEMENT**

The Chair announced today is Senator McGill's birthday.

**MOTION - Confirmation Report**

Senator Schilz moved the adoption of the Agriculture Committee report to not confirm the appointment listed below and suggests the appointment be rejected by the Legislature:

Nebraska State Fair Board  
Mark Fahleson

Voting in the affirmative, 4:

Chambers      Cook              Kolowski      Lathrop

Voting in the negative, 31:

Adams	Coash	Karpisek	Murante	Sullivan
Ashford	Davis	Kintner	Nelson	Watermeier
Avery	Gloor	Krist	Scheer	Wightman
Bloomfield	Hadley	Larson	Schilz	
Brasch	Hansen	Lautenbaugh	Schumacher	
Campbell	Janssen	McCoy	Seiler	
Carlson	Johnson	McGill	Smith	

Present and not voting, 8:

Bolz              Conrad              Harms              Nordquist  
Christensen      Crawford              Howard              Wallman

Excused and not voting, 6:

Dubas              Haar, K.              Mello  
Garrett              Harr, B.              Pirsch

The motion to reject the appointment failed with 4 ayes, 31 nays, 8 present



and not voting, and 6 excused and not voting.

The appointment was approved consistent with Rule 3, Sec. 4(e)(iv).

### RESOLUTION

**LEGISLATIVE RESOLUTION 513.** Introduced by Kolowski, 31.

WHEREAS, James A. (Jim) Johnston of Omaha passed away on March 13, 2014; and

WHEREAS, Jim taught biology, human physiology, and athletic training for 32 years and started a student trainers program in the Millard Public Schools; and

WHEREAS, Jim sponsored Health Occupation Students of America, involving his students in American Red Cross blood drives by conducting 54 blood drives at Millard West High School and collecting 4,339 units that impacted over 13,000 lives; and

WHEREAS, Jim served as president of the Nebraska State Athletic Trainers Association and worked internationally with USA Track and Field and the 1996 Summer Olympic Games in Atlanta; and

WHEREAS, Jim was an avid bicyclist and loved riding his bike in the Colorado mountains where he cycled hundreds of miles; and

WHEREAS, Jim is survived by his wife and high school sweetheart, Patty, and by his children, Lindsay and Michael, and son-in-law Joseph.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its condolences to the family of James A. Johnston and recognizes Jim's influence as an educator and a mentor to the students of the Millard Public Schools.

2. That a copy of this resolution be sent to the family of James A. Johnston.

Laid over.

### AMENDMENT - Print in Journal

Senator Dubas filed the following amendment to LB701:  
AM2322

- 1 1. On page 3, line 6, after "has" insert "made at least
- 2 two written attempts and has".

### GENERAL FILE

**LEGISLATIVE BILL 810.** Title read. Considered.

Committee AM1865, found on page 525, was offered.

Senator Watermeier offered his amendment, AM2557, found on page 988,

to the committee amendment.

The Watermeier amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 674.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 799.** Title read. Considered.

Committee AM1730, found on page 523, was offered.

Pending.

#### AMENDMENTS - Print in Journal

Senator Wightman filed the following amendment to LB810:  
AM2560

1 1. Insert the following new sections:  
2 Section 1. Section 76-238.01, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 76-238.01 (1) Any interest in real property capable  
5 of being transferred may be mortgaged to secure (a) existing  
6 debts or obligations, ~~to secure (b) debts or obligations created~~  
7 ~~simultaneously with the execution of the mortgage, to secure (c)~~  
8 ~~future advances necessary to protect the security, and to secure~~  
9 ~~even though such future advances cause the total indebtedness to~~  
10 ~~exceed the maximum amount stated in the mortgage, or (d) any future~~  
11 ~~advances to be made at the option of the parties in any amount~~  
12 ~~unless, except as otherwise provided under subsection (2) or (3)~~  
13 ~~of this section, a maximum amount of total indebtedness to be~~  
14 ~~secured is stated in the mortgage. At no time shall the secured~~  
15 ~~principal future advances, not including sums advanced to protect~~  
16 ~~the security, exceed a total amount or percentage of a total~~  
17 ~~amount stated in the mortgage. If the mortgage authorizes advances~~  
18 ~~by a percentage of the mortgage amount, such advances shall not~~  
19 ~~exceed that authorized percentage. All such debts, obligations, and~~  
20 ~~future advances shall, from the time the mortgage is filed for~~  
21 ~~record as provided by law, be secured by such mortgage equally~~  
22 ~~with and have the same priority over the rights of all persons~~  
23 ~~who subsequent to the recording of such mortgage acquire any~~

1 rights in or liens upon the mortgaged real estate as the debts  
2 and obligations secured thereby at the time of the filing of the  
3 mortgage for record, except that (a) the mortgagor or his or her  
4 successor in title is hereby authorized to file for record, and the  
5 same shall be recorded, a notice limiting the amount of optional  
6 future advances secured by such mortgage to not less than the  
7 amount advanced actually at the time of such filing, and a copy  
8 of such filing shall be filed with the mortgagee, and (b) if any  
9 optional future advance shall be made by the mortgagee to the  
10 mortgagor or his or her successor in title after written notice  
11 of any mortgage, lien, or claim against such real property, or  
12 after written notice of labor commenced or material furnished or  
13 contracted to be commenced or furnished on such real property which  
14 is junior to such mortgage, then the amount of such advance shall  
15 be junior to such mortgage, lien, or claim, including a claim for  
16 materials delivered or labor performed which is ultimately filed as  
17 a construction lien and of which such written notice was given.

18 (2) Future advances necessary to protect the security  
19 shall include, but not be limited to, advances for payment of  
20 real property taxes, special assessments, prior liens, hazard  
21 insurance premiums, maintenance charges imposed under a condominium  
22 declaration or other covenant, and costs of repair, maintenance,  
23 or improvements. Future advances necessary to protect the security  
24 are secured by the mortgage and have the priority specified in  
25 subsection (3) of this section.

26 (3)(a) Except as provided in subdivision (b) of this  
27 subsection, all items identified in subsection (1) of this section  
1 are equally secured by the mortgage from the time of filing the  
2 mortgage as provided by law and have the same priority as the  
3 mortgage over the rights of all other persons who acquire any  
4 rights in or liens upon the mortgaged real property subsequent to  
5 the time the mortgage was filed.

6 (b)(i) The mortgagor or his or her successor in title  
7 may limit the amount of optional future advances secured by the  
8 mortgage under subdivision (1)(d) of this section by filing a  
9 notice for record in the office of the register of deeds of each  
10 county in which the mortgaged real property or some part thereof  
11 is situated. A copy of such notice shall be sent by certified mail  
12 to the mortgagee at the address of the mortgagee set forth in the  
13 mortgage or, if the mortgage has been assigned, to the address of  
14 the most recent assignee reflected in a recorded assignment of the  
15 mortgage. The amount of such secured optional future advances shall  
16 be limited to not less than the amount actually advanced at the  
17 time of receipt of such notice by the mortgagee.

18 (ii) If any optional future advance is made by the  
19 mortgagee to the mortgagor or his or her successor in title  
20 after receiving written notice of the filing for record of any  
21 trust deed, mortgage, lien, or claim against such mortgaged real  
22 property, then the amount of such optional future advance shall be

23 junior to such trust deed, mortgage, lien, or claim. The notice  
 24 under this subdivision shall be sent by certified mail to the  
 25 mortgagee at the address of the mortgagee set forth in the mortgage  
 26 or, if the mortgage has been assigned, to the address of the most  
 27 recent assignee reflected in a recorded assignment of the mortgage.

1 (iii) Subdivisions (b)(i) and (ii) of this subsection  
 2 shall not limit or determine the priority of optional future  
 3 advances as against construction liens governed by section 52-139.

4 ~~(2)(4)~~ The reduction to zero or elimination of the debt  
 5 evidenced by the instruments authorized in this section shall not  
 6 invalidate the operation of this section as to any future advances  
 7 unless a notice or release to the contrary is filed for record as  
 8 provided by law.

9 Sec. 2. Section 76-1002, Revised Statutes Cumulative  
 10 Supplement, 2012, is amended to read:

11 76-1002 (1) Transfers in trust of real property may be  
 12 made to secure (a) existing debts or obligations, (b) debts or  
 13 obligations created simultaneously with the execution of the trust  
 14 deed, ~~(b)-(c)~~ future advances necessary to protect the security,  
 15 ~~(e)~~ even though such future advances cause the total indebtedness  
 16 to exceed the maximum amount stated in the trust deed, (d) any  
 17 future advances to be made at the option of the parties, in any  
 18 amount unless, except as otherwise provided under subsection (2) or  
 19 (3) of this section, a maximum amount of total indebtedness to be  
 20 secured is stated in the trust deed, or ~~(d)-(e)~~ the performance  
 21 of an obligation of any other person named in the trust deed to a  
 22 beneficiary.

23 (2) Future advances necessary to protect the security  
 24 shall include, but not be limited to, advances for payment of  
 25 real property taxes, special assessments, prior liens, hazard  
 26 insurance premiums, maintenance charges imposed under a condominium  
 27 declaration or other covenant, and costs of repair, maintenance, or  
 1 improvements. Future advances necessary to protect the security are  
 2 secured by the trust deed and shall have the priority specified in  
 3 subsection (3) of this section.

4 (3)(a) Except as provided in subdivision (b) of this  
 5 subsection, all items identified in subsection (1) of this section  
 6 are equally secured by the trust deed from the time of filing the  
 7 trust deed as provided by law and have the same priority as the  
 8 trust deed over the rights of all other persons who acquire any  
 9 rights in or liens upon the trust property subsequent to the time  
 10 the trust deed was filed.

11 (b)(i) The trustor or his or her successor in title may  
 12 limit the amount of optional future advances secured by the trust  
 13 deed under subdivision ~~(4)-(e)~~ (1)(d) of this section by filing  
 14 a notice for record in the office of the register of deeds of  
 15 each county in which the trust property or some part thereof is  
 16 situated. A copy of such notice shall be sent by certified mail to  
 17 the beneficiary at the address of the beneficiary set forth in the

18 trust deed or, if the trust deed has been assigned, to the address  
 19 of the most recent assignee reflected in a recorded assignment of  
 20 the trust deed. The amount of such secured optional future advances  
 21 shall be limited to not less than the amount actually advanced at  
 22 the time of receipt of such notice by the beneficiary.

23 (ii) If any optional future advance is made by the  
 24 beneficiary to the trustor or his or her successor in title after  
 25 receiving written notice of the filing for record of any trust  
 26 deed, mortgage, lien, or claim against such trust property, then  
 27 the amount of such optional future advance shall be junior to  
 1 such trust deed, mortgage, lien, or claim. The notice under this  
 2 subdivision shall be sent by certified mail to the beneficiary at  
 3 the address of the beneficiary set forth in the trust deed or, if  
 4 the trust deed has been assigned, to the address of the most recent  
 5 assignee reflected in a recorded assignment of the trust deed.

6 (iii) Subdivisions (b)(i) and (ii) of this subsection  
 7 shall not limit or determine the priority of optional future  
 8 advances as against construction liens governed by section 52-139.

9 (4) The reduction to zero or elimination of the  
 10 obligation evidenced by any of the transfers in trust authorized by  
 11 this section shall not invalidate the operation of this section as  
 12 to any future advances unless a notice or release to the contrary  
 13 is filed for record as provided by law. All right, title, interest,  
 14 and claim in and to the trust property acquired by the trustor  
 15 or his or her successors in interest subsequent to the execution  
 16 of the trust deed shall inure to the trustee as security for the  
 17 obligation or obligations for which the trust property is conveyed  
 18 in like manner as if acquired before execution of the trust deed.

19 2. Renumber the remaining sections and correct the  
 20 repealer accordingly.

Senator Lathrop filed the following amendment to LB1072:

AM2559

(Amendments to Standing Committee amendments, AM1955)

- 1 1. Strike section 4.
- 2 2. On page 1, lines 20 through 22, strike the new matter.
- 3 3. Renumber the remaining section accordingly.

Senator Sullivan filed the following amendment to LB967A:

AM2547

- 1 1. Insert the following new section:
- 2 Sec. 4. There is hereby appropriated (1) \$10,227 from  
 3 the Board of Educational Lands and Funds Cash Fund for FY2014-15  
 4 and (2) \$10,227 from the Board of Educational Lands and Funds Cash  
 5 Fund for FY2015-16 to the Board of Educational Lands and Funds, for  
 6 Program 582, to aid in carrying out the provisions of Legislative  
 7 Bill 967, One Hundred Third Legislature, Second Session, 2014.  
 8 Total expenditures for permanent and temporary salaries  
 9 and per diems from funds appropriated in this section shall not

- 10 exceed \$10,227 for FY2014-15 or \$10,227 for FY2015-16.  
 11 2. On page 4, line 6, strike "\$839,500" and insert  
 12 "\$989,500"; and in line 16 strike "\$350,000" and insert "\$500,000".  
 13 3. Renumber the remaining sections accordingly.

Senator Mello filed the following amendment to LB559:  
 AM2525

- 1 1. Strike the Standing Committee amendments, AM1581.  
 2 2. Strike original section 14 and insert the following  
 3 new section:  
 4 Sec. 14. This act becomes operative on October 1, 2016.  
 5 3. On page 2, lines 3, 6, and 8, strike "14" and insert  
 6 "13".  
 7 4. On page 7, strike lines 9 through 14 and insert the  
 8 following new subsection:  
 9 "(2)(a) A short-time compensation plan will only be  
 10 approved for a contributory employer that (a) is eligible for  
 11 experience rating under subdivision (4)(a) of section 48-649, (b)  
 12 has a positive balance in the employer's experience account, (c)  
 13 has filed all quarterly reports and other reports required under  
 14 the Employment Security Law, and (d) has paid all obligation  
 15 assessments, contributions, interest, and penalties due through the  
 16 date of the employer's application.  
 17 (b) A short-time compensation plan will only be approved  
 18 for an employer liable for making payments in lieu of contributions  
 19 that has filed all quarterly reports and other reports required  
 20 under the Employment Security Law and has paid all obligation  
 21 assessments, payments in lieu of contributions, interest, and  
 22 penalties due through the date of the employer's application."  
 23 5. On page 13, strike beginning with "The" in line  
 1 19 through line 22 and insert "The department shall not use  
 2 General Funds to implement the short-time compensation program.  
 3 The department shall use any and all available federal funds to  
 4 implement the short-time compensation program, including, but not  
 5 limited to, federal funds distributed to the state under sections  
 6 903(c), 903(d), 903(f), and 903(g) of the federal Social Security  
 7 Act, as amended."

Senator Scheer filed the following amendment to LB916:  
 AM2568

(Amendments to Standing Committee amendments, AM1916)

- 1 1. On page 7, line 10, strike the comma and insert "or";  
 2 and in line 11 strike ", or nurse practitioner".

Senator Lathrop filed the following amendment to LB699:  
 AM2566

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:  
 2 Sec. 8. The following section is outright repealed:

- 3 Section 28-1211, Reissue Revised Statutes of Nebraska.
- 4 2. On page 1, line 15, after the semicolon insert "to
- 5 eliminate certain firearms provisions;" and in line 16 after
- 6 the semicolon insert "to outright repeal section 28-1211, Reissue
- 7 Revised Statutes of Nebraska;".
- 8 3. Renumber the remaining section accordingly.

Senator Nordquist filed the following amendment to LB276:  
AM2554

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 43-2511, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-2511 There is hereby established a statewide billing
- 6 system for accessing federal medicaid funds for special education
- 7 and related services provided by school districts. The system shall
- 8 apply to all students verified with disabilities from date of
- 9 diagnosis to twenty-one years of age as allowed under the federal
- 10 Medicare Catastrophic Coverage Act of 1988. The system shall be
- 11 developed, implemented, and administered jointly by the Department
- 12 of Health and Human Services and the State Department of Education.
- 13 On or before October 1, 2015, the Department of Health and Human
- 14 Services and the State Department of Education shall jointly revise
- 15 the statewide billing system to streamline and simplify the claims
- 16 process, to update reimbursement rates, and to incorporate services
- 17 included in the state plan submitted pursuant to subsection
- 18 (4) of section 68-911. After the reimbursement rates have been
- 19 updated pursuant to this section, such rates shall be reviewed
- 20 at least once every five years. School districts, educational
- 21 service units, or approved cooperatives providing special education
- 22 and related services shall be required to participate in the
- 23 statewide billing system. ~~It is the intent of this section that~~
- 1 Eleven and fifty-four hundredths percent of federal medicaid funds
- 2 received by school districts pursuant to such billing system shall
- 3 be considered reimbursement for the costs to school districts
- 4 associated with the implementation and administration of such
- 5 a system shall be eligible for payment through and such costs
- 6 shall be included in the medicaid reimbursement rates to be
- 7 established for each therapy service. From the amount provided
- 8 pursuant to section 43-2515 to aid in carrying out the Early
- 9 Intervention Act, the Department of Health and Human Services
- 10 shall retain, for the purposes of implementing and administering
- 11 the statewide billing system and early intervention services
- 12 coordination services, an amount equal to the lesser of (1)
- 13 the statewide total of federal medicaid funds received by school
- 14 districts that are considered reimbursement for the costs to
- 15 school districts associated with implementation and administration
- 16 pursuant to this section or (2) the actual cost of implementing and
- 17 administering the statewide billing system and early intervention

18 services coordination services.

19 Sec. 2. Section 43-2513, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-2513 For purposes of the general fund budget of  
22 expenditures as defined in section 79-1003, funds received to carry  
23 out the services coordination functions ~~and the administration~~  
24 ~~of the billing system~~ or designated as reimbursement for costs  
25 associated with the implementation and administration of the  
26 billing system pursuant to section 43-2511 shall be considered  
27 special grant funds.

1 Sec. 3. Section 43-2515, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 43-2515 ~~On~~ For years 1993 through 2014, on or before  
4 October 1, ~~1993, and for each year thereafter,~~ the Department of  
5 Health and Human Services and the State Department of Education  
6 shall jointly certify to the budget administrator of the budget  
7 division of the Department of Administrative Services the amount  
8 of federal medicaid funds paid to school districts pursuant to the  
9 Early Intervention Act for special education services for children  
10 five years of age and older. The General Fund appropriation to the  
11 State Department of Education for state special education aid shall  
12 be decreased by an amount equal to the amount that would have been  
13 reimbursed with state general funds to the school districts through  
14 the special education reimbursement process for special education  
15 services for children five years of age and older that was paid  
16 to school districts or approved cooperatives with federal medicaid  
17 funds.

18 ~~It~~ For fiscal years through fiscal year 2014-15, it  
19 is the intent of the Legislature that an amount equal to the  
20 amount that would have been reimbursed with state general funds  
21 to the school districts, certified to the budget administrator,  
22 be appropriated from the General Fund to aid in carrying out the  
23 provisions of the Early Intervention Act and other related early  
24 intervention services.

25 For 2014 and each year thereafter, on or before  
26 December 1, the Department of Health and Human Services and  
27 the State Department of Education shall jointly certify to the  
1 budget administrator of the budget division of the Department of  
2 Administrative Services the aggregate amount to be included in  
3 the local system formula resources pursuant to subsection (16) of  
4 section 79-1018.01 for all local systems for aid to be calculated  
5 pursuant to the Tax Equity and Educational Opportunities Support  
6 Act for the next school fiscal year minus such amount for the  
7 current school fiscal year for school districts that are not  
8 receiving any equalization aid for such school fiscal year.

9 For fiscal year 2015-16 and each fiscal year thereafter,  
10 it is the intent of the Legislature that, in addition to other  
11 state and federal funds used to carry out the Early Intervention  
12 Act, funds equal to the greater of the amount certified to the



13 budget administrator or two million dollars be appropriated from  
 14 the General Fund to aid in carrying out the provisions of the Early  
 15 Intervention Act and other related early intervention services.

16 Sec. 4. Section 68-911, Revised Statutes Supplement,  
 17 2013, is amended to read:

18 68-911 (1) Medical assistance shall include coverage for  
 19 health care and related services as required under Title XIX of the  
 20 federal Social Security Act, including, but not limited to:

- 21 (a) Inpatient and outpatient hospital services;
- 22 (b) Laboratory and X-ray services;
- 23 (c) Nursing facility services;
- 24 (d) Home health services;
- 25 (e) Nursing services;
- 26 (f) Clinic services;
- 27 (g) Physician services;
- 1 (h) Medical and surgical services of a dentist;
- 2 (i) Nurse practitioner services;
- 3 (j) Nurse midwife services;
- 4 (k) Pregnancy-related services;
- 5 (l) Medical supplies;
- 6 (m) Mental health and substance abuse services; and
- 7 (n) Early and periodic screening and diagnosis and
- 8 treatment services for children which shall include both physical
- 9 and behavioral health screening, diagnosis, and treatment services.

10 (2) In addition to coverage otherwise required under this  
 11 section, medical assistance may include coverage for health care  
 12 and related services as permitted but not required under Title XIX  
 13 of the federal Social Security Act, including, but not limited to:

- 14 (a) Prescribed drugs;
- 15 (b) Intermediate care facilities for persons with
- 16 developmental disabilities;
- 17 (c) Home and community-based services for aged persons
- 18 and persons with disabilities;
- 19 (d) Dental services;
- 20 (e) Rehabilitation services;
- 21 (f) Personal care services;
- 22 (g) Durable medical equipment;
- 23 (h) Medical transportation services;
- 24 (i) Vision-related services;
- 25 (j) Speech therapy services;
- 26 (k) Physical therapy services;
- 27 (l) Chiropractic services;
- 1 (m) Occupational therapy services;
- 2 (n) Optometric services;
- 3 (o) Podiatric services;
- 4 (p) Hospice services;
- 5 (q) Mental health and substance abuse services;
- 6 (r) Hearing screening services for newborn and infant
- 7 children; and

8 (s) Administrative expenses related to administrative  
9 activities, including outreach services, provided by school  
10 districts and educational service units to students who are  
11 eligible or potentially eligible for medical assistance.

12 (3) No later than July 1, 2009, the department  
13 shall submit a state plan amendment or waiver to the federal  
14 Centers for Medicare and Medicaid Services to provide coverage  
15 under the medical assistance program for community-based secure  
16 residential and subacute behavioral health services for all  
17 eligible recipients, without regard to whether the recipient has  
18 been ordered by a mental health board under the Nebraska Mental  
19 Health Commitment Act to receive such services.

20 (4) On or before October 1, 2014, the department, after  
21 consultation with the State Department of Education, shall submit  
22 a state plan amendment to the federal Centers for Medicare and  
23 Medicaid Services, as necessary, to provide that the following are  
24 direct reimbursable services when provided by school districts as  
25 part of an individualized education program or an individualized  
26 family service plan: Early and periodic screening, diagnosis, and  
27 treatment services for children; medical transportation services;  
1 mental health services; nursing services; occupational therapy  
2 services; personal care services; physical therapy services;  
3 rehabilitation services; speech therapy and other services for  
4 individuals with speech, hearing, or language disorders; and  
5 vision-related services.

6 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:  
8 79-1018.01 Except as otherwise provided in this section,  
9 local system formula resources include other actual receipts  
10 available for the funding of general fund operating expenditures  
11 as determined by the department for the second school fiscal year  
12 immediately preceding the school fiscal year in which aid is to be  
13 paid. Other actual receipts include:  
14 (1) Public power district sales tax revenue;  
15 (2) Fines and license fees;  
16 (3) Tuition receipts from individuals, other districts,  
17 or any other source except receipts derived from adult education,  
18 receipts derived from summer school tuition, receipts derived  
19 from early childhood education tuition, tuition receipts from  
20 converted contracts beginning with the calculation of state aid to  
21 be distributed in school fiscal year 2011-12, and receipts from  
22 educational entities as defined in section 79-1201.01 for providing  
23 distance education courses through the Educational Service Unit  
24 Coordinating Council to such educational entities;  
25 (4) Transportation receipts;  
26 (5) Interest on investments;  
27 (6) Other miscellaneous noncategorical local receipts,  
1 not including receipts from private foundations, individuals,  
2 associations, or charitable organizations;

- 3 (7) Special education receipts;
- 4 (8) Special education receipts and non-special education
- 5 receipts from the state for wards of the court and wards of the
- 6 state;
- 7 (9) All receipts from the temporary school fund. Receipts
- 8 from the temporary school fund shall only include (a) receipts
- 9 pursuant to section 79-1035, to the extent that such receipts for
- 10 the calculation of aid for school fiscal year 2018-19 and each
- 11 school fiscal year thereafter are not returned to the temporary
- 12 school fund pursuant to section 79-309.01, and (b) the receipt of
- 13 funds pursuant to section 79-1036 for property leased for a public
- 14 purpose as set forth in subdivision (1)(a) of section 77-202;
- 15 (10) Motor vehicle tax receipts received;
- 16 (11) Pro rata motor vehicle license fee receipts;
- 17 (12) Other miscellaneous state receipts excluding revenue
- 18 from the textbook loan program authorized by section 79-734;
- 19 (13) Impact aid entitlements for the school fiscal year
- 20 which have actually been received by the district to the extent
- 21 allowed by federal law;
- 22 (14) All other noncategorical federal receipts;
- 23 (15) All receipts pursuant to the enrollment option
- 24 program under sections 79-232 to 79-246;
- 25 (16) Receipts For aid calculated for school fiscal years
- 26 prior to school fiscal year 2016-17, receipts under the federal
- 27 Medicare Catastrophic Coverage Act of 1988, as such act existed on
- 1 May 8, 2001, January 1, 2014, as authorized pursuant to sections
- 2 43-2510 and 43-2511 but only to the extent of the amount the
- 3 local system would have otherwise received pursuant to the Special
- 4 Education Act and for aid calculated for school fiscal year 2016-17
- 5 and each school fiscal year thereafter, eighty-eight and forty-six
- 6 hundredths percent of federal medicaid funds received pursuant to
- 7 section 43-2511 for services to school-age children;
- 8 (17) Receipts for accelerated or differentiated
- 9 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and
- 10 (18) Revenue received from the nameplate capacity tax
- 11 distributed pursuant to section 77-6204.
- 12 Sec. 6. Section 79-1119, Reissue Revised Statutes of
- 13 Nebraska, is amended to read:
- 14 79-1119 Excess cost means the difference between the
- 15 total cost of the special education program excluding residential
- 16 care minus eighty-eight and forty-six hundredths percent of any
- 17 federal medicaid funds received pursuant to section 43-2511 for
- 18 services to school-age children and minus the product of the number
- 19 of students in the special education program multiplied by the
- 20 adjusted average per pupil cost of the preceding year for the
- 21 school district of residence of each child.
- 22 Sec. 7. Section 79-1145, Reissue Revised Statutes of
- 23 Nebraska, is amended to read:
- 24 79-1145 For each fiscal year, the aggregate amount of

25 General Funds appropriated for special education programs and  
26 support services pursuant to sections 79-1129, 79-1132, and 79-1144  
27 shall not exceed the aggregate amount of General Funds appropriated  
1 pursuant to such sections for the previous fiscal year, multiplied  
2 by one plus a rate of five percent. For purposes of this section,  
3 for fiscal year 2015-16 the aggregate amount of General Funds  
4 appropriated for special education programs and support services  
5 pursuant to section 79-1129, 79-1132, and 79-1144 for the previous  
6 fiscal year shall be the net amount after any decrease required  
7 pursuant to section 43-2515.

8 Sec. 8. Section 79-1158, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 79-1158 No reimbursement for special education and  
11 support services programs shall be allowed unless the program meets  
12 the standards established by the State Department of Education and  
13 the school district has verified participation in the statewide  
14 billing system for accessing federal medicaid funds as required  
15 pursuant to section 43-2511.

16 Sec. 9. Section 79-1160, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 79-1160 The State Department of Education shall adopt,  
19 promulgate, and publish rules and regulations necessary to carry  
20 out the Special Education Act. Such rules and regulations shall  
21 include, but not be limited to, the regulation of costs under  
22 section 79-1152, limitation of the program to children with  
23 disabilities who require residential care in order to receive an  
24 appropriate special education program, ~~and~~ provisions for contracts  
25 with the Department of Health and Human Services to assist  
26 in the administration of the act, and provisions for verifying  
27 participation in the statewide billing system for accessing federal  
1 medicaid funds as required pursuant to section 43-2511.

2 Sec. 10. Original sections 43-2511, 43-2513, 43-2515,  
3 79-1119, 79-1145, 79-1158, and 79-1160, Reissue Revised Statutes  
4 of Nebraska, section 79-1018.01, Revised Statutes Cumulative  
5 Supplement, 2012, and section 68-911, Revised Statutes Supplement,  
6 2013, are repealed.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 383A.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 383, One Hundred Third Legislature, Second Session, 2014.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
LR512      Education

(Signed) John Wightman, Chairperson  
Executive Board

**VISITORS**

Visitors to the Chamber were Senator McGill's father, Dave, grandparents, Dave and Bernie, from Omaha, and fiancé, Clayton Johnson; Macia Rincon-Gillardo, Bart LuBow, and Corey Steele from the Annie E. Casey Foundation; 25 first-grade students, teacher, and sponsors from Johnson-Brock Elementary; 45 fourth-grade students and teachers from Syracuse; 24 fourth-grade students and teacher from Immanuel Lutheran School, Columbus; Tricia Raymond from Mississippi; 45 fourth-grade students, teachers, and sponsors from York; Kathy and Dan Denman from Grand Island and Lucas Barboza from Brazil; and a group from Leadership Columbus.

**ADJOURNMENT**

At 11:39 a.m., on a motion by Senator Lathrop, the Legislature adjourned until 10:00 a.m., Monday, March 24, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-EIGHTH DAY - MARCH 24, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 24, 2014

**PRAYER**

The prayer was offered by Pastor Wayne Vogel, McCook Church of Christ, McCook.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senator Harms who was excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 464.** Placed on Final Reading.  
ST53 is available in the Bill Room.

**LEGISLATIVE BILL 560.** Placed on Final Reading.  
**LEGISLATIVE BILL 560A.** Placed on Final Reading.

**LEGISLATIVE BILL 814.** Placed on Final Reading.  
ST59

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Avery amendment, AM2248, on page 4, line 12, an underscored comma has been inserted after "Act".
2. On page 1, the matter beginning with "revenue" in line 1 through line 6 and all amendments thereto have been struck and "law; to amend sections 60-103, 60-305, and 77-2701.35, Reissue Revised Statutes of Nebraska, sections 37-201, 77-2703, 77-2708, and 77-27,132, Revised Statutes Cumulative Supplement, 2012, and sections 60-135.01, 60-358.01, and

60-6,355, Revised Statutes Supplement, 2013; to create a fund; to redefine all-terrain vehicle and utility-type vehicle for the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Nebraska Rules of the Road; to redefine sales price; to change sales and use tax provisions relating to all-terrain vehicles and utility-type vehicles; to change duties of sellers and the distribution of sales and use tax revenue; to provide funding for infrastructure administered by the Game and Parks Commission; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 814A.** Placed on Final Reading.

**LEGISLATIVE BILL 867.** Placed on Final Reading.

ST61

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Nordquist amendment, AM2262, section 11 has been renumbered as section 12.

2. In the E & R amendments, ER155:

a. Sections 12 and 15 have been struck and the following new sections inserted:

Sec. 17. Sections 4, 5, 6, 12, and 21 of this act become operative on January 1, 2015. Sections 8, 9, 10, 11, 14, and 19 of this act become operative on April 1, 2014. Section 13 of this act becomes operative on October 1, 2014. Sections 7, 15, 16, and 20 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 20. Original section 77-27,144, Revised Statutes Cumulative Supplement, 2012, and sections 76-902 and 77-2711, Revised Statutes Supplement, 2013, are repealed.

Sec. 21. Original sections 14-2138, 14-2139, 66-6,102, and 77-2704.13, Reissue Revised Statutes of Nebraska, are repealed.

b. On page 24, the matter beginning with "sections" in line 9 through line 20 has been struck and "sections 13-3107, 13-3108, 14-2138, 14-2139, 66-6,102, 77-2701.11, 77-2701.35, and 77-2704.13, Reissue Revised Statutes of Nebraska, sections 77-2701, 77-2701.04, and 77-27,144, Revised Statutes Cumulative Supplement, 2012, and sections 13-2709, 76-902, and 77-2711, Revised Statutes Supplement, 2013; to change provisions relating to distributions under the Sports Arena Facility Financing Assistance Act and payments by metropolitan utilities districts for sales of natural gas; to exempt certain deeds from the documentary stamp tax; to exempt energy or fuel used in the compression of natural gas, certain postage, currency, and bullion from sales and use taxation; to exempt purchases by historic automobile museums from sales and use taxation; to change provisions relating to review of sales and use tax information by municipalities; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted; and



c. On page 6, lines 5 and 10, "8 and 9" has been struck and "13 and 14" inserted.

**LEGISLATIVE BILL 987.** Placed on Final Reading.

ST58

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 5, "and military retirement benefits" has been inserted after "benefits".

**LEGISLATIVE BILL 1001.** Placed on Final Reading.

ST60

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "allow" in line 2 through "hemp" in line 4 has been struck and "permit growth and cultivation of industrial hemp by a postsecondary institution or the Department of Agriculture" inserted.

(Signed) John Murante, Chairperson

### **NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Monday, March 31, 2014 9:00 a.m.

Dennis Roop - Stem Cell Research Advisory Committee  
Rebecca Jane Morris - Stem Cell Research Advisory Committee  
Gerald Spangrude - Stem Cell Research Advisory Committee  
Denise Pecha - Nebraska Child Abuse Prevention Fund Board  
Sandra Kruback - Foster Care Advisory Committee  
Elizabeth Neeley - Foster Care Advisory Committee

(Signed) Kathy Campbell, Chairperson

### **COMMITTEE REPORTS**

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Joyce Bischoff - Stem Cell Research Advisory Committee

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Shane M. Fleming - State Board of Health  
Paul L. Salansky Jr. - State Board of Health

Aye: 6 Campbell, Cook, Gloor, Howard, Krist, Watermeier. Nay: 0.  
Absent: 1 Crawford. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Regina "Gina" Frerichs - Commission for the Deaf and Hard of Hearing  
John Hogue - Commission for the Deaf and Hard of Hearing  
Carol Lomicky - Commission for the Deaf and Hard of Hearing

Aye: 6 Campbell, Cook, Gloor, Howard, Krist, Watermeier. Nay: 0.  
Absent: 1 Crawford. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Robert L. Newman - Commission for the Blind and Visually Impaired

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Brian Buhlke - Nebraska Rural Health Advisory Commission  
Jessye Goertz - Nebraska Rural Health Advisory Commission

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

#### Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

G. Randall "Rand" Hansen - Crime Victim's Reparations Committee

Rita G. Sanders - Crime Victim's Reparations Committee

Aye: 6 Ashford, Coash, Davis, Lathrop, McGill, Seiler. Nay: 0. Absent: 2  
Chambers, Christensen. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**AMENDMENTS - Print in Journal**

Senator Coash filed the following amendment to LB908:  
AM2571

(Amendments to E & R amendments, ER181)

- 1 1. On page 8, lines 5 and 6, strike the new matter and
- 2 insert "unless the child is eligible for extended guardianship
- 3 assistance from the department pursuant to sections 43-4511 and
- 4 43-4514".

Senator Hadley filed the following amendment to LB867A:  
AM2572

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated (1) \$1,378,000
- 4 from the Sports Arena Facility Support Fund for FY2013-14 and
- 5 (2) \$1,265,000 from the Sports Arena Facility Support Fund for
- 6 FY2014-15 to the State Treasurer, for Program 663, to aid in
- 7 carrying out the provisions of Legislative Bill 867, One Hundred
- 8 Third Legislature, Second Session, 2014.
- 9 There is included in the appropriation to this program
- 10 for FY2013-14 \$1,378,000 and for FY2014-15 \$1,265,000 Cash Funds
- 11 from the Sports Arena Facility Support Fund, which shall only be
- 12 disbursed to a political subdivision for which an application for
- 13 state assistance has been approved under the Sports Arena Facility
- 14 Financing Assistance Act.
- 15 Sec. 2. There is hereby appropriated (1) \$52,700 from the
- 16 General Fund for FY2014-15 and (2) \$45,200 from the General Fund
- 17 for FY2015-16 to the Department of Revenue, for Program 102, to aid
- 18 in carrying out the provisions of Legislative Bill 867, One Hundred
- 19 Third Legislature, Second Session, 2014.
- 20 Total expenditures for permanent and temporary salaries
- 21 and per diems from funds appropriated in this section shall not
- 22 exceed \$33,200 for FY2014-15 or \$34,000 for FY2015-16.
- 23 Sec. 3. Since an emergency exists, this act takes effect
- 1 when passed and approved according to law.

**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 LB905 with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 905.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 18, 46, 47, 48, 67, 75, 87, 92, 94, 102, 103, 107, 108, 109, 142, 161, 167, 169, 203, 232, 233, 236, 250, 261, 263, 264, and 265; Laws 2013, LB198, section 51; Laws 2013, LB6A, section 1; Laws 2013, LB517A, section 1; and section 90-539, Revised Statutes Supplement, 2013; 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.

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, 40:

Adams	Coash	Hadley	Lathrop	Schilz
Ashford	Conrad	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bolz	Crawford	Johnson	Mello	Smith
Campbell	Davis	Karpisek	Murante	Sullivan
Carlson	Dubas	Kolowski	Nelson	Wallman
Chambers	Gloor	Krist	Nordquist	Watermeier
Christensen	Haar, K.	Larson	Scheer	Wightman

Voting in the negative, 8:

Bloomfield	Garrett	Janssen	McCoy
Brasch	Hansen	Kintner	Pirsch

Excused and not voting, 1:

Harms

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB906 with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 906.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend sections 2-1588, 2-1592, 2-3225, 2-3226.05, and 81-1204, Reissue Revised Statutes of Nebraska, sections 24-205, 24-227.01, 39-1390, 48-622.01, 58-708, and 81-1205, Revised Statutes Cumulative Supplement, 2012, and sections 71-7611 and 81-2516, Revised Statutes Supplement, 2013; to provide for transfers of funds; to create and eliminate funds; to change provisions relating to the source of revenue and use of funds in the Nebraska Resources Development Fund, for water and related land resources, by natural resources districts, for judges' education and retirement, for Supreme Court automation, for employment security settlements, from the Affordable Housing Trust Fund, from the Nebraska Health Care Cash Fund, and for job training grants; to require reports; 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.

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, 41:

Adams	Conrad	Harr, B.	McGill	Smith
Ashford	Cook	Howard	Mello	Sullivan
Avery	Crawford	Johnson	Murante	Wallman
Bolz	Davis	Karpisek	Nelson	Watermeier
Campbell	Dubas	Kolowski	Nordquist	Wightman
Carlson	Gloor	Krist	Scheer	
Chambers	Haar, K.	Larson	Schilz	
Christensen	Hadley	Lathrop	Schumacher	
Coash	Hansen	Lautenbaugh	Seiler	

Voting in the negative, 7:

Bloomfield	Garrett	Kintner	Pirsch
Brasch	Janssen	McCoy	

Excused and not voting, 1:

Harms

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 130.**

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 66-1345, Revised Statutes Cumulative Supplement, 2012, and section 84-612, Revised Statutes Supplement, 2013; to provide and eliminate transfers of funds; 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, 44:

Adams	Coash	Hadley	Larson	Schilz
Ashford	Conrad	Hansen	Lathrop	Schumacher
Avery	Cook	Harr, B.	Lautenbaugh	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Campbell	Dubas	Karpisek	Murante	Wallman
Carlson	Garrett	Kintner	Nelson	Watermeier
Chambers	Gloor	Kolowski	Nordquist	Wightman
Christensen	Haar, K.	Krist	Scheer	

Voting in the negative, 4:

Brasch	Janssen	McCoy	Pirsch
--------	---------	-------	--------

Excused and not voting, 1:

Harms

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 949.** With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; 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	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	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:

Harms

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **MOTION - Return LB671 to Select File**

Senator Lautenbaugh renewed his motion, found on page 975, to return LB671 to Select File for his specific amendment, FA271, found on page 975.

Senator Lautenbaugh withdrew his motion to return.

Senator McCoy moved to return LB671 to Select File for his specific amendment, AM2534, found on page 976.

Senator McCoy withdrew his motion to return.

#### **WITHDRAW - Amendment to LB671**

Senator Larson withdrew his amendment, AM2533, found on page 977, to LB671.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 671.** With Emergency Clause.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452,

Revised Statutes Cumulative Supplement, 2012; to eliminate provisions relating to the hunting of mountain lions; to harmonize provisions; to repeal the original section; to outright repeal section 37-473, Revised Statutes Cumulative Supplement, 2012; 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, 28:

Adams	Carlson	Dubas	Kolowski	Schumacher
Ashford	Chambers	Haar, K.	Krist	Smith
Avery	Coash	Hadley	Lathrop	Sullivan
Bloomfield	Conrad	Harr, B.	McGill	Wallman
Bolz	Cook	Howard	Mello	
Campbell	Crawford	Johnson	Nordquist	

Voting in the negative, 13:

Brasch	Hansen	Kintner	McCoy	Seiler
Davis	Janssen	Larson	Pirsch	
Garrett	Karpisek	Lautenbaugh	Schilz	

Present and not voting, 7:

Christensen	Murante	Scheer	Wightman
Gloor	Nelson	Watermeier	

Excused and not voting, 1:

Harms

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Adams	Carlson	Dubas	Kolowski	Schumacher
Ashford	Chambers	Haar, K.	Krist	Smith
Avery	Coash	Hadley	Lathrop	Sullivan
Bloomfield	Conrad	Harr, B.	McGill	Wallman
Bolz	Cook	Howard	Mello	
Campbell	Crawford	Johnson	Nordquist	

Voting in the negative, 13:



Brasch	Garrett	Karpisek	Lautenbaugh	Seiler
Christensen	Hansen	Kintner	McCoy	
Davis	Janssen	Larson	Pirsch	

Present and not voting, 7:

Gloor	Nelson	Schilz	Wightman
Murante	Scheer	Watermeier	

Excused and not voting, 1:

Harms

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

#### **MOTION - Return LB699 to Select File**

Senator Lathrop moved to return LB699 to Select File for his specific amendment, AM2566, found on page 998.

The Lathrop motion to return prevailed with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 699.** The Lathrop specific amendment, AM2566, found on page 998, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

#### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 740.**

A BILL FOR AN ACT relating to postsecondary education; to provide for residency for veterans and family members of veterans.

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	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	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:

Harms

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 LB749 with 40 ayes, 4 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 749.**

A BILL FOR AN ACT relating to corporations; to amend sections 8-1401, 8-2104, 8-2306, 8-2311, 21-301, 21-302, 21-303, 21-304, 21-305, 21-306, 21-311, 21-312, 21-313, 21-314, 21-315, 21-318, 21-319, 21-321, 21-322, 21-323, 21-323.01, 21-323.02, 21-325, 21-325.01, 21-325.02, 21-328, 21-329, 21-330, 21-1301, 21-1931, 21-1933, 21-19,151, 21-2103, 21-2105, 21-2110, 21-2115, 21-2203, 21-2204, 21-2209, 21-2212, 21-2439, 21-2971, 21-2976, 30-3214, 33-101, 44-205.01, 44-206, 44-208.02, 44-211, 44-224.01, 44-224.04, 44-301, 44-2128, 44-2916, 44-3112, 44-32,115, 44-3312, and 44-3812, Reissue Revised Statutes of Nebraska, and sections 9-614, 28-1354, 67-248.02, and 84-511, Revised Statutes Supplement, 2013; to adopt the Nebraska Model Business Corporation Act; to eliminate the Business Corporation Act; to change provisions relating to occupation taxes; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 21-317, 21-2001, 21-2002, 21-2003, 21-2004, 21-2005, 21-2006, 21-2007, 21-2008, 21-2009, 21-2010, 21-2011, 21-2012, 21-2013, 21-2014, 21-2015, 21-2016, 21-2017, 21-2018, 21-2019, 21-2020, 21-2021, 21-2022, 21-2023, 21-2024, 21-2025, 21-2026, 21-2027, 21-2028, 21-2029, 21-2030, 21-2031, 21-2032, 21-2033, 21-2034, 21-2035, 21-2036, 21-2037, 21-2038, 21-2039,

21-2040, 21-2041, 21-2042, 21-2043, 21-2044, 21-2045, 21-2046, 21-2047, 21-2048, 21-2049, 21-2050, 21-2051, 21-2052, 21-2053, 21-2054, 21-2055, 21-2056, 21-2057, 21-2058, 21-2059, 21-2060, 21-2061, 21-2062, 21-2063, 21-2064, 21-2065, 21-2066, 21-2067, 21-2068, 21-2069, 21-2070, 21-2071, 21-2072, 21-2073, 21-2074, 21-2075, 21-2076, 21-2077, 21-2078, 21-2079, 21-2080, 21-2081, 21-2082, 21-2083, 21-2084, 21-2085, 21-2086, 21-2087, 21-2088, 21-2089, 21-2090, 21-2091, 21-2092, 21-2093, 21-2094, 21-2095, 21-2096, 21-2097, 21-2098, 21-2099, 21-20,100, 21-20,101, 21-20,102, 21-20,103, 21-20,104, 21-20,105, 21-20,106, 21-20,107, 21-20,108, 21-20,109, 21-20,110, 21-20,111, 21-20,112, 21-20,113, 21-20,114, 21-20,115, 21-20,116, 21-20,117, 21-20,118, 21-20,119, 21-20,120, 21-20,121, 21-20,122, 21-20,123, 21-20,124, 21-20,125, 21-20,126, 21-20,127, 21-20,128, 21-20,129, 21-20,130, 21-20,131, 21-20,132, 21-20,133, 21-20,134, 21-20,135, 21-20,135.01, 21-20,136, 21-20,137, 21-20,138, 21-20,139, 21-20,140, 21-20,141, 21-20,142, 21-20,143, 21-20,144, 21-20,145, 21-20,146, 21-20,147, 21-20,148, 21-20,149, 21-20,150, 21-20,151, 21-20,152, 21-20,153, 21-20,154, 21-20,155, 21-20,156, 21-20,157, 21-20,158, 21-20,159, 21-20,160, 21-20,161, 21-20,162, 21-20,163, 21-20,164, 21-20,165, 21-20,166, 21-20,167, 21-20,168, 21-20,169, 21-20,170, 21-20,171, 21-20,172, 21-20,173, 21-20,174, 21-20,175, 21-20,176, 21-20,177, 21-20,178, 21-20,179, 21-20,180, 21-20,180.01, 21-20,181, 21-20,181.01, 21-20,181.02, 21-20,181.03, 21-20,182, 21-20,183, 21-20,184, 21-20,185, 21-20,186, 21-20,187, 21-20,188, 21-20,189, 21-20,190, 21-20,191, 21-20,192, 21-20,193, 21-20,194, 21-20,195, 21-20,196, and 21-20,197, 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, 48:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	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:

Harms

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 LB755 with 39 ayes, 4 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 755.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-403, 44-404, 44-407.23, 44-407.24, 44-407.26, and 44-408, Reissue Revised Statutes of Nebraska; to adopt the Standard Valuation Act; to change and eliminate provisions relating to valuation of reserves; to provide for applicability of provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 44-402, 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, 48:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	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:

Harms

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 776.** With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend section 75-392, Reissue Revised Statutes of Nebraska, section 60-336.01, Revised Statutes Cumulative Supplement, 2012, and sections 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, and 75-393, Revised Statutes Supplement, 2013; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, and the unified carrier registration plan and agreement; 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	Coash	Hansen	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	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:

Harms

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 844.**

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Revised Statutes Cumulative

Supplement, 2012; to change a termination 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	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	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:

Harms

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 LB983 with 39 ayes, 3 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 983.** With Emergency Clause.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-463, 60-464, 60-465, 60-480, 60-4,118.05, 60-4,141, 60-4,147.01, 60-4,149.01, 60-4,157, 60-4,158, 60-4,159, 60-4,160, 60-4,162, 60-4,169, 60-4,172, 60-2905, 60-2907, and 75-369.03, Reissue Revised Statutes of Nebraska, sections 29-3608, 60-484.03, 60-484.04, 60-484.05, 60-484.06, 60-487, 60-4,112, 60-4,115, 60-4,116, 60-4,131, 60-4,131.01, 60-4,132, 60-4,137, 60-4,138, 60-4,139, 60-4,142, 60-4,143, 60-4,144, 60-4,144.01,

60-4,144.02, 60-4,146, 60-4,149, 60-4,150, 60-4,151, 60-4,153, 60-4,154, 60-4,167, 60-4,168, 60-4,170, 60-4,171, 60-4,182, 60-6,179.01, 60-6,179.02, 60-2909.01, and 75-362, Revised Statutes Cumulative Supplement, 2012, and sections 60-462, 60-462.01, 60-479, 60-484, 75-363, 75-364, and 75-366, Revised Statutes Supplement, 2013; to adopt federal regulations by reference; to define and redefine terms; to change provisions for issuing temporary documents and canceling certain motor vehicle operators' licenses under the Motor Vehicle Operator's License Act; to provide and change requirements for covered farm vehicles; to change and eliminate commercial driver's licensing provisions; to provide for commercial learners' permits; to provide for compliance with certain federal regulations regarding commercial drivers' licenses and commercial learners' permits; to change operating restrictions for certain motor vehicles; to provide and change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 60-4,156, Reissue Revised Statutes of Nebraska, and section 60-4,145, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Janssen	Mello	Smith
Bolz	Davis	Johnson	Murante	Sullivan
Brasch	Dubas	Karpisek	Nelson	Wallman
Campbell	Garrett	Kintner	Nordquist	Wightman
Carlson	Gloor	Kolowski	Pirsch	
Christensen	Haar, K.	Krist	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield	Hadley	Lathrop	Lautenbaugh	Watermeier
------------	--------	---------	-------------	------------

Excused and not voting, 2:

Chambers	Harms
----------	-------

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 983A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 983, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Adams	Coash	Hadley	Krist	Scheer
Ashford	Conrad	Hansen	Larson	Schilz
Avery	Cook	Harr, B.	McCoy	Schumacher
Bloomfield	Crawford	Howard	McGill	Seiler
Bolz	Davis	Janssen	Mello	Smith
Brasch	Dubas	Johnson	Murante	Sullivan
Campbell	Garrett	Karpisek	Nelson	Wallman
Carlson	Gloor	Kintner	Nordquist	Wightman
Christensen	Haar, K.	Kolowski	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Lathrop      Lautenbaugh      Watermeier

Excused and not voting, 2:

Chambers      Harms

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 1016.** With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend section 3-106, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2013; to direct the purchase and sale of certain aircraft for state government; to provide for an hourly rate for use of a state aircraft; to change powers and duties of the Department of Aeronautics; to state intent; to require reports as prescribed; to provide for a transfer of funds from the Cash Reserve Fund to the General Fund; to repeal the original sections; and to declare an emergency.

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, 34:

Adams	Coash	Hansen	Larson	Schumacher
Ashford	Crawford	Harr, B.	Lathrop	Seiler
Avery	Dubas	Howard	McGill	Smith
Bloomfield	Garrett	Johnson	Murante	Sullivan
Brasch	Gloor	Kintner	Nelson	Watermeier
Campbell	Haar, K.	Kolowski	Scheer	Wightman
Christensen	Hadley	Krist	Schilz	

Voting in the negative, 5:

Conrad	Davis	Karpisek	Nordquist	Wallman
--------	-------	----------	-----------	---------

Present and not voting, 8:

Bolz	Cook	Lautenbaugh	Mello
Carlson	Janssen	McCoy	Pirsch

Excused and not voting, 2:

Chambers	Harms
----------	-------

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 1016A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1016, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Adams	Coash	Hadley	Krist	Schilz
Ashford	Crawford	Hansen	Larson	Schumacher
Avery	Davis	Harr, B.	Lathrop	Seiler
Bloomfield	Dubas	Howard	McGill	Smith
Brasch	Garrett	Johnson	Murante	Sullivan
Campbell	Gloor	Kintner	Nelson	Watermeier
Christensen	Haar, K.	Kolowski	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 12:

Bolz	Cook	Lautenbaugh	Nordquist
Carlson	Janssen	McCoy	Pirsch
Conrad	Karpisek	Mello	Wallman

Excused and not voting, 2:

Chambers      Harms

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 132.**

A BILL FOR AN ACT relating to public health; to amend sections 38-165 and 38-1057, Reissue Revised Statutes of Nebraska; to adopt the Indoor Tanning Facility Act; to provide a restriction on membership for boards appointed under the Uniform Credentialing Act; to change membership provisions for the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art; to eliminate obsolete 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, 40:

Adams	Christensen	Hadley	Krist	Pirsch
Ashford	Conrad	Hansen	Larson	Scheer
Avery	Cook	Harr, B.	Lathrop	Schilz
Bloomfield	Crawford	Howard	McCoy	Schumacher
Bolz	Dubas	Johnson	McGill	Sullivan
Brasch	Garrett	Karpisek	Mello	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman

Voting in the negative, 1:

Seiler

Present and not voting, 6:

Coash	Janssen	Murante
Davis	Lautenbaugh	Smith

Excused and not voting, 2:

Chambers Harms

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 692.**

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Act; to amend sections 79-1312, 79-1313, 79-1314, 79-1317, and 79-1319, Reissue Revised Statutes of Nebraska, and section 79-1316, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change provisions relating to broadcast and delivery, powers and duties of a commission, and fees; to eliminate a fund, powers and duties of the State Department of Education, and a director; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1321, 79-1323, 79-1324, and 79-1325, 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	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	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, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers Harms

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 728.** With Emergency Clause.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217.01, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal history record information checks for certain employees of the Division of Developmental Disabilities of the Department of Health and Human Services; to eliminate provisions requiring fingerprints from and criminal history record information regarding certain employees; to repeal the original section; to outright repeal section 83-1217.02, Revised Statutes Cumulative Supplement, 2012; 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	Hadley	Krist	Scheer
Ashford	Conrad	Hansen	Larson	Schilz
Avery	Cook	Harr, B.	Lathrop	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Sullivan
Brasch	Dubas	Johnson	Mello	Wallman
Campbell	Garrett	Karpisek	Murante	Watermeier
Carlson	Gloor	Kintner	Nelson	Wightman
Christensen	Haar, K.	Kolowski	Nordquist	

Voting in the negative, 0.

Present and not voting, 3:

Lautenbaugh Pirsch Smith

Excused and not voting, 2:

Chambers Harms

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 854.**

A BILL FOR AN ACT relating to long-term care; to state intent relating to requests for proposals.

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	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	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, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers      Harms

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 LB884 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 884.**

A BILL FOR AN ACT relating to agriculture; to amend sections 54-701.03, 54-703, 54-704, 54-705, 54-750, 54-751, 54-752, 54-753, 54-753.06, 54-7,105, 54-7,106, 54-7,107, 54-7,108, 54-1156, 54-1159, 54-1166, 54-1173, 54-1180, 54-1181, 54-1182, 54-1183, 54-1184, and 54-1185, Reissue Revised Statutes of Nebraska, and sections 54-170, 54-1158, 54-1161, 54-1163, 54-1169, and 54-1170, Revised Statutes Supplement, 2013; to name and change the Exotic Animal Auction or Exchange Venue Act; to change, transfer, and eliminate provisions of the Livestock Auction Market Act; to change provisions relating to regulation of animals; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-1174 and 54-1177, 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, 44:

Adams	Conrad	Hansen	Larson	Scheer
Ashford	Cook	Harr, B.	Lathrop	Schilz
Avery	Crawford	Howard	McCoy	Schumacher
Bolz	Davis	Janssen	McGill	Seiler
Brasch	Dubas	Johnson	Mello	Smith
Campbell	Garrett	Karpisek	Murante	Sullivan
Carlson	Gloor	Kintner	Nelson	Wallman
Christensen	Haar, K.	Kolowski	Nordquist	Wightman
Coash	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Bloomfield    Lautenbaugh    Watermeier

Excused and not voting, 2:

Chambers    Harms

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 941.**

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Revised Statutes Cumulative Supplement, 2012; to provide for a dairy growth study and funding for the study; 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	Conrad	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	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, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers      Harms

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 941A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 941, 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	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	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, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 2:

Chambers      Harms

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB974 to Select File**

Senator Avery moved to return LB974 to Select File for the following specific amendment:

AM2590

(Amendments to Final Reading copy)

- 1     1. Insert the following new sections:
- 2     Section 1. Section 73-507, Revised Statutes Cumulative
- 3     Supplement, 2012, is amended to read:
- 4     73-507 (1) Subject to review by the Director of
- 5     Administrative Services, the division shall provide procedures to
- 6     grant limited exceptions from sections 73-504, 73-508, and 73-509
- 7     for:
- 8     ~~(a) Sole source and emergency contracts; and~~
- 9     ~~(a) Sole source contracts, emergency contracts, and~~
- 10    ~~contracts for services when the price has been established by~~
- 11    ~~the federal General Services Administration or competitively bid~~
- 12    ~~by another state or group of states, a group of states and~~
- 13    ~~any political subdivision of any other state, or a cooperative~~
- 14    ~~purchasing organization on behalf of a group of states; and~~
- 15    (b) Other circumstances or specific contracts when any
- 16    of the requirements of sections 73-504, 73-508, and 73-509 are
- 17    not appropriate for or are not compatible with the circumstances
- 18    or contract. The division shall provide a written rationale which
- 19    shall be kept on file when granting an exception under this
- 20    subdivision.
- 21    (2) The following types of contracts for services are not
- 22    subject to sections 73-504, 73-508, 73-509, and 73-510:
- 1     (a) Contracts for services subject to the Nebraska
- 2     Consultants' Competitive Negotiation Act;
- 3     (b) Contracts for services subject to federal law,
- 4     regulation, or policy or state statute, under which a state
- 5     agency is required to use a different selection process or to
- 6     contract with an identified contractor or type of contractor;
- 7     (c) Contracts for professional legal services and
- 8     services of expert witnesses, hearing officers, or administrative
- 9     law judges retained by state agencies for administrative or court
- 10    proceedings;
- 11    (d) Contracts involving state or federal financial



12 assistance passed through by a state agency to a political  
13 subdivision;

14 (e) Contracts with a value of fifteen million dollars or  
15 less with direct providers of medical, behavioral, or developmental  
16 health services, child care, or child welfare services to an  
17 individual;

18 (f) Agreements for services to be performed for a state  
19 agency by another state or local government agency or contracts  
20 made by a state agency with a local government agency for the  
21 direct provision of services to the public;

22 (g) Agreements for services between a state agency and  
23 the University of Nebraska, the Nebraska state colleges, the  
24 courts, the Legislature, or other officers or state agencies  
25 established by the Constitution of Nebraska;

26 (h) Department of Insurance contracts for financial  
27 or actuarial examination, for rehabilitation, conservation,  
1 reorganization, or liquidation of licensees, and for professional  
2 services related to residual pools or excess funds under the  
3 agency's control;

4 (i) Department of Roads contracts for all road and bridge  
5 projects;

6 (j) Nebraska Investment Council contracts; and  
7 (k) Contracts under section 57-1503.

8 Sec. 2. Section 77-2215, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 77-2215 (1) Whenever it shall be made to appear to the  
11 satisfaction of any officer, except the Director of Administrative  
12 Services, authorized by law to issue warrants, that any warrant  
13 issued by him or her has been lost or destroyed, such officer  
14 shall have authority to issue a ~~duplicate replacement~~ thereof,  
15 ~~numbered the same as the original, with the word duplicate~~  
16 ~~written or printed in red ink across the face thereof. No duplicate~~  
17 ~~replacement~~ warrant shall be issued until the party applying for  
18 the same shall make an affidavit that such party was the owner  
19 of the original warrant and shall also file with such officer  
20 an indemnity bond with good and sufficient security, conditioned  
21 to refund any money received by the party or his or her assigns  
22 on such ~~duplicate replacement~~ in case of presentation and payment  
23 of the original by the treasurer upon whom the same is drawn,  
24 whether upon a genuine endorsement thereon or otherwise. The payee  
25 of any lost or destroyed warrant shall not be required to file  
26 an indemnity bond when the affidavit shows that such payee has  
27 not received such lost or destroyed warrant and cannot reasonably  
1 expect to receive it.

2 (2) Whenever it shall have come to the attention of the  
3 Director of Administrative Services that an outstanding warrant  
4 has not been presented for payment, the Director of Administrative  
5 Services shall immediately issue a stop-payment order and notify  
6 the State Treasurer, ~~by letter~~, of the issuance of such order.

7 After the expiration of seven working days from the issuance of  
 8 such order, if in the meantime such outstanding warrant has not  
 9 been presented for payment, the Director of Administrative Services  
 10 shall have authority to issue a ~~duplicate replacement~~ thereof,  
 11 ~~numbered the same as the original, with the word duplicate written~~  
 12 ~~or printed in red ink across the face thereof.~~ In an emergency,  
 13 the Director of Administrative Services may immediately issue such  
 14 ~~duplicate replacement~~ warrant.

15 Sec. 5. Section 81-153, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 81-153 The materiel division shall have the power and  
 18 duty to:

19 (1) Purchase or contract for, in the name of the state,  
 20 the personal property required by the using agencies and the state;

21 (2) Promulgate, apply, and enforce standard  
 22 specifications established as provided in section 81-154;

23 (3) Sell and dispose of personal property that is not  
 24 needed by the state or its using agencies as provided in section  
 25 81-161.04 or initiate trade-ins when determined to be in the best  
 26 interest of the state;

27 (4) Determine the utility, quality, fitness, and  
 1 suitability of all personal property tendered or furnished;

2 (5) Make rules and regulations consistent with sections  
 3 81-145 to 81-171 and 81-1118 to 81-1118.06 to carry into effect  
 4 the provisions thereof. Such rules and regulations shall include  
 5 provisions for modifying and terminating purchase contracts and the  
 6 cost principles to be used in such modification or termination;

7 (6) Employ such clerical, technical, and other assistants  
 8 as may be necessary to properly administer such sections, fix their  
 9 compensation, and prescribe their duties in connection therewith,  
 10 subject to existing laws and appropriations;

11 (7) Allow the purchase of ~~items personal property~~ without  
 12 competitive bidding when the price has been established by  
 13 the federal General Services Administration or to allow the  
 14 purchase of ~~items personal property~~ by participation in a contract  
 15 competitively bid by another state or group of states, a group  
 16 of states and any political subdivision of any other state, or a  
 17 cooperative purchasing organization on behalf of a group of states.

18 The division may also give consideration to a sheltered workshop  
 19 pursuant to section 48-1503 in making such purchases;

20 (8) Enter into any personal property lease agreement when  
 21 it appears to be in the best interest of the state; and

22 (9) Negotiate purchases and contracts when conditions  
 23 exist to defeat the purpose and principles of public competitive  
 24 bidding.

25 Sec. 6. Section 81-181, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 81-181 (1) Not later than ~~December~~ September 15 of each  
 1 even-numbered year, each agency shall submit to the Governor, in

2 the form prescribed by him or her, a report of its proposed  
3 building renewal projects for the next ~~fiscal year~~ biennium.  
4 Such report shall contain the information specified in section  
5 81-177 and shall constitute a request for the allocation of funds  
6 from the Building Renewal Allocation Fund. Such report shall  
7 also constitute, as applicable, a request for the allocation of  
8 funds from the State Building Renewal Assessment Fund, University  
9 Building Renewal Assessment Fund, or State College Building Renewal  
10 Assessment Fund. The Governor shall, with the advice of the  
11 task force, allocate from such funds the sum necessary for the  
12 accomplishment of projects approved by him or her. Allocations from  
13 the Building Renewal Allocation Fund shall be made in a manner  
14 that assures accomplishment of Class I projects first, followed  
15 by accomplishment of Class II projects, and then accomplishment of  
16 Class III projects, unless doing so in a particular case would  
17 violate sound building renewal policies and practices. The amount  
18 of such allocation shall not be transferred to the agency but shall  
19 remain within, as applicable, the Building Renewal Allocation Fund,  
20 State Building Renewal Assessment Fund, University Building Renewal  
21 Assessment Fund, or State College Building Renewal Assessment Fund  
22 subject to the control of the Governor until disbursed consistent  
23 with the provisions of the Deferred Building Renewal Act.

24 (2) The University of Nebraska and the state colleges may  
25 include in their reports under subsection (1) of this section their  
26 proposed building renovation projects that have received approval  
27 of the Coordinating Commission for Postsecondary Education, if  
1 required pursuant to section 85-1414, for the coming ~~fiscal year~~  
2 biennium as authorized by section 81-188.03 or 81-188.05, as  
3 applicable, which shall constitute requests for allocation of  
4 funds for such proposed projects from the University Building  
5 Renewal Assessment Fund or the State College Building Renewal  
6 Assessment Fund, as applicable. The Governor, with the advice of  
7 the task force, shall allocate from the University Building Renewal  
8 Assessment Fund or the State College Building Renewal Assessment  
9 Fund, as applicable, the sum necessary for the accomplishment of  
10 the renovation projects approved by him or her. Such allocations  
11 shall not be transferred to the University of Nebraska or the state  
12 college or colleges making the request but shall remain in the  
13 University Building Renewal Assessment Fund or the State College  
14 Building Renewal Assessment Fund, as applicable, subject to the  
15 control of the Governor until disbursed pursuant to the Deferred  
16 Building Renewal Act.

17 Sec. 7. Section 81-1018, Revised Statutes Cumulative  
18 Supplement, 2012, is amended to read:

19 81-1018 (1) The Legislature hereby declares that the  
20 purpose and intent of this section are to take positive steps to  
21 reduce the consumption of gasoline in this state and to make the  
22 most efficient and economical use of the nation's resources and the  
23 state's funds.

24 (2) After August 24, 1975, all state-owned vehicles  
25 that are passenger cars purchased, leased, rented, or approved  
26 for purchase, lease, or rent by the bureau shall be of the  
27 intermediate, compact, or subcompact class. Not less than fifty  
1 percent of such state-owned vehicles shall be of the compact or  
2 subcompact class unless the costs to operate and maintain such  
3 vehicles are not to the advantage of the state or such requirement  
4 fails to meet the intent of sections 81-1008 to 81-1025. For  
5 purposes of this section, classes shall be as defined by motor  
6 vehicle manufacturers.  
7 2. Renumber the remaining sections and correct the  
8 repealer accordingly.

The Avery motion to return prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 974.** The Avery specific amendment, AM2590, found in this day's Journal, was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 1014.**

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2102, 14-2103, and 32-540, Reissue Revised Statutes of Nebraska; to change provisions relating to election of the board of directors as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Adams	Coash	Hansen	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	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:

Harms

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB671.

(Signed) John Murante, Chairperson

### **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 514.** Introduced by Larson, 40.

WHEREAS, the Crofton High School Lady Warriors basketball team won the 2014 Class C-2 Girls' State Basketball Championship by defeating the Hastings St. Cecilia High School Lady Bluehawks 62-40; and

WHEREAS, the win gave the Crofton Lady Warriors basketball team their third state championship in a row; 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 Crofton High School Lady Warriors basketball team on winning the 2014 Class C-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crofton Lady Warriors basketball team and Coach Aaron Losing.

Laid over.

**LEGISLATIVE RESOLUTION 515.** Introduced by Larson, 40.

WHEREAS, the Wynot High School Lady Blue Devils basketball team won the 2014 Class D-2 Girls' State Basketball Championship by defeating the Sterling High School Lady Jets basketball team 53-38; and

WHEREAS, the win gave the Wynot Lady Blue Devils basketball team their fourth state championship in a row; 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 Wynot High School Lady Blue Devils basketball team on winning the 2014 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot Lady Blue Devils basketball team and Coach Steve Wieseler.

Laid over.

**LEGISLATIVE RESOLUTION 516.** Introduced by Larson, 40.

WHEREAS, the Randolph High School Cardinals basketball team won the 2014 Class D-1 Boys' State Basketball Championship by defeating the Overton High School Eagles basketball team 54-42; and

WHEREAS, the win gave the Randolph Cardinals basketball team their first state title since 2002; 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 Randolph High School Cardinals basketball team on winning the 2014 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Randolph Cardinals basketball team and Coach Mark Anderson.

Laid over.

**LEGISLATIVE RESOLUTION 517.** Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study ways to improve the quality and availability of interpreter services for Nebraskans who are deaf or hard of hearing. The study committee shall coordinate with the Commission for the Deaf and Hard of Hearing to work with interested stakeholders to identify the areas of concern, conduct necessary research, and explore various ways to address quality and availability issues. The study should:

- (1) Examine why there is a shortage of qualified, licensed interpreters in the State of Nebraska;
- (2) Examine complaints and concerns from the deaf and hard of hearing community about the proficiency and competency of interpreters in both educational settings and community settings;
- (3) Find opportunities to share and address competency and proficiency issues of sign language interpreters among concerned stakeholders including, but not limited to, the Nebraska educational community, the deaf and hard of hearing community, American Sign Language interpreters, and health care providers; and
- (4) Include any other issues that the study committee deems relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 518.** Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to gather information and study the need to craft a consistent and systematic policy to ensure that women who choose to give birth at home are adequately supported by trained health care professionals and the health care system. This study shall include, but not be limited to, the following:

- (1) A survey of the requirements and qualifications for home birth attendance in other states;
- (2) An examination of how to credential health care professionals to adequately meet the needs of women who choose to give birth at home and to safeguard the health, safety, and welfare of the public;
- (3) A review of the education and training necessary and available to provide services to women who give birth at home;
- (4) An analysis of regulatory changes necessary to ensure adequate oversight of health care professionals offering home birthing services if statutory changes are made; and

(5) Any other issues the study committee deems necessary or appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB800:

AM2584

- 1 1. On page 2, strike beginning with "Following" in line
- 2 3 through the first comma in line 4, show as stricken, and
- 3 insert "Beginning on the date the rules and regulations updated
- 4 in accordance with section 13-2112 become effective as provided in
- 5 section 84-908.".
- 6 2. On page 7, line 23, after "Act" insert ". The
- 7 department shall update such rules and regulations".

Senator Mello filed the following amendment to LB851:

AM2561

- 1 1. Insert the following new sections:
- 2 Section 1. Section 19-5217, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 19-5217 (1)(a) At any sale of real property for the
- 5 nonpayment of taxes conducted pursuant to sections 77-1801 to
- 6 77-1863, a land bank may:
- 7 (i) Bid on such real property in an amount equal to
- 8 the total amount of taxes, interest, and costs due on the real
- 9 property. If a bid is given pursuant to this subdivision, the bid
- 10 shall not receive any special treatment by the county treasurer and
- 11 shall be accepted or rejected in the same manner as any other bid
- 12 on such real property; or
- 13 (ii) Give an automatically accepted bid on such real
- 14 property in an amount equal to the total amount of taxes,
- 15 interest, and costs due on the real property. If an automatically
- 16 accepted bid is given, it shall be accepted by the county
- 17 treasurer regardless of any other bids on such real property. An
- 18 automatically accepted bid may be given only if the conditions for
- 19 making such a bid prescribed by the board pursuant to subsection
- 20 (11) of section 19-5205 have been met.
- 21 (b) If a land bank's bid pursuant to subdivision (1)(a)
- 22 of this section is accepted by the county treasurer, the land bank



23 shall pay the county treasurer and shall be entitled to a tax sale  
1 certificate for such real property.

2 (2) If a county holds a tax sale certificate pursuant to  
3 section 77-1809, a land bank may purchase such tax sale certificate  
4 from the county by paying the county treasurer the amount expressed  
5 on the face of the certificate and interest thereon at the rate  
6 specified in section 45-104.01, as such rate may from time to  
7 time be adjusted by the Legislature, from the date the tax sale  
8 certificate was first issued to the county to the date such  
9 certificate was purchased by the land bank.

10 (3)(a) Subdivision (b) of this subsection applies until  
11 January 1, 2015. Subdivision (c) of this subsection applies  
12 beginning January 1, 2015.

13 (b) Within six months after the expiration of three years  
14 from the date of sale of real property for the nonpayment of taxes  
15 pursuant to sections 77-1801 to 77-1863, a land bank that has  
16 acquired a tax sale certificate for such real property under this  
17 section may:

18 ~~(a)~~(i) Apply to the county treasurer for a tax deed for  
19 the real property described in the tax sale certificate. A land  
20 bank applying for a tax deed shall comply with all the requirements  
21 of sections 77-1801 to 77-1863 relating to such tax deed; or

22 ~~(b)~~(ii) Foreclose the lien represented by the tax sale  
23 certificate as authorized in section 77-1902.

24 (c) Within nine months after the expiration of three  
25 years from the date of sale of real property for the nonpayment of  
26 taxes pursuant to sections 77-1801 to 77-1863, a land bank that has  
27 acquired a tax sale certificate for such real property under this  
1 section may:

2 (i) Apply to the county treasurer for a tax deed for the  
3 real property described in the tax sale certificate. A land bank  
4 applying for a tax deed shall comply with all the requirements of  
5 sections 77-1801 to 77-1863 relating to such tax deed; or

6 (ii) Foreclose the lien represented by the tax sale  
7 certificate as authorized in section 77-1902.

8 Sec. 6. Section 77-1807, Revised Statutes Supplement,  
9 2013, is amended to read:

10 77-1807 (1)(a) This subsection applies until January 1,  
11 2015.

12 (b) Except as otherwise provided in subdivision ~~(b)~~(c)  
13 of this subsection, the person who offers to pay the amount of  
14 taxes due on any real property for the smallest portion of the  
15 same shall be the purchaser, and when such person designates the  
16 smallest portion of the real property for which he or she will pay  
17 the amount of taxes assessed against any such property, the portion  
18 thus designated shall be considered an undivided portion.

19 ~~(b)~~(c) If a land bank gives an automatically accepted  
20 bid for the real property pursuant to section 19-5217, the land  
21 bank shall be the purchaser, regardless of the bid of any other

22 person.

23 ~~(2)~~(d) If no person bids for a less quantity than  
24 the whole and no land bank has given an automatically accepted  
25 bid pursuant to section 19-5217, the treasurer may sell any real  
26 property to any one who will take the whole and pay the taxes and  
27 charges thereon.

1 ~~(3)~~(e) If the homestead is listed separately as a  
2 homestead, it shall be sold only for the taxes delinquent thereon.

3 (2)(a) This subsection applies beginning January 1, 2015.

4 (b) If a land bank gives an automatically accepted bid  
5 for real property pursuant to section 19-5217, the land bank shall  
6 be the purchaser and no public or private auction shall be held  
7 under sections 77-1801 to 77-1863.

8 (c) If no land bank has given an automatically accepted  
9 bid pursuant to section 19-5217, the person who offers to pay the  
10 amount of taxes, delinquent interest, and costs due on any real  
11 property shall be the purchaser.

12 (d) The county treasurer shall announce bidding rules at  
13 the beginning of the public auction, and such rules shall apply to  
14 all bidders throughout the public auction.

15 (e) The sale, if conducted in a round-robin format, shall  
16 be conducted in the following manner:

17 (i) At the commencement of the sale, a count shall be  
18 taken of the number of registered bidders present who want to be  
19 eligible to purchase property. Each registered bidder shall only  
20 be counted once. If additional registered bidders appear at the  
21 sale after the commencement of a round, such registered bidders  
22 shall have the opportunity to participate at the end of the next  
23 following round, if any, as provided in subdivision (v) of this  
24 subdivision;

25 (ii) Sequentially enumerated tickets shall be placed in  
26 a receptacle. The number of tickets in the receptacle for the  
27 first round shall equal the count taken in subdivision (i) of  
1 this subdivision, and the number of tickets in the receptacle for  
2 each subsequent round shall equal the number of the count taken  
3 in subdivision (i) of this subdivision plus additional registered  
4 bidders as provided in subdivision (v) of this subdivision;

5 (iii) In a manner determined by the county treasurer,  
6 tickets shall be selected from the receptacle by hand for each  
7 registered bidder whereby each ticket has an equal chance of being  
8 selected. Tickets shall be selected until there are no tickets  
9 remaining in the receptacle;

10 (iv) The number on the ticket selected for a registered  
11 bidder shall represent the order in which a registered bidder may  
12 purchase property consisting of one parcel subject to sale from the  
13 list per round; and

14 (v) If property listed remains unsold at the end of  
15 a round, a new round shall commence until all property listed  
16 is either sold or, if any property listed remains unsold, each

17 registered bidder has consecutively passed on the opportunity to  
 18 make a purchase. Registered bidders who are not present when it  
 19 is their turn to purchase property shall be considered to have  
 20 passed on the opportunity to make a purchase. At the beginning  
 21 of the second and any subsequent rounds, the county treasurer  
 22 shall inquire whether there are additional registered bidders. If  
 23 additional registered bidders are present, tickets for each such  
 24 bidder shall be placed in a receptacle and selected as provided in  
 25 subdivisions (ii) through (iv) of this subdivision. The second and  
 26 any subsequent rounds shall proceed in the same manner and purchase  
 27 order as the last preceding round, except that any additional  
 1 registered bidders shall be given the opportunity to purchase at  
 2 the end of the round in the order designated on their ticket.

3 (f) Any property remaining unsold upon completion of the  
 4 public auction shall be sold at a private sale pursuant to section  
 5 77-1814.

6 (g) A bidder shall (i) register with the county treasurer  
 7 prior to participating in the sale, (ii) provide proof that it  
 8 maintains a registered agent for service of process with the  
 9 Secretary of State if the bidder is a foreign corporation, and  
 10 (iii) pay a twenty-five-dollar registration fee. The fee is not  
 11 refundable upon redemption.

12 2. Renumber the remaining sections and correct internal  
 13 references accordingly.

14 3. Correct the operative date and repealer sections so  
 15 that the sections added by this amendment become operative three  
 16 calendar months after the adjournment of this legislative session.

Senator Mello filed the following amendment to LB863:  
 AM2563

(Amendments to Final Reading copy)

1 1. Insert the following new section:  
 2 Sec. 28. Section 81-2104, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:  
 4 81-2104 The board shall have power to:  
 5 (1) Elect its own officers;  
 6 (2) Engage and fix the compensation of such officers,  
 7 inspectors, and employees as may be required in the performance of  
 8 its duties;  
 9 (3) Pay such other expenses as may be necessary in the  
 10 performance of its duties;  
 11 (4) Provide upon request such additional voluntary  
 12 inspections and reviews as it deems appropriate;  
 13 (5) Adopt, promulgate, and revise rules and regulations  
 14 necessary to enable it to carry into effect the State Electrical  
 15 Act. In adopting and promulgating such rules and regulations, the  
 16 board shall be governed by the minimum standards set forth in the  
 17 National Electrical Code issued and adopted by the National Fire  
 18 Protection Association in ~~2011, 2014,~~ Publication Number ~~70-2011,~~

19 70-2014, which code shall be filed in the offices of the Secretary  
 20 of State and the board and shall be a public record. The board  
 21 shall adopt and promulgate rules and regulations establishing  
 22 wiring standards that protect public safety and health and property  
 1 and that apply to all electrical wiring which is installed subject  
 2 to the State Electrical Act;

3 (6) Revoke, suspend, or refuse to renew any license or  
 4 registration granted pursuant to the State Electrical Act when the  
 5 licensee or registrant (a) violates any provision of the National  
 6 Electrical Code as adopted pursuant to subdivision (5) of this  
 7 section, the act, or any rule or regulation adopted and promulgated  
 8 pursuant to the act, (b) fails or refuses to pay any examination,  
 9 registration, or license renewal fee required by law, (c) is an  
 10 electrical contractor or master electrician and fails or refuses to  
 11 provide and keep in force a public liability insurance policy as  
 12 required by the board, or (d) violates any political subdivision's  
 13 approved inspection ordinances;

14 (7) Order disconnection of power to any electrical  
 15 installation that is proximately dangerous to health and property;

16 (8) Order removal of electrical wiring and apparatus from  
 17 premises when such wiring and apparatus is proximately dangerous to  
 18 health and property;

19 (9) Investigate, for the purpose of identifying dangerous  
 20 electrical wiring or violations of the National Electrical Code as  
 21 adopted pursuant to subdivision (5) of this section, any death by  
 22 electrocution that occurs within the State of Nebraska;

23 (10) Refuse to renew any license granted pursuant to the  
 24 act when the licensee fails to submit evidence of completing the  
 25 continuing education requirements under section 81-2117.01;

26 (11) Provide for the amount and collection of fees for  
 27 inspection and other services;

1 (12) Adopt a seal, and the executive secretary shall have  
 2 the care and custody thereof; and

3 (13) Enforce the provisions of the National Electrical  
 4 Code as adopted pursuant to subdivision (5) of this section.

5 2. On page 1, line 6; and page 25, line 3, strike "and  
 6 59-1523" and insert "59-1523, and 81-2104".

7 3. On page 2, line 2, after the first semicolon insert  
 8 "to adopt by reference provisions of the National Electrical  
 9 Code;"

10 4. Renumber the remaining sections accordingly.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 905, 906, 130, 949, 671, 740, 749, 755, 776, 844, 983, 983A, 1016, 1016A, 132, 692, 728, 854, 884, 941, 941A, and 1014.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Mello asked unanimous consent to add his name as cointroducer to LB697. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 45 fourth-grade students, teachers, and sponsors from York; and 6 members from the Congress Delegation of Jilin Province, China.

**RECESS**

At 11:49 a.m., on a motion by Senator Carlson, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Coash presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Harms who was excused; and Senators Ashford, K. Haar, and Lautenbaugh who were excused until they arrive.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 24, 2014, at 12:00 p.m. were the following: LBs 905e, 906e, 130, 949e, 671, 740, 749, 755, 776e, 844, 983e, 983Ae, 1016e, 1016Ae, 132, 692, 728e, 854, 884, 941, 941A, and 1014.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 998.** Placed on Select File with amendment.  
ER185

- 1 1. In the Standing Committee amendments, AM2079, on page
- 2 4, line 2, strike "subsection" and insert "section".
- 3 2. On page 1, line 1, strike "the Nebraska Rules of the
- 4 Road" and insert "ignition interlock devices"; and in line 6 strike
- 5 "and" and after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 800.** Placed on Select File with amendment.

ER187

- 1 1. On page 1, line 1, strike "the Enterprise Zone Act"
- 2 and insert "enterprise zones"; and in line 2 strike "13-2112, and
- 3 77-5905," and insert "and 13-2112".
- 4 2. On page 3, line 5, strike "any", show as stricken, and
- 5 insert "the".

**LEGISLATIVE BILL 1067.** Placed on Select File with amendment.

ER186

- 1 1. On page 1, line 3, after the first comma insert
- 2 "section 77-27,144, Revised Statutes Cumulative Supplement, 2012,";
- 3 in line 4 after the semicolon insert "to change provisions relating
- 4 to sales and use tax refunds"; in line 7 strike "and"; and in line
- 5 8 after "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 1115.** Placed on Select File with amendment.

ER184

- 1 1. In the Standing Committee amendments, AM1999, on page
- 2 2, line 21, strike "subsection" and insert "section"; and in line
- 3 23 strike "73-510.20" and insert "73-510".

(Signed) John Murante, Chairperson

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 251.** Placed on Final Reading.

**LEGISLATIVE BILL 660.** Placed on Final Reading.

**LEGISLATIVE BILL 751.** Placed on Final Reading.

**LEGISLATIVE BILL 751A.** Placed on Final Reading.

**LEGISLATIVE BILL 836.** Placed on Final Reading.

**LEGISLATIVE BILL 853.** Placed on Final Reading.

ST62

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Howard amendment, AM2397, on page 1, line 15, "(a)" has been struck and "(1)" inserted; in line 17 "(b)" has been struck and "(2)" inserted; and in line 19 "(c)" has been struck and "(3)" inserted.

2. In the E & R amendments, ER162, on page 78, line 17, "71-3405," has been inserted before "and"; and in line 26 "to require training for case managers as prescribed;" has been inserted after the first semicolon.

**LEGISLATIVE BILL 863.** Placed on Final Reading.

**LEGISLATIVE BILL 946.** Placed on Final Reading.

ST66

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendment, ER179, on page 11, line 24, "each" has been struck, shown as stricken, and "the" inserted.

**LEGISLATIVE BILL 967.** Placed on Final Reading.

ST63

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendment, AM2199, on page 70, line 3, "are" has been struck.

2. In the E & R amendments, ER177, on page 1, line 15, "72-201," has been inserted after "sections"; and in line 21 "compensation of members of the Board of Educational Lands and Funds," has been inserted after the second comma.

**LEGISLATIVE BILL 986A.** Placed on Final Reading.

**LEGISLATIVE BILL 987A.** Placed on Final Reading.

**LEGISLATIVE BILL 1012.** Placed on Final Reading.

**LEGISLATIVE BILL 1103.** Placed on Final Reading.

**LEGISLATIVE BILL 1114.** Placed on Final Reading.

**LEGISLATIVE BILL 1114A.** Placed on Final Reading.

(Signed) John Murante, Chairperson

#### **NOTICE OF COMMITTEE HEARING**

Banking, Commerce and Insurance

Room 1507

Tuesday, April 1, 2014 1:00 p.m.

LR440

(Signed) Mike Gloor, Chairperson

#### **COMMITTEE REPORT**

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Lisa Burke - Nebraska Tourism Commission

John P. Chapo - Nebraska Tourism Commission

Roger L. Jasnoch - Nebraska Tourism Commission

Debra Nelson-Loseke - Nebraska Tourism Commission

Aye: 5 Avery, Bloomfield, Garrett, Scheer, Wallman. Nay: 0. Absent: 3 Karpisek, Lautenbaugh, Murante. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 519.** Introduced by Scheer, 19.

**PURPOSE:** The purpose of this resolution is to study and evaluate current course offerings for high school students in Nebraska. The study will assess the 249 school districts in the state to determine what courses are offered to high school students in each district. Further, the study will document and assess current use of distance learning technology and innovations to expand course offerings to students in Nebraska. The study will also determine current collaboration among the districts and what opportunities exist to expand collaboration for the benefit of students. Finally, the study will evaluate digital learning opportunities for all students in K-12 throughout Nebraska and review national trends and best practices in the use of distance learning and school district collaboration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 520.** Introduced by Davis, 43; Ashford, 20; Coash, 27; Harms, 48; Lathrop, 12; Scheer, 19; Schilz, 47; Seiler, 33; Wallman, 30; Wightman, 36.

**PURPOSE:** The purpose of this resolution is to gather information about the developing problems that law enforcement is encountering since the State of Colorado legalized the sale and recreational use of marijuana. This study shall include, but not be limited to, the following issues:

- (1) The steps that local law enforcement and the State of Nebraska can take to mitigate the problems associated with the drug;
- (2) An assessment of the adequacy of law enforcement in Nebraska counties that border Colorado;
- (3) A determination of the need to increase the presence of the Nebraska State Patrol in Nebraska counties that border Colorado;
- (4) An evaluation of how affected counties can deal with the increased costs to the judicial system; and



(5) Whether current fines and penalties are adequate, or if Nebraska should consider more significant and effective deterrents to the illegal transportation of marijuana into Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 364.** Title read. Considered.

Committee AM1360, found on page 1343, First Session, 2013, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 679.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 802.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 803.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 687.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 687A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 712.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 714.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 739.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 757.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 758.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 777.** Title read. Considered.

Committee AM1645, found on page 396, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 766.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

#### **AMENDMENT - Print in Journal**

Senator Bolz filed the following amendment to LB690:

AM2585

(Amendments to E and R amendments, ER144)

- 1 1. On page 1, line 14, after "report" insert
- 2 "electronically"; in line 20 strike "nine-member"; and in line 21
- 3 strike "permanent".
- 4 2. On page 2, line 5, strike "and"; in line 7 after
- 5 "Council" insert ", a member of the Legislature's Planning
- 6 Committee appointed by the Executive Board of the Legislative

7 Council, and an at-large member appointed by the Executive Board  
 8 of the Legislative Council"; in line 7 after the period insert  
 9 "The voting members of the executive committee shall choose a  
 10 chairperson and vice chairperson from among the voting members.";  
 11 and in line 14 after "be" insert "nonvoting members".  
 12 3. On page 4, strike lines 4 through 7; in line 8 strike  
 13 "(e)" and insert "(d)"; in line 11 strike "(f)" and insert "(e)";  
 14 strike lines 14 through 16; in line 18 after "present" insert  
 15 "electronically"; and in line 20 after the period insert "The  
 16 Department of Health and Human Services shall also annually report  
 17 electronically to the Legislature the percentage growth of medicaid  
 18 spending for people over sixty-five years of age for no fewer than  
 19 five years following acceptance of the application to the State  
 20 Balancing Incentive Payments Program pursuant to section 1 of this  
 21 act."

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 521.** Introduced by Nordquist, 7.

PURPOSE: The purpose of this resolution is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the school employees retirement system for Class V districts administered under the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 522.** Introduced by Watermeier, 1; Kintner, 2.

PURPOSE: The purpose of this resolution is to study the United States Department of Transportation's (DOT) Maritime Administration's (MARAD) designation of the Missouri River from South Sioux City, Nebraska, south to Kansas City, Missouri, as the "M-29 Marine Highway

Connector." A marine highway is a designated route for transporting cargo on water and reducing pollution and congestion of roads.

With passage of the Energy Independence and Security Act of 2007 (Public Law 110-140), the United States Congress pushed for greater use of marine transportation by requiring the DOT's MARAD to identify waterways that could potentially serve as shipping routes. Subsequently, in the National Defense Authorization Act for fiscal year 2010 (Public Law 111-84), the United States Congress authorized federal grants for financially viable short sea routes covering up to 80 percent of total project cost. However, marine transportation is possible when water is at appropriate levels and the United States Army Corps of Engineers' flood-control plans control the amount of water flow in the Missouri River. This study may include, but not be limited to, an examination of the following:

(1) Information on applicable or conflicting federal and state laws, rules, regulations, and policies;

(2) Information on, and processes to establish, a minimum Missouri River depth by and through the United States Army Corps of Engineers or other federal or state agencies;

(3) The impacts that a marine highway has on flood management and control;

(4) The available funding resources and assistance for development on a marine highway;

(5) The utilization of multiple state departments and agencies to focus on potential strategies to enhance marine highway transportation;

(6) The development of multimodal transportation centers;

(7) The environmental impacts on reducing carbon-based pollution by increased marine transportation and reducing over-the-road transportation;

(8) The impact marine transportation will have on road congestion; and

(9) The economic and recreational impact on state and local economies from marine highways.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 523.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study alternative transportation options and recommend potential changes to Nebraska's statutes. The Legislature recognizes there have been technological advances in personal transportation options to reduce emissions, reduce costs, increase accessibility, and improve health. Alternative transportation to be studied

may include, but not be limited to, bicycles, e-bicycles, autocycles, and driverless vehicles. The study should examine the safety implications, economic impacts, and basic fairness in existing Nebraska law and the approaches of other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 806.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 859.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 781.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 753.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 774.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 698.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 736.** Title read. Considered.

Committee AM1811, found on page 459, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 702.** Title read. Considered.

Committee AM1738, found on page 468, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 697.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 683.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 798.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

**AMENDMENT - Print in Journal**

Senator B. Harr filed the following amendment to LB998:  
AM2277

(Amendments to Standing Committee amendments, AM2079)

- 1 1. Insert the following new section:
- 2 Section 1. Section 60-6,209, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,209 (1) Any person whose operator's license has
- 5 been revoked pursuant to a conviction for a violation of sections
- 6 60-6,196, 60-6,197, and 60-6,199 to 60-6,204 for a third or
- 7 subsequent time for a period of fifteen years may apply to
- 8 the Department of Motor Vehicles not more often than once per
- 9 calendar year, on forms prescribed by the department, requesting
- 10 the department to make a recommendation to the Board of Pardons for
- 11 reinstatement of his or her eligibility for an operator's license.
- 12 Upon receipt of the application and a nonrefundable application fee
- 13 of one hundred dollars, the Director of Motor Vehicles shall review

14 the application ~~if such person has served at least seven years of~~  
15 ~~such revocation~~ and make a recommendation for reinstatement or for  
16 denial of reinstatement. The department may recommend reinstatement  
17 if such person shows the following:

18 (a) Such person has completed a state-certified substance  
19 abuse program and is recovering or such person has substantially  
20 recovered from the dependency on or tendency to abuse alcohol or  
21 drugs;

22 (b) Such person has not been convicted, since the date  
1 of the revocation order, of any subsequent violations of section  
2 60-6,196 or 60-6,197 or any comparable city or village ordinance  
3 and the applicant has not, since the date of the revocation  
4 order, submitted to a chemical test under section 60-6,197 that  
5 indicated an alcohol concentration in violation of section 60-6,196  
6 or refused to submit to a chemical test under section 60-6,197;

7 (c) Such person has not been convicted, since the  
8 date of the revocation order, of driving while under suspension,  
9 revocation, or impoundment under section 60-4,109;

10 (d) Such person has abstained from the consumption  
11 of alcoholic beverages and the consumption of drugs except at  
12 the direction of a licensed physician or pursuant to a valid  
13 prescription; ~~and~~

14 (e) Such person's operator's license is not currently  
15 subject to suspension or revocation for any other reason; ~~and~~;

16 (f) Such person has agreed that, if the Board of  
17 Pardons reinstates such person's eligibility to apply for an  
18 ignition interlock permit, such person must provide proof, to  
19 the satisfaction of the department, that an ignition interlock  
20 device has been installed and is maintained on one or more motor  
21 vehicles such person operates for the duration of the original  
22 fifteen-year revocation period and such person must operate only  
23 motor vehicles so equipped for the duration of the original  
24 fifteen-year revocation period.

25 (2) In addition, the department may require other  
26 evidence from such person to show that restoring such person's  
27 privilege to drive will not present a danger to the health and  
1 safety of other persons using the highways.

2 (3) Upon review of the application, the director shall  
3 make the recommendation to the Board of Pardons in writing and  
4 shall briefly state the reasons for the recommendations. The  
5 recommendation shall include the original application and other  
6 evidence submitted by such person. The recommendation shall also  
7 include any record of any other applications such person has  
8 previously filed under this section.

9 (4) The department shall adopt and promulgate rules and  
10 regulations to govern the procedures for making a recommendation to  
11 the Board of Pardons. Such rules and regulations shall include the  
12 requirement that the treatment programs and counselors who provide  
13 information about such person to the department must be certified

14 or licensed by the state.

15 (5) If the Board of Pardons reinstates such person's  
 16 eligibility for an operator's license or an ignition interlock  
 17 permit or orders a reprieve of such person's motor vehicle  
 18 operator's license revocation, such reinstatement or reprieve  
 19 may be conditioned for the duration of the original revocation  
 20 period on such person's continued recovery and, if such person is  
 21 a holder of an ignition interlock permit, shall be conditioned  
 22 for the duration of the original revocation period on such  
 23 person's operation of only motor vehicles equipped with an ignition  
 24 interlock device. If such person is convicted of any subsequent  
 25 violation of section 60-6,196 or 60-6,197, the reinstatement of  
 26 the person's eligibility for an operator's license shall be  
 27 withdrawn and such person's operator's license will be revoked  
 1 by the Department of Motor Vehicles for the time remaining under  
 2 the original revocation, independent of any sentence imposed by  
 3 the court, after thirty days' written notice to the person by  
 4 first-class mail at his or her last-known mailing address as shown  
 5 by the records of the department.

6 (6) If the Board of Pardons reinstates a person's  
 7 eligibility for an operator's license or an ignition interlock  
 8 permit or orders a reprieve of such person's motor vehicle  
 9 operator's license revocation, the board shall notify the  
 10 Department of Motor Vehicles of the reinstatement or reprieve.  
 11 Such person may apply for an operator's license upon payment of a  
 12 fee of one hundred twenty-five dollars and the filing of proof of  
 13 financial responsibility. The fees paid pursuant to this section  
 14 shall be collected by the department and remitted to the State  
 15 Treasurer. The State Treasurer shall credit seventy-five dollars of  
 16 each fee to the General Fund and fifty dollars of each fee to the  
 17 Department of Motor Vehicles Cash Fund.  
 18 2. Renumber the remaining sections and correct the  
 19 repealer accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 524.** Introduced by Avery, 28;  
 Adams, 24; Cook, 13; Davis, 43; K. Haar, 21; Kolowski, 31; Scheer, 19;  
 Seiler, 33; Sullivan, 41.

WHEREAS, Russell Inbody passed away on March 18, 2014; and

WHEREAS, Russell was a 37-year staff member of the State Department  
 of Education and held the position of Director of Finance and  
 Organizational Services; and

WHEREAS, Russell was an invaluable public servant and understood the  
 complexities of education financing, transportation services, and negotiating  
 the state aid formula, which is a major component of the Nebraska state  
 budget; and



WHEREAS, Russell coached the Lincoln High School girls soccer team for 21 years, a role that kept him connected to student-athletes and families; and

WHEREAS, Russell was an active member of his church, St. Matthew's Episcopal in Lincoln, and was an outstanding colleague, friend, mentor, and role model; and

WHEREAS, Russell is survived by his wife, Pam, a daughter, Shawna Hays of Lincoln, and a son, Rusty of Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its deepest sympathy to the family of Russell Inbody and recognizes Russell's many valuable contributions to the citizens of Nebraska.

2. That a copy of this resolution be sent to the family of Russell Inbody.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 989.** Title read. Considered.

Senator Mello offered his amendment, AM2029, found on page 612.

The Mello 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 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 792.** Title read. Considered.

### SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 816.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 750.** Title read. Considered.

Committee AM1859, found on page 532, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 876.** Title read. Considered.

Committee AM1893, found on page 532, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1039.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 701.** Title read. Considered.

Committee AM1905, found on page 597, lost with 2 ayes, 28 nays, 16 present and not voting, and 3 excused and not voting.

Senator Dubas offered her amendment, AM2322, found on page 993.

The Dubas amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 765.** Title read. Considered.

Committee AM1759, found on page 602, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 780.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 693.** Title read. Considered.

Committee AM1782, found on page 629, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 828.** Title read. Considered.

Committee AM1722, found on page 641, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 937.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 735.** Title read. Considered.

Committee AM2081, found on page 657, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1050.** Title read. Considered.

Committee AM1827, found on page 658, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1072.** Title read. Considered.

Committee AM1955, found on page 660, was offered.

Senator Lathrop withdrew his amendment, AM2288, found on page 846.

Senator Lathrop offered his amendment, AM2559, found on page 997, to the committee amendment.

The Lathrop amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 930.** Title read. Considered.

Committee AM2039, found on page 670, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

#### **AMENDMENTS - Print in Journal**

Senator Nordquist filed the following amendment to LB191:  
AM2569 is available in the Bill Room.

Senator Ashford filed the following amendment to LB907:  
AM2576

(Amendments to Standing Committee amendments, AM2376)

- 1 1. On page 12, line 6, strike "as defined by section
- 2 81-1401"; and strike lines 15 through 17 and insert:
- 3 "(4) For purposes of this section:
- 4 (a) Law enforcement agency means an agency or department
- 5 of this state or of any political subdivision of this state that
- 6 obtains, serves, and enforces arrest warrants or that conducts or
- 7 engages in prosecutions for violations of the law; and
- 8 (b) Public employer means this state or any political or
- 9 governmental subdivision of this state."

#### **GENERAL FILE**

**LEGISLATIVE BILL 737.** Title read. Considered.

Committee AM2078, found on page 714, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1008.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 997.** Title read. Considered.

Committee AM1880, found on page 780, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 964.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1089.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 558.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1044.** Title read. Considered.

Committee AM2191, found on page 807, was offered.

Senator Schilz offered the following amendment to the committee amendment:

AM2417

(Amendments to Standing Committee amendments, AM2191)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 14, after 'unit' insert an underscored comma and after 'resolution'
- 3 insert an underscored comma; in"; and strike the second comma.

The Schilz amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 525.** Introduced by Bolz, 29.

**PURPOSE:** The purpose of this resolution is to study and analyze the skills gap in Nebraska's workforce and to identify options for workforce education. Education and skill development are strategies that are central to the economic competitiveness of Nebraska. By 2016, an estimated 66% of all jobs in Nebraska will require some postsecondary training beyond high school. Further, more than a third of projected high demand jobs in Nebraska will be middle-skilled jobs requiring some postsecondary education or an associate degree. The study will include, but is not limited to, an examination of the following:

- (1) The current skills gap and any initiatives to provide workforce education;
- (2) Models for promoting workforce education for youth and nontraditional students;
- (3) Financial aid opportunities for workforce education; and
- (4) Any recommendations for promoting workforce education for high demand jobs in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

- 1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
- 2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **GENERAL FILE**

**LEGISLATIVE BILL 916.** Title read. Considered.

Committee AM1916, found on page 570, was offered.

### **SENATOR COASH PRESIDING**

Senator Scheer offered his amendment, AM2568, found on page 998, to the committee amendment.

### **SPEAKER ADAMS PRESIDING**

Senator Scheer withdrew his amendment.

### **SENATOR KRIST PRESIDING**

The committee amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 526.** Introduced by K. Haar, 21.

**PURPOSE:** The purpose of this resolution is to examine options to provide incentives for professional growth and development of teachers as the means to increased student achievement and success in Nebraska public schools.

Research indicates that well-trained, mentored, supported, and motivated teachers do improve the likelihood of student success. Currently the state recognizes teachers who take the initiative to improve their teaching skills and knowledge through programs for mentoring, by achieving master teacher status through National Board Certification, and through acquisition of a master's degree in a shortage area through the tuition loan forgiveness program. Lottery funds, but no state General Funds, are expended for these programs. School districts also reward teachers for the acquisition of college credit hours through progression on the salary schedule.

The study committee will explore strategies to encourage growth in classroom teaching skills and knowledge, as research indicates such improvements correlate positively to student growth for different populations of students, including students at risk because of poverty, language deficiency, or behavioral issues. The study committee will also assess state aid incentives or accreditation requirements that will encourage teachers to invest the time and money to acquire such teaching skills and knowledge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **COMMITTEE REPORT**

Natural Resources

**LEGISLATIVE BILL 1098.** Placed on General File with amendment. AM2594 is available in the Bill Room.

(Signed) Tom Carlson, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 276.** Title read. Considered.

Senator Nordquist offered his amendment, AM2554, found on page 999.

The Nordquist amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**AMENDMENTS - Print in Journal**

Senators Gloor and Howard filed the following amendment to LB700:  
AM2597 is available in the Bill Room.

Senator Lathrop filed the following amendments to LB1098:

FA272

Amend AM2594

Strike Section 1.

FA273

Amend AM2594

Strike Section 2.

FA274

Amend AM2594

Strike Section 3.

FA275

Amend AM2594

Strike Section 4.

FA276

Amend AM2594

Strike Section 5.

FA277

Amend AM2594

Strike Section 6.

FA278

Amend AM2594

Strike Section 7.

FA279

Amend AM2594

Strike Section 8.

**GENERAL FILE**

**LEGISLATIVE BILL 559.** Title read. Considered.

Committee AM1581, found on page 599, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Mello offered his amendment, AM2525, found on page 998.

The Mello amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.



Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

### **VISITORS**

Visitors to the Chamber were 51 fourth-grade students and teachers from Bel Air Elementary, Norfolk, and Senator Bloomfield's daughter and grandson, Beth and Carson Brader; and Stacey Skold, Hathaway and Halsten Hutchings from Malcolm.

### **ADJOURNMENT**

At 6:47 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, March 25, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-NINTH DAY - MARCH 25, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 25, 2014

**PRAYER**

The prayer was offered by Pastor Barry Williams, St. John's Lutheran Church, Madison.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Avery, Christensen, Conrad, Harms, Janssen, Krist, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 527.** Introduced by Bloomfield, 17.

**PURPOSE:** The purpose of this resolution is to study the reasons why emergency disaster payments made by or through the Nebraska Emergency Management Agency and the Federal Emergency Management Agency are not made in a timely manner once awarded.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTIONS - Return LR41CA to Select File**

Senator McCoy moved to return LR41CA to Select File for his specific amendment, AM495, found on page 652, First Session, 2013.

Senator McCoy asked unanimous consent to withdraw his amendment, AM495, found on page 652, First Session, 2013, and replace it with his substitute amendment, AM2378.

AM2378

(Amendments to Final Reading copy)

- 1 1. On page 3, line 16, strike "or replayed"; and in line
- 2 18 after the comma insert "or wagering on the results of previously
- 3 run horseraces on instant racing terminals".
- 4 2. On page 4, lines 4 and 5, strike "or replayed"; and in
- 5 line 6 after the second comma insert "or wagering on the results of
- 6 previously run horseraces on instant racing terminals,".

Senator Lautenbaugh objected.

Senator McCoy offered the following motion:

MO150

Withdraw amendment AM495, found on page 652, First Session, 2013, and replace it with substitute amendment, AM2378, found in this day's Journal.

Senator Nordquist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

The McCoy motion to substitute his amendment failed with 12 ayes, 19 nays, 10 present and not voting, and 8 excused and not voting.

Senator McCoy offered the following motion:

MO151

Reconsider the vote taken to substitute AM2378 for AM495.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

The McCoy motion to reconsider failed with 14 ayes, 21 nays, 10 present and not voting, and 4 excused and not voting.

Senator McCoy offered the following motion:

MO152

Bracket until April 17, 2014.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 11 nays, and 11 not voting.

The McCoy motion to bracket failed with 13 ayes, 20 nays, 13 present and not voting, and 3 excused and not voting.

Senator McCoy offered the following motion:

MO153

Reconsider the vote taken to bracket until April 17, 2014.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Senator McCoy requested a roll call vote on his motion to reconsider.

The McCoy motion to reconsider failed with 12 ayes, 31 nays, 3 present and not voting, and 3 excused and not voting.

Senator McCoy renewed his motion, found in this day's Journal, to return LR41CA to Select File for his specific amendment, AM495, found on page 652, First Session, 2013.

Senator Lautenbaugh raised a point of order on whether the McCoy amendment, AM495, is out of order because the language as contained in AM495 to LR41CA is not amendatory of any language or section contained in LR41CA.

The Chair ruled that the McCoy amendment is out of order.

Senator Lautenbaugh withdrew his amendment, AM1788, found on page 458.

Senator Lautenbaugh moved to return LR41CA to Select File for his specific amendment, AM1910, found on page 757.

Senator Lautenbaugh offered the following motion:

MO154

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh requested a roll call vote on the motion to invoke cloture.

The Lautenbaugh motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 excused and not voting.

The Lautenbaugh motion to return to Select File for his specific amendment, AM1910, prevailed with 29 ayes, 14 nays, 5 present and not voting, and 1

excused and not voting.

### SELECT FILE

**LEGISLATIVE RESOLUTION 41CA.** The Lautenbaugh specific amendment, AM1910, found on page 757, was adopted with 27 ayes, 12 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 528.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study issues surrounding financing the maintenance and replacement of county bridges. This study shall include, but not be limited to, an examination of the following issues:

- (1) The overall condition of county bridges;
- (2) Whether adequate resources exist to maintain and replace county bridges; and
- (3) Available and potential funding sources, financing tools, and contracting options for maintenance and replacement of county bridges.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 529.** Introduced by Nordquist, 7; Conrad, 46.

**PURPOSE:** Providers of developmental disability services serve an important function in meeting the needs of some of the most vulnerable Nebraskans while providing a meaningful alternative to institutionalization. Presently, the providers of such services continue to expand their capacity to serve their present clients as well as individuals on the developmental disabilities waiting list. To continue this important initiative and resource, the payment rates for such services must be sufficient to cover the cost of their undertaking. Therefore, the purpose of this resolution is to address the following issues:

- (1) The adequacy of current provider rates to meet the needs of Nebraskans with disabilities and the providers of services; and

(2) The options available to update such rates based on economic indexes including, but not limited to, the Consumer Price Index, the Chained Consumer Price Index, the Bureau of Labor Statistics benefits factor, and the Medicare Economic Index.

If the study committee determines that legislation is necessary to resolve the issues addressed in this resolution, the committee may have such legislation drafted for the 2015 legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 1, 2014.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 530.** Introduced by Nordquist, 7; Cook, 13.

**PURPOSE:** The purpose of this resolution is to study existing and proposed programs, policies, administrative rules, and statutes that impact the financial stability of working families in Nebraska. This study shall include a consideration of the racial, gender, geographic, urban, rural, and economic diversity of the state and its population.

Despite historically high employment in our state and a high rate of parents in the workforce, the poverty rates of Nebraska families and individuals have risen significantly over the past decade. The median household income in Nebraska has declined by 5% between 2000 and 2012. It is in the state's best interest to take steps to ensure that employment provides economic stability for individuals and families in Nebraska. The study shall include, but not be limited to, the following issues:

1. A review of income, employment, and other related data to provide a comprehensive portrait of the economic well-being of working Nebraskans;

2. An evaluation of existing federally supported and state-supported programs and policies that affect Nebraskans working their way to economic stability; and

3. Best policies and practices that:

a. Increase educational opportunities from birth to career;

b. Provide access to education and career-training opportunities to promote career advancement and progression;

c. Offer opportunities for quality jobs that meet private sector needs and provide economic stability for employees;

d. Address the sufficiency and effectiveness of work support programs and policies;

e. Build family assets as the basis for long-term economic stability;

f. Support employment and economic stability through individual and corporate tax policy; and  
g. Promote economic and family stability through workplace policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 531.** Introduced by Bloomfield, 17.

PURPOSE: The purpose of this resolution is to study Department of Agriculture regulation of nonprofit nursery stock distributors under the Plant Protection and Plant Pest Act. This study should include, but not be limited to, an examination of the following:

(1) Whether there is a need for small nonprofit organizations to register plant sales with the Department of Agriculture (Department);

(2) Whether the Department could embark on an educational campaign to address any concerns with small nonprofit organization plant sales;

(3) Why it is necessary for small nonprofit organizations to register and pay a licensing fee when the Department seldom if ever inspects them;

(4) If there is a better method by which the Department can keep track of small nonprofit organizations and their sales; and

(5) How neighboring states regulate plant sales held by nonprofit organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 532.** Introduced by Davis, 43; Bolz, 29; Cook, 13; Crawford, 45; K. Haar, 21; Kolowski, 31; Scheer, 19.

PURPOSE: The purpose of this resolution is to study the utilization of federal school breakfast and lunch programs and the impact of new federal options on Nebraska. This study shall include, but not be limited to, an examination of the following issues:



- (1) The number of Nebraska schools eligible for the new community eligibility option and barriers to participation;
- (2) The current direct certification process for students eligible for free and reduced-price meals;
- (3) The potential impact on state and federal education funding for schools and any need for administrative or legislative measures to mitigate that impact;
- (4) The potential impact of the Community Eligibility Provision on participating schools, including, but not limited to, school breakfast participation, nutrition program administration, costs, and paperwork reduction;
- (5) Strategies to increase school breakfast participation for schools where community eligibility is not a viable option; and
- (6) Any other related topics the study committee deems necessary or appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1115A.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1115, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

#### **AMENDMENTS - Print in Journal**

Senator K. Haar filed the following amendment to LB965:  
AM2562

(Amendments to Standing Committee amendments, AM2045)

- 1 1. Strike amendments 2 and 3 and insert the following new
- 2 amendment:
- 3 1. Strike section 2 and renumber the remaining sections
- 4 and correct the repealer accordingly.
- 5 2. Renumber the remaining amendments accordingly.

Senator Conrad filed the following amendment to LB765:

AM2272

- 1 1. On page 5, line 8, after "period" insert ", but not
- 2 more frequently than once per week,".

Senator Ashford filed the following amendment to LB907:

AM2578

(Amendments to Standing Committee amendments, AM2376)

- 1 1. Strike sections 11, 19, and 21 and insert the
- 2 following section:
- 3 Sec. 11. (1) The Nebraska Justice Reinvestment Working
- 4 Group is created to work with the Council of State Governments
- 5 Justice Center and assist the center as the center utilizes its
- 6 process to study and provide potential legislative solutions for
- 7 prison overcrowding in Nebraska.
- 8 (2) Members of the Nebraska Justice Reinvestment Working
- 9 Group are:
- 10 (a) The chairperson of the Judiciary Committee of the
- 11 Legislature;
- 12 (b) The chairperson of the Appropriations Committee of
- 13 the Legislature;
- 14 (c) The Director of Correctional Services;
- 15 (d) The Parole Administrator;
- 16 (e) The probation administrator;
- 17 (f) The chairperson of the Board of Parole;
- 18 (g) The State Court Administrator;
- 19 (h) The executive director of the Nebraska Commission on
- 20 Law Enforcement and Criminal Justice;
- 21 (i) The Director of Behavioral Health of the Division of
- 22 Behavioral Health of the Department of Health and Human Services;
- 1 (j) A representative of the office of Public Counsel
- 2 selected by the Public Counsel;
- 3 (k) Two members of the Legislature selected by the
- 4 Executive Board of the Legislative Council; and
- 5 (l) A representative of each of the following, appointed
- 6 by the Executive Board of the Legislative Council within thirty
- 7 days after the operative date of this section:
- 8 (i) The office of the Governor;
- 9 (ii) The office of the Attorney General;
- 10 (iii) District court judges;
- 11 (iv) County court judges;
- 12 (v) The Nebraska Association of County Officials;
- 13 (vi) The Nebraska Sheriffs' Association;
- 14 (vii) The Police Chiefs Association of Nebraska;
- 15 (viii) The Fraternal Order of Police of Nebraska;
- 16 (ix) The Nebraska County Attorneys Association;
- 17 (x) The Nebraska Criminal Defense Attorneys Association;
- 18 (xi) The Nebraska Domestic Violence Sexual Assault
- 19 Coalition;

20 (xii) The Consortium for Crime and Justice Research at  
21 the University of Nebraska at Omaha;  
22 (xiii) Formerly incarcerated individuals; and  
23 (xiv) A community group that works with inmates or  
24 formerly incarcerated individuals.  
25 (2) The Nebraska Justice Reinvestment Working Group shall  
26 convene as soon as possible after the members are appointed.  
27 To provide the Council of State Governments Justice Center  
1 with assistance during utilization of the center's process, the  
2 chairperson of the working group shall be the chairperson of the  
3 Appropriations Committee of the Legislature. Each member of the  
4 working group who is not a member of the Legislature may be  
5 reimbursed for necessary expenses incurred in the performance of  
6 his or her duties as a member of the working group as provided in  
7 sections 81-1174 to 81-1177 if consistent with the policies of the  
8 member's employer. Upon delivery of the final report by the center  
9 pursuant to subsection (4) of this section, the working group shall  
10 be dissolved and discharged of any further duties.  
11 (3) The Nebraska Justice Reinvestment Working Group shall  
12 assist the Council of State Governments Justice Center during the  
13 center's utilization of the center's process to study, identify  
14 causes, and provide potential legislative solutions for prison  
15 overcrowding in Nebraska. The working group shall provide technical  
16 and informational support to the center. The center shall recommend  
17 policies to reduce prison overcrowding with the goal of reducing  
18 prison overcrowding to one hundred twenty-five percent within  
19 five years after the operative date of this section. The study  
20 shall include a broad range of issues related to prison inmate  
21 overpopulation including, but not limited to:  
22 (a) Courts, specialty courts, and sentencing trends;  
23 (b) Development of a process to determine the impact of  
24 pending legislation on the criminal justice system;  
25 (c) Analysis of the prison population and its growth;  
26 (d) Reported crimes and arrests;  
27 (e) Alternatives to incarceration;  
1 (f) Effectiveness of all available offender programs  
2 including prison programs and community-based programs;  
3 (g) Reentry programming and transition;  
4 (h) Prison programming;  
5 (i) Community services;  
6 (j) Probation and parole services;  
7 (k) Prison admissions and length of stay; and  
8 (l) Recidivism rates of offenders released from prison,  
9 jail, parole, probation, and other community-based programs; and  
10 (4) The Council of State Governments Justice Center shall  
11 make a final report that includes, but is not limited to, potential  
12 legislative solutions for the problem of prison overcrowding and  
13 an estimate of the cost savings for all policies recommended  
14 by the center. The report shall be delivered to the Legislature

15 electronically.

16 2. On page 6, line 14, after the period insert "Any money  
17 in the Legal Education for Public Service Loan Repayment Fund on  
18 the effective date of this act shall be transferred to the Legal  
19 Education for Public Service and Rural Practice Loan Repayment  
20 Assistance Fund.".

21 3. On page 12, line 6, strike "as defined by section  
22 81-1401"; and strike lines 15 through 17 and insert:

23 "(4) For purposes of this section:

24 (a) Law enforcement agency means an agency or department  
25 of this state or of any political subdivision of this state that  
26 obtains, serves, and enforces arrest warrants or that conducts or  
27 engages in prosecutions for violations of the law; and

1 (b) Public employer means an agency or department of this  
2 state or of any political subdivision of this state.".

3 4. On page 21, line 15, after the period insert "For  
4 the purposes of this subsection, release or reentry plan means  
5 a comprehensive and individualized strategic plan to ensure an  
6 individual's safe and effective transition or reentry into the  
7 community to which he or she resides with the primary goal  
8 of reducing recidivism. At a minimum, the release or reentry  
9 plan shall include, but not be limited to, consideration of  
10 the individual's housing needs, medical or mental health care  
11 needs, and transportation and job needs and shall address an  
12 individual's barriers to successful release or reentry in order to  
13 prevent recidivism. The release or reentry plan does not include  
14 an individual's programming needs included in the individual's  
15 personalized plan for use inside the prison.".

16 5. On page 28, strike beginning with "and" in line 7  
17 through line 10 and insert

18 "(3) To the Legal Education for Public Service and Rural  
19 Practice Loan Repayment Assistance Fund, five hundred thousand  
20 dollars from the General Fund; and

21 (4) To the Consortium for Crime and Justice Research at  
22 the University of Nebraska at Omaha, two hundred thousand dollars  
23 to facilitate the establishment of the Nebraska Center for Justice  
24 Research at the University of Nebraska at Omaha. The mission of the  
25 center shall be to develop and sustain research capacity internal  
26 to the State of Nebraska to assist the Legislature in research,  
27 evaluation, and policymaking to reduce recidivism, promote the  
1 use of evidence-based practices in corrections, and improve public  
2 safety.".

3 6. Renumber the remaining sections and correct internal  
4 references and the repealer accordingly.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 699.** Placed on Final Reading Second.

ST67

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Lathrop amendment, AM2566, on page 1, line 4, "first" has been inserted after "the".

**LEGISLATIVE BILL 974.** Placed on Final Reading Second.

ST69

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "79-1145" in line 1 through line 14 has been struck and "77-2215, 79-1145, 81-153, 81-181, 81-1111.01, and 81-3110, Reissue Revised Statutes of Nebraska, sections 73-507, 81-132, 81-1018, 81-1113, and 81-1125.01, Revised Statutes Cumulative Supplement, 2012, and section 81-3133, Revised Statutes Supplement, 2013; to provide an exception to certain requirements for contracts for services; to change and eliminate provisions for duplicate warrants; to change limitations on the appropriation of General Funds for special education; to eliminate obsolete provisions regarding budget forms; to change a duty for the materiel division of the Department of Administrative Services; to change report requirements under the Deferred Building Renewal Act; to change provisions relating to state-owned vehicles; to provide and change reporting requirements for the Department of Health and Human Services; to change provisions relating to agency preaudits; to change powers and duties of the Department of Administrative Services; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

2. On page 3, line 13; page 5, line 5; and page 7, line 7, "7 to 9" has been struck and "12 to 14" inserted.

3. On page 11, line 25, "79-1145" has been struck and "77-2215, 79-1145, 81-153, 81-181" inserted.

4. On page 12, line 1, "81-132" has been struck and "73-507, 81-132, 81-1018" inserted.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 908.** Placed on Select File with amendment.

ER181 is available in the Bill Room.

**LEGISLATIVE BILL 717.** Placed on Select File with amendment.

ER191 is available in the Bill Room.

**LEGISLATIVE BILL 1048.** Placed on Select File with amendment.

ER189

- 1 1. On page 1, line 4; and page 11, line 18, strike
- 2 "32-610" and insert "32-206, 32-610,".
- 3 2. On page 1, line 5, after the semicolon insert "to
- 4 require delivery of the official election calendar as prescribed;".

**LEGISLATIVE BILL 759.** Placed on Select File with amendment.

ER192

- 1 1. In the Standing Committee amendments, AM2140:
- 2 a. On page 1, line 10, after the comma insert "the
- 3 governing entity of" and strike "governing entity"; and in line 19
- 4 strike "exist" and insert "exists";
- 5 b. On page 2, line 9, strike "subdivision" and insert
- 6 "subsection"; and
- 7 c. On page 23, line 20; and page 33, line 16, after
- 8 "Nebraska" insert an underscored comma.
- 9 2. On page 1, strike beginning with "16-1017" in line
- 10 2 through line 7 and insert "16-1002, 16-1007, 16-1017, 16-1021,
- 11 16-1027, 16-1037, 19-3501, 23-1118, 23-2309.01, 23-3526, and
- 12 72-1263, Reissue Revised Statutes of Nebraska, sections 30-3209,
- 13 71-1631.02, and 84-1310.01, Revised Statutes Cumulative Supplement,
- 14 2012, and section 84-304, Revised Statutes Supplement, 2013; to
- 15 require annual reports relating to defined benefit retirement
- 16 plans; to change provisions relating to police officers' and
- 17 firefighters' retirement in cities of the first class, investments
- 18 for certain defined contribution plans, the standard of care for
- 19 corporate trustees regarding governmental retirement and pension
- 20 funds, and duties of the state investment officer and the Auditor
- 21 of Public Accounts; to change a limit on total deposits received
- 22 under the Nebraska Capital Expansion Act; to harmonize provisions;
- 23 and to repeal the original sections."

**LEGISLATIVE BILL 810.** Placed on Select File with amendment.

ER180

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The enforcement and servicing of any real
- 4 estate loan agreement or any mortgage, deed of trust, or other
- 5 security instrument by which the loan is secured shall be pursuant
- 6 only to state and federal law. No local ordinance or resolution may
- 7 add to, change, interfere with any rights or obligations of, impose
- 8 upon, or require payment of fees or taxes of any kind by, a lender,
- 9 mortgagee, beneficiary, or trustee in a trust deed or servicer
- 10 relating to, or delay or affect the enforcement and servicing of,
- 11 any real estate loan agreement or any mortgage, deed of trust, or
- 12 other security instrument by which the loan is secured.
- 13 (2) Subsection (1) of this section shall not apply to
- 14 any ordinance or resolution adopted pursuant to the Community

15 Development Law.

16 Sec. 2. Since an emergency exists, this act takes effect  
 17 when passed and approved according to law.

**LEGISLATIVE BILL 674.** Placed on Select File with amendment.  
 ER188

- 1 1. Insert the following new section:
- 2 Section 1. Section 28-1009, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 28-1009 (1) A person who intentionally, knowingly, or
- 5 recklessly abandons or cruelly neglects an animal is guilty of a
- 6 Class I misdemeanor unless the abandonment or cruel neglect results
- 7 in serious injury or illness or death of the animal, in which case
- 8 it is a Class IV felony.
- 9 (2)(a) Except as provided in subdivision (b) of this
- 10 subsection, a person who cruelly mistreats an animal is guilty of
- 11 a Class I misdemeanor for the first offense and a Class IV felony
- 12 for any subsequent offense.
- 13 (b) A person who cruelly mistreats an animal is guilty of
- 14 a Class IV felony if such cruel mistreatment involves the knowing
- 15 and intentional torture, repeated beating, or mutilation of the
- 16 animal.
- 17 (3) A person commits harassment of a police animal if
- 18 he or she knowingly and intentionally teases or harasses a police
- 19 animal in order to distract, agitate, or harm the police animal
- 20 for the purpose of preventing such animal from performing its
- 21 legitimate official duties. Harassment of a police animal is a
- 22 Class IV misdemeanor unless the harassment is the proximate cause
- 23 of the death of the police animal, in which case it is a Class IV
- 1 felony.
- 2 (4) A person convicted of a Class I misdemeanor under
- 3 ~~subdivision (2)(a) of this section~~ may also be subject to section
- 4 28-1019. A person convicted of a Class IV felony under this section
- 5 shall also be subject to section 28-1019.
- 6 2. On page 1, line 2, after "2012" insert ", and section
- 7 28-1009, Revised Statutes Supplement, 2013"; in line 4 after the
- 8 semicolon insert "to harmonize provisions;"; and in line 5 strike
- 9 "section" and insert "sections".
- 10 3. On page 2, line 25, strike "is" and insert "and
- 11 section 28-1009, Revised Statutes Supplement, 2013, are".
- 12 4. Renumber the remaining sections accordingly.

(Signed) John Murante, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator K. Haar asked unanimous consent to add his name as cointroducer to LB1058. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 31 ninth-grade students from Northwest Magnet High School, Omaha; 83 nursing students from Creighton University, Omaha; 40 fourth-grade students and teachers from Montclair Elementary, Omaha; a group from Nebraska Council of Catholic Women from across the state; and 50 fourth-grade students, teachers, and sponsors from Franklin Elementary, Omaha.

**RECESS**

At 12:00 p.m., on a motion by Senator Wallman, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Cook who was excused; and Senators Adams, Ashford, Avery, Conrad, Crawford, Dubas, Hansen, B. Harr, Howard, Janssen, Larson, Lathrop, Lautenbaugh, and Schilz who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Seiler filed the following amendment to LB999:  
AM2530

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. (1) The Legislature finds that a need exists
- 4 for additional behavioral health treatment beds for inmates in
- 5 the state correctional system. In order to follow an orderly
- 6 and reasonable process based upon defined and documented need
- 7 and an analysis of the utilization of existing facilities, the
- 8 Legislature authorizes the Division of Behavioral Health of the
- 9 Department of Health and Human Services to study the feasibility
- 10 of the establishment of a Hastings Correctional Behavioral Health
- 11 Treatment Center at the Hastings Regional Center.
- 12 (2)(a) The Division of Behavioral Health of the
- 13 Department of Health and Human Services shall prepare a complete
- 14 program statement for the Hastings Correctional Behavioral Health
- 15 Treatment Center, prepared in accordance with the Procedural
- 16 Manual for Capital Construction Projects, as approved by the state
- 17 building division of the Department of Administrative Services. The
- 18 state building division shall assist the Department of Health and
- 19 Human Services in the preparation and submission of the program
- 20 statement.



21 (b) The program statement shall plan for the long-term  
 22 needs of the mentally ill inmates in the correctional system as  
 23 well as inmates who have drug and alcohol addictions. The intent  
 1 is to provide a facility for up to two hundred inmates in one  
 2 or more buildings at the Hastings Regional Center renovated or  
 3 constructed to meet the needs of the program. The program statement  
 4 shall identify the classification of inmates to be placed in the  
 5 center, the programs needed to provide mental health and substance  
 6 abuse treatment, and the capital cost of renovation needed to  
 7 fully support the program objectives. The program statement shall  
 8 estimate building renovation costs, staffing costs, and operational  
 9 costs for the center along with a proposed project schedule.  
 10 (c) The completed program statement shall be submitted  
 11 electronically to the Governor and Legislature by December 15,  
 12 2014.

### SELECT FILE

**LEGISLATIVE BILL 967A.** Senator Sullivan offered her amendment, AM2547, found on page 997.

The Sullivan amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 660A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 853A.** Senator McGill offered her amendment, AM2552, found on page 986.

The McGill amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 191.** ER138, found on page 619, was adopted.

Senator B. Harr withdrew his amendment, AM2523, found on page 983.

Senator Nordquist offered his amendment, AM2569, found on page 1060.

Senator B. Harr offered the following amendment to the Nordquist amendment:

AM2602

(Amendments to AM2569)

- 1 1. Insert the following new sections:
- 2 Sec. 14. Section 77-132, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 77-132 (1) Parcel means a contiguous tract of land  
5 determined by its boundaries, under the same ownership, and in the  
6 same tax district and section. Parcel also means an improvement on  
7 leased land.

8 (2) If all or several lots in the same block are owned by  
9 the same person and are contained in the same subdivision and the  
10 same tax district, they may be included in one parcel.

11 (3) If two or more vacant or unimproved lots in the same  
12 subdivision and the same tax district are owned by the same person  
13 and are held for sale or resale, such lots shall be included in one  
14 parcel if elected to be treated as one parcel by the owner. Such  
15 election shall be made annually by filing an application with the  
16 county assessor by December 31.

17 (4) For purposes of this section, subdivision means the  
18 common overall plan or approved preliminary plat.

19 Sec. 16. (1) When determining the actual value of two  
20 or more vacant or unimproved lots in the same subdivision and the  
21 same tax district that are owned by the same person and are held  
22 for sale or resale and that were elected to be treated as one  
1 parcel pursuant to subsection (3) of section 77-132, the county  
2 assessor shall utilize the income approach, including the use of a  
3 discounted cash-flow analysis.

4 (2) If a county assessor, based on the facts and  
5 circumstances, believes that the income approach, including the  
6 use of a discounted cash-flow analysis, does not result in a  
7 valuation at actual value, then the county assessor shall present  
8 such facts and circumstances to the county board of equalization.  
9 If the county board of equalization, based on such facts and  
10 circumstances, concurs with the county assessor, then the county  
11 board of equalization shall petition the Tax Equalization and  
12 Review Commission to consider the county assessor's utilization of  
13 another professionally accepted mass appraisal technique that,  
14 based on the facts and circumstances presented by a county  
15 board of equalization, would result in a substantially different  
16 determination of actual value. Petitions must be filed within  
17 thirty days after the property is assessed. Hearings held pursuant  
18 to this section may be held by means of videoconference or  
19 telephone conference. The burden of proof is on the petitioning  
20 county board of equalization to show that failure to make an  
21 adjustment to the professionally accepted mass appraisal technique  
22 utilized would result in a value that is not equitable and in  
23 accordance with the law. At the hearing, the commission may  
24 receive testimony from any interested person. After a hearing, the  
25 commission shall, within the powers granted in section 77-5023,  
26 enter its order based on evidence presented to it at such hearing.

27 Sec. 21. Section 77-5007, Revised Statutes Cumulative  
1 Supplement, 2012, is amended to read:

2 77-5007 The commission has the power and duty to hear and

3 determine appeals of:

- 4 (1) Decisions of any county board of equalization  
 5 equalizing the value of individual tracts, lots, or parcels of  
 6 real property so that all real property is assessed uniformly and  
 7 proportionately;
- 8 (2) Decisions of any county board of equalization  
 9 granting or denying tax-exempt status for real or personal property  
 10 or an exemption from motor vehicle taxes and fees;
- 11 (3) Decisions of the Tax Commissioner determining the  
 12 taxable property of a railroad company, car company, public service  
 13 entity, or air carrier within the state;
- 14 (4) Decisions of the Tax Commissioner determining  
 15 adjusted valuation pursuant to section 79-1016;
- 16 (5) Decisions of any county board of equalization on  
 17 the valuation of personal property or any penalties imposed under  
 18 sections 77-1233.04 and 77-1233.06;
- 19 (6) Decisions of any county board of equalization on  
 20 claims that a levy is or is not for an unlawful or unnecessary  
 21 purpose or in excess of the requirements of the county;
- 22 (7) Decisions of any county board of equalization  
 23 granting or rejecting an application for a homestead exemption;
- 24 (8) Decisions of the Department of Motor Vehicles  
 25 determining the taxable value of motor vehicles pursuant to section  
 26 60-3,188;
- 27 (9) Decisions of the Tax Commissioner made under section  
 1 77-1330;
- 2 (10) Any other decision of any county board of  
 3 equalization;
- 4 (11) Any other decision of the Tax Commissioner regarding  
 5 property valuation, exemption, or taxation;
- 6 (12) Decisions of the Tax Commissioner pursuant to  
 7 section 77-3520;
- 8 (13) Final decisions of a county board of equalization  
 9 appealed by the Tax Commissioner or Property Tax Administrator  
 10 pursuant to section 77-701;~~and~~
- 11 (14) The requirement under section 16 of this act that  
 12 the income approach, including the use of a discounted cash-flow  
 13 analysis, be used by county assessors; and
- 14 ~~(14)-(15)~~ Any other decision, determination, action, or  
 15 order from which an appeal to the commission is authorized.  
 16 The commission has the power and duty to hear and grant  
 17 or deny relief on petitions.
- 18 2. Renumber the remaining sections and correct the  
 19 repealer accordingly.

The B. Harr amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Senator Nordquist offered the following amendment to his amendment:  
AM2606

(Amendments to AM2569)

1 1. Insert the following new section:

2 Sec. 18. Section 77-27,119, Revised Statutes Supplement,  
3 2013, is amended to read:

4 77-27,119 (1) The Tax Commissioner shall administer and  
5 enforce the income tax imposed by sections 77-2714 to 77-27,135,  
6 and he or she is authorized to conduct hearings, to adopt and  
7 promulgate such rules and regulations, and to require such facts  
8 and information to be reported as he or she may deem necessary to  
9 enforce the income tax provisions of such sections, except that  
10 such rules, regulations, and reports shall not be inconsistent with  
11 the laws of this state or the laws of the United States. The Tax  
12 Commissioner may for enforcement and administrative purposes divide  
13 the state into a reasonable number of districts in which branch  
14 offices may be maintained.

15 (2)(a) The Tax Commissioner may prescribe the form and  
16 contents of any return or other document required to be filed under  
17 the income tax provisions. Such return or other document shall  
18 be compatible as to form and content with the return or document  
19 required by the laws of the United States. The form shall have a  
20 place where the taxpayer shall designate the high school district  
21 in which he or she lives and the county in which the high school  
22 district is headquartered. The Tax Commissioner shall adopt and  
1 promulgate such rules and regulations as may be necessary to insure  
2 compliance with this requirement.

3 (b) The State Department of Education, with the  
4 assistance and cooperation of the Department of Revenue, shall  
5 develop a uniform system for numbering all school districts in the  
6 state. Such system shall be consistent with the data processing  
7 needs of the Department of Revenue and shall be used for the  
8 school district identification required by subdivision (a) of this  
9 subsection.

10 (c) The proper filing of an income tax return shall  
11 consist of the submission of such form as prescribed by the  
12 Tax Commissioner or an exact facsimile thereof with sufficient  
13 information provided by the taxpayer on the face of the form from  
14 which to compute the actual tax liability. Each taxpayer shall  
15 include such taxpayer's correct social security number or state  
16 identification number and the school district identification number  
17 of the school district in which the taxpayer resides on the face of  
18 the form. A filing is deemed to occur when the required information  
19 is provided.

20 (3) The Tax Commissioner, for the purpose of ascertaining  
21 the correctness of any return or other document required to  
22 be filed under the income tax provisions, for the purpose of  
23 determining corporate income, individual income, and withholding  
24 tax due, or for the purpose of making an estimate of taxable income

25 of any person, shall have the power to examine or to cause to have  
26 examined, by any agent or representative designated by him or her  
27 for that purpose, any books, papers, records, or memoranda bearing  
1 upon such matters and may by summons require the attendance of  
2 the person responsible for rendering such return or other document  
3 or remitting any tax, or any officer or employee of such person,  
4 or the attendance of any other person having knowledge in the  
5 premises, and may take testimony and require proof material for his  
6 or her information, with power to administer oaths or affirmations  
7 to such person or persons.

8 (4) The time and place of examination pursuant to this  
9 section shall be such time and place as may be fixed by the Tax  
10 Commissioner and as are reasonable under the circumstances. In the  
11 case of a summons, the date fixed for appearance before the Tax  
12 Commissioner shall not be less than twenty days from the time of  
13 service of the summons.

14 (5) No taxpayer shall be subjected to unreasonable or  
15 unnecessary examinations or investigations.

16 (6) Except in accordance with proper judicial order or  
17 as otherwise provided by law, it shall be unlawful for the Tax  
18 Commissioner, any officer or employee of the Tax Commissioner,  
19 any person engaged or retained by the Tax Commissioner on an  
20 independent contract basis, any person who pursuant to this section  
21 is permitted to inspect any report or return or to whom a copy, an  
22 abstract, or a portion of any report or return is furnished, any  
23 employee of the State Treasurer or the Department of Administrative  
24 Services, or any other person to divulge, make known, or use in  
25 any manner the amount of income or any particulars set forth or  
26 disclosed in any report or return required except for the purpose  
27 of enforcing sections 77-2714 to 77-27,135. The officers charged  
1 with the custody of such reports and returns shall not be required  
2 to produce any of them or evidence of anything contained in them  
3 in any action or proceeding in any court, except on behalf of the  
4 Tax Commissioner in an action or proceeding under the provisions  
5 of the tax law to which he or she is a party or on behalf of  
6 any party to any action or proceeding under such sections when the  
7 reports or facts shown thereby are directly involved in such action  
8 or proceeding, in either of which events the court may require the  
9 production of, and may admit in evidence, so much of such reports  
10 or of the facts shown thereby as are pertinent to the action or  
11 proceeding and no more. Nothing in this section shall be construed  
12 (a) to prohibit the delivery to a taxpayer, his or her duly  
13 authorized representative, or his or her successors, receivers,  
14 trustees, personal representatives, administrators, assignees, or  
15 guarantors, if directly interested, of a certified copy of any  
16 return or report in connection with his or her tax, (b) to  
17 prohibit the publication of statistics so classified as to prevent  
18 the identification of particular reports or returns and the items  
19 thereof, (c) to prohibit the inspection by the Attorney General,

20 other legal representatives of the state, or a county attorney  
21 of the report or return of any taxpayer who brings an action to  
22 review the tax based thereon, against whom an action or proceeding  
23 for collection of tax has been instituted, or against whom an  
24 action, proceeding, or prosecution for failure to comply with the  
25 Nebraska Revenue Act of 1967 is being considered or has been  
26 commenced, (d) to prohibit furnishing to the Nebraska Workers'  
27 Compensation Court the names, addresses, and identification numbers  
1 of employers, and such information shall be furnished on request  
2 of the court, (e) to prohibit the disclosure of information  
3 and records to a collection agency contracting with the Tax  
4 Commissioner pursuant to sections 77-377.01 to 77-377.04, (f)  
5 to prohibit the disclosure of information pursuant to section  
6 77-27,195, 77-4110, or 77-5731, (g) to prohibit the disclosure  
7 to the Public Employees Retirement Board of the addresses of  
8 individuals who are members of the retirement systems administered  
9 by the board, and such information shall be furnished to the  
10 board solely for purposes of its administration of the retirement  
11 systems upon written request, which request shall include the name  
12 and social security number of each individual for whom an address  
13 is requested, (h) to prohibit the disclosure of information to  
14 the Department of Labor necessary for the administration of the  
15 Employment Security Law, the Contractor Registration Act, or the  
16 Employee Classification Act, (i) to prohibit the disclosure to the  
17 Department of Motor Vehicles of tax return information pertaining  
18 to individuals, corporations, and businesses determined by the  
19 Department of Motor Vehicles to be delinquent in the payment of  
20 amounts due under agreements pursuant to the International Fuel  
21 Tax Agreement Act, and such disclosure shall be strictly limited  
22 to information necessary for the administration of the act, ~~or~~ (j)  
23 to prohibit the disclosure under section 42-358.08, 43-512.06, or  
24 43-3327 to any court-appointed individuals, the county attorney,  
25 any authorized attorney, or the Department of Health and Human  
26 Services of an absent parent's address, social security number,  
27 amount of income, health insurance information, and employer's  
1 name and address for the exclusive purpose of establishing and  
2 collecting child, spousal, or medical support, or (k) to prohibit  
3 the disclosure of information to the Department of Insurance,  
4 the Nebraska State Historical Society, or the State Historic  
5 Preservation Officer as necessary to carry out the Department of  
6 Revenue's responsibilities under the Nebraska Job Creation and  
7 Mainstreet Revitalization Act. Information so obtained shall be  
8 used for no other purpose. Any person who violates this subsection  
9 shall be guilty of a felony and shall upon conviction thereof be  
10 fined not less than one hundred dollars nor more than five hundred  
11 dollars, or be imprisoned not more than five years, or be both so  
12 fined and imprisoned, in the discretion of the court and shall be  
13 assessed the costs of prosecution. If the offender is an officer or  
14 employee of the state, he or she shall be dismissed from office and

15 be ineligible to hold any public office in this state for a period  
16 of two years thereafter.

17 (7) Reports and returns required to be filed under income  
18 tax provisions of sections 77-2714 to 77-27,135 shall be preserved  
19 until the Tax Commissioner orders them to be destroyed.

20 (8) Notwithstanding the provisions of subsection (6) of  
21 this section, the Tax Commissioner may permit the Secretary of the  
22 Treasury of the United States or his or her delegates or the proper  
23 officer of any state imposing an income tax, or the authorized  
24 representative of either such officer, to inspect the income tax  
25 returns of any taxpayer or may furnish to such officer or his or  
26 her authorized representative an abstract of the return of income  
27 of any taxpayer or supply him or her with information concerning an  
1 item of income contained in any return or disclosed by the report  
2 of any investigation of the income or return of income of any  
3 taxpayer, but such permission shall be granted only if the statutes  
4 of the United States or of such other state, as the case may be,  
5 grant substantially similar privileges to the Tax Commissioner of  
6 this state as the officer charged with the administration of the  
7 income tax imposed by sections 77-2714 to 77-27,135.

8 (9) Notwithstanding the provisions of subsection (6) of  
9 this section, the Tax Commissioner may permit the Postal Inspector  
10 of the United States Postal Service or his or her delegates to  
11 inspect the reports or returns of any person filed pursuant to the  
12 Nebraska Revenue Act of 1967 when information on the reports or  
13 returns is relevant to any action or proceeding instituted or being  
14 considered by the United States Postal Service against such person  
15 for the fraudulent use of the mails to carry and deliver false and  
16 fraudulent tax returns to the Tax Commissioner with the intent to  
17 defraud the State of Nebraska or to evade the payment of Nebraska  
18 state taxes.

19 (10)(a) Notwithstanding the provisions of subsection (6)  
20 of this section, the Tax Commissioner shall, upon written request  
21 by the Auditor of Public Accounts or the Legislative Performance  
22 Audit Committee, make tax returns and tax return information  
23 open to inspection by or disclosure to officers and employees  
24 of the Auditor of Public Accounts or employees of the office of  
25 Legislative Audit for the purpose of and to the extent necessary in  
26 making an audit of the Department of Revenue pursuant to section  
27 50-1205 or 84-304. The Auditor of Public Accounts or office of  
1 Legislative Audit shall statistically and randomly select the tax  
2 returns and tax return information to be audited based upon a  
3 computer tape provided by the Department of Revenue which contains  
4 only total population documents without specific identification of  
5 taxpayers. The Tax Commissioner shall have the authority to approve  
6 the statistical sampling method used by the Auditor of Public  
7 Accounts or office of Legislative Audit. Confidential tax returns  
8 and tax return information shall be audited only upon the premises  
9 of the Department of Revenue. All audit workpapers pertaining to

10 the audit of the Department of Revenue shall be stored in a secure  
11 place in the Department of Revenue.

12 (b) No officer or employee of the Auditor of Public  
13 Accounts or office of Legislative Audit employee shall disclose to  
14 any person, other than another officer or employee of the Auditor  
15 of Public Accounts or office of Legislative Audit whose official  
16 duties require such disclosure or as provided in subsections (2)  
17 and (3) of section 50-1213, any return or return information  
18 described in the Nebraska Revenue Act of 1967 in a form which can  
19 be associated with or otherwise identify, directly or indirectly, a  
20 particular taxpayer.

21 (c) Any person who violates the provisions of this  
22 subsection shall be guilty of a Class IV felony and, in the  
23 discretion of the court, may be assessed the costs of prosecution.  
24 The guilty officer or employee shall be dismissed from employment  
25 and be ineligible to hold any position of employment with the State  
26 of Nebraska for a period of two years thereafter. For purposes of  
27 this subsection, officer or employee shall include a former officer  
1 or employee of the Auditor of Public Accounts or former employee of  
2 the office of Legislative Audit.

3 (11) For purposes of subsections (10) through (13) of  
4 this section:

5 (a) Tax returns shall mean any tax or information return  
6 or claim for refund required by, provided for, or permitted  
7 under sections 77-2714 to 77-27,135 which is filed with the Tax  
8 Commissioner by, on behalf of, or with respect to any person  
9 and any amendment or supplement thereto, including supporting  
10 schedules, attachments, or lists which are supplemental to or part  
11 of the filed return;

12 (b) Return information shall mean:

13 (i) A taxpayer's identification number and (A) the  
14 nature, source, or amount of his or her income, payments, receipts,  
15 deductions, exemptions, credits, assets, liabilities, net worth,  
16 tax liability, tax withheld, deficiencies, overassessments, or tax  
17 payments, whether the taxpayer's return was, is being, or will be  
18 examined or subject to other investigation or processing or (B) any  
19 other data received by, recorded by, prepared by, furnished to, or  
20 collected by the Tax Commissioner with respect to a return or the  
21 determination of the existence or possible existence of liability  
22 or the amount of liability of any person for any tax, penalty,  
23 interest, fine, forfeiture, or other imposition or offense; and

24 (ii) Any part of any written determination or any  
25 background file document relating to such written determination;  
26 and

27 (c) Disclosures shall mean the making known to any person  
1 in any manner a return or return information.

2 (12) The Auditor of Public Accounts or the Legislative  
3 Auditor shall (a) notify the Tax Commissioner in writing thirty  
4 days prior to the beginning of an audit of his or her intent to



5 conduct an audit, (b) provide an audit plan, and (c) provide a  
6 list of the tax returns and tax return information identified for  
7 inspection during the audit.

8 (13) The Auditor of Public Accounts or the office  
9 of Legislative Audit shall, as a condition for receiving tax  
10 returns and tax return information: (a) Subject employees involved  
11 in the audit to the same confidential information safeguards  
12 and disclosure procedures as required of Department of Revenue  
13 employees; (b) establish and maintain a permanent system of  
14 standardized records with respect to any request for tax returns  
15 or tax return information, the reason for such request, and the  
16 date of such request and any disclosure of the tax return or  
17 tax return information; (c) establish and maintain a secure area  
18 or place in the Department of Revenue in which the tax returns,  
19 tax return information, or audit workpapers shall be stored; (d)  
20 restrict access to the tax returns or tax return information only  
21 to persons whose duties or responsibilities require access; (e)  
22 provide such other safeguards as the Tax Commissioner determines  
23 to be necessary or appropriate to protect the confidentiality of  
24 the tax returns or tax return information; (f) provide a report to  
25 the Tax Commissioner which describes the procedures established and  
26 utilized by the Auditor of Public Accounts or office of Legislative  
Audit for insuring the confidentiality of tax returns, tax return  
1 information, and audit workpapers; and (g) upon completion of use  
2 of such returns or tax return information, return to the Tax  
3 Commissioner such returns or tax return information, along with any  
4 copies.

5 (14) The Tax Commissioner may permit other tax officials  
6 of this state to inspect the tax returns and reports filed  
7 under sections 77-2714 to 77-27,135, but such inspection shall be  
8 permitted only for purposes of enforcing a tax law and only to  
9 the extent and under the conditions prescribed by the rules and  
10 regulations of the Tax Commissioner.

11 (15) The Tax Commissioner shall compile the school  
12 district information required by subsection (2) of this section.  
13 Insofar as it is possible, such compilation shall include, but  
14 not be limited to, the total adjusted gross income of each school  
15 district in the state. The Tax Commissioner shall adopt and  
16 promulgate such rules and regulations as may be necessary to insure  
17 that such compilation does not violate the confidentiality of any  
18 individual income tax return nor conflict with any other provisions  
19 of state or federal law.

20 2. On page 10, line 12, strike "the lesser of either"; in  
21 line 13 strike "or twenty-five"; and in line 14 strike "thousand  
22 dollars".

23 3. On page 11, line 25, after the second occurrence of  
24 "lien" insert "pursuant to the filing of a notice of lien".

25 4. Renumber the remaining sections and correct the  
26 repealer accordingly.

The Nordquist amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The Nordquist amendment, AM2569, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 191A.** ER156, found on page 786, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 690.** ER144, found on page 681, was adopted.

Senator Bolz withdrew her amendment, AM2254, found on page 800.

Senator Bolz offered her amendment, AM2585, found on page 1050.

The Bolz amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 690A.** Senator Bolz offered the following amendment:

AM2614

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated \$1,760 from the
- 4 General Fund for FY2013-14 to the Legislative Council, for Program
- 5 122, to aid in carrying out the provisions of Legislative Bill 690,
- 6 One Hundred Third Legislature, Second Session, 2014.
- 7 No expenditures for permanent and temporary salaries and
- 8 per diems for state employees shall be made from funds appropriated
- 9 in this section.
- 10 Sec. 2. There is hereby appropriated (1) \$228,061 from
- 11 the General Fund and \$228,061 from federal funds for FY2014-15 and
- 12 (2) \$77,194 from the General Fund and \$77,194 from federal funds
- 13 for FY2015-16 to the Department of Health and Human Services, for
- 14 Program 33, to aid in carrying out the provisions of Legislative
- 15 Bill 690, One Hundred Third Legislature, Second Session, 2014.
- 16 Total expenditures for permanent and temporary salaries
- 17 and per diems from funds appropriated in this section shall not
- 18 exceed \$80,831 for FY2014-15 or \$80,831 for FY2015-16.
- 19 Sec. 3. There is hereby appropriated (1) \$2,629,187 from
- 20 the General Fund and \$12,041,518 from federal funds for FY2014-15
- 21 and (2) \$5,258,374 from the General Fund and \$17,840,154 from
- 22 federal funds for FY2015-16 to the Department of Health and Human

- 23 Services, for Program 348, to aid in carrying out the provisions  
 1 of Legislative Bill 690, One Hundred Third Legislature, Second  
 2 Session, 2014.  
 3 No expenditures for permanent and temporary salaries and  
 4 per diems for state employees shall be made from funds appropriated  
 5 in this section.  
 6 Sec. 4. Since an emergency exists, this act takes effect  
 7 when passed and approved according to law.

Senator Bolz moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Bolz requested a roll call vote on her amendment.

Voting in the affirmative, 32:

Adams	Conrad	Harms	Lathrop	Schumacher
Ashford	Crawford	Harr, B.	McGill	Seiler
Avery	Davis	Howard	Mello	Sullivan
Bolz	Dubas	Johnson	Murante	Wallman
Campbell	Gloor	Karpisek	Nelson	
Chambers	Haar, K.	Kolowski	Nordquist	
Coash	Hadley	Krist	Scheer	

Voting in the negative, 6:

Bloomfield	Christensen	Kintner
Brasch	Garrett	McCoy

Present and not voting, 6:

Carlson	Pirsch	Smith
Larson	Schilz	Watermeier

Absent and not voting, 1:

Wightman

Excused and not voting, 4:

Cook	Hansen	Janssen	Lautenbaugh
------	--------	---------	-------------

The Bolz amendment was adopted with 32 ayes, 6 nays, 6 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1087.** ER178, found on page 917, was adopted.

Senator Avery asked unanimous consent to withdraw his amendment, AM2558, found on page 988, and replace it with his substitute amendment, AM2595. No objections. So ordered.  
AM2595

(Amendments to E & R amendments, ER178)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 77-3505.02, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-3505.02 Maximum value shall mean:
- 5 (1) For applicants eligible under section 77-3507, two
- 6 hundred percent of the average assessed value of single-family
- 7 residential property in the claimant's county of residence as
- 8 determined in section 77-3506.02 or ninety-five thousand dollars,
- 9 whichever is greater; and
- 10 (2) For applicants eligible under sections 77-3508 and
- 11 77-3509 and section 6 of this act, two hundred twenty-five percent
- 12 of the average assessed value of single-family residential property
- 13 in the claimant's county of residence as determined in section
- 14 77-3506.02 or one hundred ten thousand dollars, whichever is
- 15 greater.
- 16 2. On page 1, line 17, after "77-3509" insert "and
- 17 section 6 of this act"; and strike line 23.
- 18 3. On page 2, strike line 1; in line 10 after "77-3509"
- 19 insert "and section 6 of this act"; and in line 24 after "77-3509"
- 20 insert "or section 6 of this act".
- 21 4. On page 3, line 2, after "77-3509" insert "or section
- 22 6 of this act"; strike beginning with "This" in line 2 through
- 1 line 3; and in line 8 after "amount" insert "as limited by section
- 2 77-3506.03".
- 3 5. On page 21, line 27, after the last comma insert
- 4 "77-3505.02,".
- 5 6. Renumber the remaining sections and correct internal
- 6 references accordingly.

Senator Avery moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Ashford	Chambers	Gloor	Kolowski	Sullivan
Avery	Conrad	Haar, K.	Krist	Wallman
Campbell	Dubas	Hadley	Nelson	

Voting in the negative, 11:

Bloomfield	Garrett	Kintner	Scheer
Brasch	Johnson	Larson	Seiler
Carlson	Karpisek	Pirsch	

Present and not voting, 20:

Adams	Crawford	Howard	Mello	Schumacher
Bolz	Davis	Lathrop	Murante	Smith
Christensen	Harms	McCoy	Nordquist	Watermeier
Coash	Harr, B.	McGill	Schilz	Wightman

Excused and not voting, 4:

Cook	Hansen	Janssen	Lautenbaugh
------	--------	---------	-------------

The Avery amendment lost with 14 ayes, 11 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator B. Harr offered the following amendment:  
AM2589

(Amendments to E & R amendments, ER178)

1 1. Strike section 22 and insert the following new  
2 sections:  
3 Section 1. Section 77-1333, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 77-1333 (1) The Legislature finds that:  
6 (a) The provision of safe, decent, and affordable housing  
7 to all residents of the State of Nebraska is a matter of public  
8 concern and represents a legitimate and compelling state need,  
9 affecting the general welfare of all residents;  
10 (b) Rent-restricted housing projects effectively provide  
11 safe, decent, and affordable housing for residents of Nebraska;  
12 (c) Such projects are restricted by federal law as to the  
13 rents paid by the tenants thereof;  
14 (d) Of all the professionally accepted mass appraisal  
15 methodologies, which include the sales comparison approach, the  
16 income approach, and the cost approach, the utilization of  
17 the income-approach methodology results in the most accurate  
18 determination of the actual value of such projects; and  
19 (e) This section is intended to (i) further the provision  
20 of safe, decent, and affordable housing to all residents of  
21 Nebraska and (ii) comply with Article VIII, section 1, of  
22 the Constitution of Nebraska, which empowers the Legislature to  
1 prescribe standards and methods for the determination of value of  
2 real property at uniform and proportionate values.  
3 ~~(1)~~(2) For purposes of this section, rent-restricted  
4 housing project means a project consisting of five or more houses

5 or residential units that is financed, in whole or in part, with an  
6 allocation of federal low-income housing tax credits under section  
7 42 of the Internal Revenue Code.

8 (3) The Rent-Restricted Housing Projects Valuation  
9 Committee is created. For administrative purposes only, the  
10 committee shall be within the Department of Revenue. The committee  
11 shall consist of the following three persons:

12 (a) A representative of local government assessing  
13 officials appointed by the Tax Commissioner. Such representative  
14 shall be skilled in the valuation of property and shall hold a  
15 certificate issued under section 77-422;

16 (b) A representative of the low-income housing industry  
17 appointed by the Tax Commissioner. The appointment shall be based  
18 on a recommendation made by the Nebraska Commission on Housing and  
19 Homelessness; and

20 (c) The Property Tax Administrator or a designee of the  
21 Property Tax Administrator who holds a certificate issued under  
22 section 77-422. Such person shall serve as the chairperson of the  
23 committee.

24 (4) The committee shall meet annually in November to  
25 examine the information on rent-restricted housing projects that  
26 was provided pursuant to subsection (8) of this section. The  
27 Department of Revenue shall electronically publish notice of such  
1 meeting no less than thirty days in advance. The committee shall  
2 also solicit information on the sale of any such rent-restricted  
3 housing projects. The committee shall, after reviewing all such  
4 information, calculate a market-derived capitalization rate on  
5 an annual basis as provided in subsection (5) of this section.  
6 The annual capitalization rate and information reviewed by the  
7 committee shall be assembled in an annual report and shall be  
8 forwarded by the Property Tax Administrator to each county assessor  
9 in Nebraska no later than December 1 of each year for his or  
10 her use in determining the valuation of rent-restricted housing  
11 projects. The Department of Revenue shall publish the annual  
12 report electronically but may charge a fee for copies. The Tax  
13 Commissioner shall set the fee based on the reasonable cost of  
14 producing the report.

15 (5)(a) The committee shall calculate the capitalization  
16 rate using the band-of-investment technique. The capitalization  
17 rate is a composite rate weighted by the proportions of total  
18 property investment represented by debt and equity. The capital  
19 structure shall weight equity at eighty percent and debt at  
20 twenty percent unless a substantially different market capital  
21 structure can be verified to the county assessor. The yield  
22 for equity is calculated using the capital asset pricing model  
23 as provided in subdivision (b) of this subsection. The yield  
24 for debt is equivalent to the average yield on thirty-year  
25 non-inflation-indexed United States Treasury bonds, also referred  
26 to as the thirty-year Treasury constant maturity rate.

27 (b)(i) The capital asset pricing model used to calculate  
 1 the yield for equity is represented by the following formula:  $Re =$   
 2  $B(Rm-Rf) + Rf$ , where:  
 3 (A)  $Re$  equals return on equity;  
 4 (B)  $B$  equals beta;  
 5 (C)  $Rm$  equals return on the market;  
 6 (D)  $Rf$  equals risk-free rate of return; and  
 7 (E)  $Rm - Rf$  equals market-risk premium.  
 8 (ii) The beta is assumed to be one which indicates the  
 9 risk level to be consistent with the market as a whole. The  
 10 risk-free rate of return is calculated by averaging the yield of  
 11 the three-month and six-month non-inflation-indexed United States  
 12 Treasury bonds. The return on the market is calculated based on  
 13 the average annual return on the Standard and Poor's 500 Index or  
 14 by reference to other published secondary sources that reflect the  
 15 rate of return on the market as a whole.  
 16 (6) The county assessor shall ~~perform~~ utilize an  
 17 income-approach calculation for all rent-restricted housing  
 18 projects ~~constructed to allow an allocation of low income~~  
 19 housing tax credits under section 42 of the Internal Revenue  
 20 Code and approved by the Nebraska Investment Finance Authority  
 21 when ~~considering~~ determining the assessed valuation to place  
 22 on the property for each assessment year. The income-approach  
 23 calculation shall be consistent with this section and any rules  
 24 and regulations adopted and promulgated by the Tax Commissioner,  
 25 and shall comply with professionally accepted mass appraisal  
 26 techniques. Any low-income housing tax credits authorized under  
 27 section 42 of the Internal Revenue Code that were granted to  
 1 owners of the project shall not be considered income for purposes  
 2 of the calculation. Each county assessor, when utilizing the  
 3 income-approach calculation, shall utilize the capitalization  
 4 rate calculated by the Rent-Restricted Housing Projects Valuation  
 5 Committee except as otherwise provided in subsection (7) of this  
 6 section, but may be considered in determining the capitalization  
 7 rate to be used when capitalizing the income stream. The county  
 8 assessor, in determining the actual value of any specific property,  
 9 may consider other methods of determining value that are consistent  
 10 with professionally accepted mass appraisal methods described in  
 11 section ~~77-112~~.  
 12 (7) If a county assessor, based on the facts and  
 13 circumstances, believes that the income-approach calculation does  
 14 not result in a valuation of a rent-restricted housing project  
 15 at actual value or that the market-derived capitalization rate  
 16 set by the Rent-Restricted Housing Projects Valuation Committee  
 17 to value any rent-restricted housing project does not result  
 18 in a valuation at actual value, then the county assessor shall  
 19 present such facts and circumstances to the county board of  
 20 equalization. If the county board of equalization, based on  
 21 such facts and circumstances, concurs with the county assessor,

22 then the county board of equalization shall petition the Tax  
 23 Equalization and Review Commission to consider, respectively,  
 24 (a) the county assessor's utilization of another professionally  
 25 accepted mass appraisal technique that, based on the facts and  
 26 circumstances presented by a county board of equalization, would  
 27 result in a substantially different determination of actual value  
 1 of the rent-restricted housing project or (b) an adjustment to  
 2 the capitalization rate of such rent-restricted housing project.  
 3 Petitions must be filed within thirty days after the property is  
 4 assessed. Hearings held pursuant to this section may be held by  
 5 means of videoconference or telephone conference. The burden of  
 6 proof is on the petitioning county board of equalization to show  
 7 that failure to make an adjustment, either to the professionally  
 8 accepted mass appraisal technique utilized or the capitalization  
 9 rate employed, would result in a value that is not equitable and  
 10 in accordance with the law. At the hearing, the commission may  
 11 receive testimony from any interested person. After a hearing, the  
 12 commission shall, within the powers granted in section 77-5023,  
 13 enter its order based on evidence presented to it at such hearing.  
 14 Payment of taxes shall be suspended, without penalty or interest,  
 15 until the commission enters its order.

16 ~~(2)-(8)~~ The owner of a rent-restricted housing project  
 17 shall file a statement with the county assessor and the  
 18 Rent-Restricted Housing Projects Valuation Committee on or before  
 19 October 1 of each year that details income and expense data for  
 20 the prior year, a description of any land-use restrictions, and  
 21 such other information as the county assessor or the committee may  
 22 require.

23 Sec. 23. Section 77-5007, Revised Statutes Cumulative  
 24 Supplement, 2012, is amended to read:

25 77-5007 The commission has the power and duty to hear and  
 26 determine appeals of:

- 27 (1) Decisions of any county board of equalization  
 1 equalizing the value of individual tracts, lots, or parcels of  
 2 real property so that all real property is assessed uniformly and  
 3 proportionately;  
 4 (2) Decisions of any county board of equalization  
 5 granting or denying tax-exempt status for real or personal property  
 6 or an exemption from motor vehicle taxes and fees;  
 7 (3) Decisions of the Tax Commissioner determining the  
 8 taxable property of a railroad company, car company, public service  
 9 entity, or air carrier within the state;  
 10 (4) Decisions of the Tax Commissioner determining  
 11 adjusted valuation pursuant to section 79-1016;  
 12 (5) Decisions of any county board of equalization on  
 13 the valuation of personal property or any penalties imposed under  
 14 sections 77-1233.04 and 77-1233.06;  
 15 (6) Decisions of any county board of equalization on  
 16 claims that a levy is or is not for an unlawful or unnecessary



17 purpose or in excess of the requirements of the county;  
 18 (7) Decisions of any county board of equalization  
 19 granting or rejecting an application for a homestead exemption;  
 20 (8) Decisions of the Department of Motor Vehicles  
 21 determining the taxable value of motor vehicles pursuant to section  
 22 60-3,188;  
 23 (9) Decisions of the Tax Commissioner made under section  
 24 77-1330;  
 25 (10) Any other decision of any county board of  
 26 equalization;  
 27 (11) Any other decision of the Tax Commissioner regarding  
 1 property valuation, exemption, or taxation;  
 2 (12) Decisions of the Tax Commissioner pursuant to  
 3 section 77-3520;  
 4 (13) Final decisions of a county board of equalization  
 5 appealed by the Tax Commissioner or Property Tax Administrator  
 6 pursuant to section 77-701; ~~and~~  
 7 (14) Determinations of the Rent-Restricted Housing  
 8 Projects Valuation Committee regarding the market-derived  
 9 capitalization rate to be used to value rent-restricted housing  
 10 projects pursuant to section 77-1333 or the requirement under such  
 11 section that an income-approach calculation be used by county  
 12 assessors to value rent-restricted housing projects; and  
 13 ~~(14)-(15)~~ Any other decision, determination, action, or  
 14 order from which an appeal to the commission is authorized.  
 15 The commission has the power and duty to hear and grant  
 16 or deny relief on petitions.  
 17 Sec. 24. Sections 2 to 22 and 26 of this act become  
 18 operative on January 1, 2015. The other sections of this act become  
 19 operative on their effective date.  
 20 Sec. 25. Original section 77-1333, Reissue Revised  
 21 Statutes of Nebraska, and section 77-5007, Revised Statutes  
 22 Cumulative Supplement, 2012, are repealed.  
 23 2. Renumber the remaining sections and correct internal  
 24 references accordingly.

Senator Bloomfield requested a ruling of the Chair on whether the B. Harr amendment is germane to the bill.

The Chair ruled the B. Harr amendment is not germane to the bill.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1087A.** Advanced to Enrollment and Review for Engrossment.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 533.** Introduced by Crawford, 45; Campbell, 25.

**PURPOSE:** The purpose of this resolution is to study, review, investigate, and assess the enrollment of former foster youth in the new medicaid category for youth formerly in foster care up to age 26 in Nebraska under the federal Patient Protection and Affordable Care Act. This study shall include, but not be limited to, an examination of the following:

(1) The estimated and projected number of young adults eligible under the new medicaid category in Nebraska;

(2) The number of enrolled young adults under the new medicaid category;

(3) The Department of Health and Human Services policies and procedures for automatic eligibility redetermination of youth as they age out of foster care;

(4) The Department of Health and Human Services policies and procedures regarding the eligibility of youth who were in foster care in other states and the eligibility of youth who exited foster care after their 18th birthday;

(5) The efforts made by the Department of Health and Human Services to conduct outreach to potentially eligible young adults about this new medicaid category; and

(6) Department of Health and Human Services compliance with inclusion of medicaid eligibility information and documentation in the youth's independent living transition proposal as required by section 43-1311.03 beginning when the youth is age 16 continuing through age 19.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 534.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this resolution is to study issues surrounding patent assertion entities, commonly referred to as "patent trolls." This study shall include, but not be limited to, an examination of the following:

(1) How the Uniform Deceptive Trade Practices Act and other state consumer protection statutes could be utilized to regulate patent trolls;

(2) Efforts in other states to utilize existing consumer protection statutes to regulate patent trolls; and

(3) Federal efforts to regulate patent trolls, including granting states the express authority to regulate patent trolls through state consumer protection statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 535.** Introduced by Mello, 5; Bolz, 29; Campbell, 25; Conrad, 46; Crawford, 45; Gloor, 35; Harms, 48; Howard, 9; Kintner, 2; Krist, 10; Nelson, 6; Nordquist, 7; Seiler, 33; Watermeier, 1; Wightman, 36.

**PURPOSE:** The purpose of this resolution is to conduct a comprehensive review of the structure of health and human services functions currently administered by the Department of Health and Human Services (DHHS), as well as to examine similar structures and functions in other states.

Prior to 1996, the health and human services functions currently administered by DHHS were delegated to four separate state agencies. These were the Department on Aging, the Department of Health, the Department of Public Institutions, and the Department of Social Services, in addition to the Office of Juvenile Services in the Department of Correctional Services.

Since the merger of these agencies, DHHS has grown to account for more than one-third of annual expenditures in the overall state budget for fiscal year 2012-13.

Historical expenditures for DHHS have grown at a higher rate than overall state expenditures, increasing by more than \$1.7 billion with an average growth rate of 5.26% since fiscal year 1995-96.

As of December 2013, DHHS had 6,162 employees which represents nearly three times the number of state employees than that of any other state agency.

The Auditor of Public Accounts has performed 103 separate audits of DHHS and its programs and facilities since 2000, including major audits relating to the Beatrice State Developmental Center, the Thomas Fitzgerald Veterans' Home, the Youth Rehabilitation and Treatment Center-Kearney, child welfare reform efforts, and management of federal medicaid and Low Income Home Energy Assistance Program (LIHEAP) funds.

The continuing growth of DHHS has made it increasingly difficult for the Auditor of Public Accounts, the Legislative Performance Audit Committee, and the Appropriations Committee to engage in meaningful oversight of taxpayer dollars expended by DHHS.

This study shall include, but not be limited to, an examination of whether shifting to a less consolidated structure of health and human services functions could result in greater fiscal accountability and improved quality of service, and whether such a restructuring should include transferring programs to other existing state agencies or new state agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee and Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 536.** Introduced by Adams, 24; Wightman, 36.

**PURPOSE:** The purpose of this resolution is to study the process of creating legislative task forces, committees, and commissions. In recent years, there has been a proliferation of legislative task forces, committees, and commissions placed in statute. Several issues have been raised regarding composition, function, and constitutionality of some of these entities as an extension of the legislative branch of government.

This study shall examine the advantages and disadvantages of creating task forces, committees, and commissions by legislation rather than by legislative resolution. The entities to be studied shall include task forces, committees, and commissions that have legislative members serving on them and task forces, committees, and commissions which serve a legislative role or function. The study shall examine, but not be limited to, the following:

- (1) The role of legislative task forces, committees, and commissions;
- (2) Unconstitutional delegation of legislative authority;
- (3) The relationship between task forces, committees, and commissions to standing committee subject matter jurisdiction; and
- (4) Separation of powers concerns in terms of duties, membership, staffing, and funding.

This study shall also examine drafting requirements needed to make a legislative task force, committee, or commission operate effectively, including, but not limited to, the following:

- (1) Funding, including identification of necessary costs, the approval process for spending funds, and determination as to whether a specific appropriation is required, even if only for travel expenses;
- (2) The appointment process, including whether non-legislators should be included, identification of appropriate appointing authority, effective dates, reporting requirements, and study of gender and regional balance;

(3) Leadership and staffing, including the identification of the appropriate chairperson and how the chairperson will be selected, who will call the first meeting, and how staffing decisions will be determined; and

(4) Final report requirements and the duration of a task force, committee, or commission.

This study shall also address how the Legislature would implement the findings of this study, including drafting recommended rule changes if deemed necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 537.** Introduced by Dubas, 34.

**PURPOSE:** The purpose of this resolution is to study the implementation, management, operation, and ongoing development of Next Generation 911 service in Nebraska. As technology advances, the public demands advanced emergency communications services. Nebraska has grown from the wireline telephone access of 911 service to wireless 911 access, and is now moving into Next Generation 911 which envisions additional ways to communicate text, images, video, and data to Public Service Answering Points (PSAPs) across the state. Next Generation 911 also considers the needs of diverse populations, such as the deaf and hard of hearing, low income populations, and both rural and urban residents. This study may examine new legislation necessary to enable the state to move forward with the implementation of Next Generation 911 and the need to consolidate existing statutes and funding streams for 911 services. The study committee shall consult with the Public Service Commission in its study of existing 911 service and Next Generation 911 service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**AMENDMENT - Print in Journal**

Senator Gloor filed the following amendment to LB811: AM2567 is available in the Bill Room.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 464A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 464, One Hundred Third Legislature, Second Session, 2014.

**SELECT FILE**

**LEGISLATIVE BILL 1076.** Senator Nordquist offered his amendment, AM2305, found on page 887.

The Nordquist amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Senator Campbell offered her amendment, AM2314, found on page 890.

**SPEAKER ADAMS PRESIDING**

The Campbell amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 851.** ER167, found on page 859, was adopted.

Senator Mello withdrew his amendment, AM2307, found on page 860.

Senator Mello offered his amendment, AM2510, found on page 953.

The Mello amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Mello offered his amendment, AM2561, found on page 1040.

The Mello amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator B. Harr offered the following amendment:

AM2611

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 77-1837.01, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-1837.01 ~~The (1) Except as otherwise provided in~~
- 5 subsection (2) of this section, the laws in effect on the date
- 6 of the issuance of a tax sale certificate govern all matters
- 7 related to tax ~~deeds-deed~~ proceedings, including noticing and
- 8 application, and foreclosure proceedings. Changes in law shall
- 9 not apply retroactively with regard to the tax sale certificates
- 10 previously issued.
- 11 (2) Tax sale certificates sold and issued between January
- 12 1, 2010, and December 31, 2014, shall be governed by the laws and
- 13 statutes that were in effect on December 31, 2009, with regard to
- 14 all matters relating to tax deed proceedings, including noticing
- 15 and application, and foreclosure proceedings.
- 16 2. Renumber the remaining sections and correct internal
- 17 references accordingly.
- 18 3. Correct the operative date and repealer sections so
- 19 that the section added by this amendment becomes operative three
- 20 calendar months after the adjournment of this legislative session.

The B. Harr amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Hadley offered the following amendment:

AM2621

- 1 1. Insert the following new sections:
- 2 Section 1. Section 52-603, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 52-603 In accordance with the terms of the notice given
- 5 as provided by section 52-601.01, a sale of the goods for
- 6 reasonable value may be had to satisfy any valid claim of the
- 7 claimant for which ~~he-the claimant~~ has a lien on the goods. Such
- 8 sale shall extinguish any lien or security interest in the goods of
- 9 a lienholder or security interest holder to which notice of sale
- 10 was mailed pursuant to section 52-601.01.
- 11 Sec. 2. Section 52-604, Reissue Revised Statutes of
- 12 Nebraska, is amended to read:
- 13 52-604 From the proceeds of such sale the claimant shall
- 14 make application in the following order: (a) To satisfy his or her
- 15 lien, including the reasonable charges of notice, advertisement,
- 16 and sale; and (b) to satisfy the obligations secured by the lien
- 17 or security interest of any lien or security interest holder of
- 18 record. The balance, if any, of such proceeds shall be delivered to
- 19 the county treasurer of the county in which the sale was made. The
- 20 treasurer of the county in which the property was sold shall issue
- 21 his or her receipt therefor. ~~therefor~~ for the balance of such proceeds. The

22 county treasurer shall make proper entry in the books of his or her  
 23 office of all ~~money so such proceeds~~ paid over to him or her, and  
 1 shall hold the money for a period of five years, and immediately  
 2 thereafter ~~shall~~ pay the same into the school fund of the proper  
 3 county, to be appropriated for the support of the schools, unless  
 4 the owner of the property sold, his or her legal representatives,  
 5 or any lien or security interest holder of record, whose lien or  
 6 security interest has not previously been satisfied shall, within  
 7 such period of five years after such ~~money shall~~ proceeds have been  
 8 deposited with the treasurer, furnish satisfactory evidence of the  
 9 ownership of such property or satisfactory evidence of the lien  
 10 or security interest, in which event he, she, or they shall be  
 11 entitled to receive from ~~such the county~~ treasurer the amount so  
 12 deposited with him or her.  
 13 2. Renumber the remaining sections and correct the  
 14 operative date section and repealer sections so that the sections  
 15 added by this amendment become operative three calendar months  
 16 after adjournment of this legislative session.

The Hadley amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 744.** Senator Avery offered his amendment, AM2393, found on page 894.

The Avery amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 744A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 768.** ER163, found on page 855, was adopted.

Senator Larson offered the following amendment:  
 AM2401

(Amendments to Standing Committee amendments, AM1945)

- 1 1. On page 9, line 13; and page 11, line 21, strike
- 2 "The", show as stricken, and insert "For the period May 1, 2014,
- 3 through April 30, 2016, the amount of the fee assessed pursuant to
- 4 this section shall be six hundred fifty dollars. Beginning May 1,
- 5 2016, the".

Senator Larson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.



Senator Larson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 19:

Adams	Christensen	Karpisek	Murante	Smith
Brasch	Hadley	Kintner	Pirsch	Wallman
Campbell	Howard	Larson	Scheer	Watermeier
Carlson	Janssen	Lautenbaugh	Schilz	

Voting in the negative, 8:

Ashford	Bloomfield	Haar, K.	Seiler
Avery	Dubas	Johnson	Sullivan

Present and not voting, 20:

Bolz	Crawford	Harms	Lathrop	Nelson
Chambers	Davis	Harr, B.	McCoy	Nordquist
Coash	Garrett	Kolowski	McGill	Schumacher
Conrad	Gloor	Krist	Mello	Wightman

Excused and not voting, 2:

Cook	Hansen
------	--------

The Larson amendment lost with 19 ayes, 8 nays, 20 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 364.** Placed on Select File with amendment.

ER193

- 1 1. On page 1, line 1, strike "government" and insert
- 2 "city"; in line 3 strike "government bodies" and insert "cities";
- 3 and in line 4 after the semicolon insert "to provide for
- 4 applicability of provisions;".

**LEGISLATIVE BILL 679.** Placed on Select File with amendment.

ER194

- 1 1. On page 7, line 24, after "behalf" insert an
- 2 underscored comma.

**LEGISLATIVE BILL 802.** Placed on Select File.

**LEGISLATIVE BILL 803.** Placed on Select File with amendment.  
ER197

- 1 1. On page 3, line 2, strike the comma and show as
- 2 stricken and after "bill" insert an underscored comma.
- 3 2. On page 4, line 5, strike the comma; and in line 6
- 4 after "bill" insert an underscored comma.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator McGill filed the following amendment to LB998:  
AM2460

(Amendments to Standing Committee amendments, AM2079)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 28-311.08, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 28-311.08 (1) It shall be unlawful for any person to
- 5 knowingly intrude upon any other person without his or her consent
- 6 or knowledge in a place of solitude or seclusion.
- 7 (2) It shall be unlawful for any person to knowingly
- 8 photograph, film, record, or live broadcast an image of the
- 9 intimate area of any other person without his or her knowledge
- 10 and consent when his or her intimate area would not be generally
- 11 visible to the public regardless of whether such other person is
- 12 located in a public or private place.
- 13 ~~(2)~~(3) For purposes of this section:
- 14 (a) Intimate area means the naked or undergarment-clad
- 15 genitalia, pubic area, buttocks, or female breast of an individual;
- 16 ~~(a)~~(b) Intrude means either the:
- 17 (i) Viewing of another person in a state of undress as it
- 18 is occurring; or
- 19 (ii) Recording by video, photographic, digital, or other
- 20 electronic means of another person in a state of undress; and
- 21 ~~(b)~~(c) Place of solitude or seclusion means a place
- 22 where a person would intend to be in a state of undress and have
- 1 a reasonable expectation of privacy, including, but not limited to,
- 2 any facility, public or private, used as a restroom, tanning booth,
- 3 locker room, shower room, fitting room, or dressing room.
- 4 ~~(3)(a)~~(4)(a) Violation of this section involving an
- 5 intrusion as defined in subdivision ~~(2)(a)(i)~~(3)(b)(i) of this
- 6 section or violation under subsection (2) of this section is a
- 7 Class I misdemeanor.
- 8 (b) ~~Violation~~ Subsequent violation of this section
- 9 involving an intrusion as defined in subdivision (3)(b)(i) of this
- 10 section, subsequent violation under subsection (2) of this section,
- 11 or violation of this section involving an intrusion as defined in

12 subdivision ~~(2)(a)(ii)-(3)(b)(ii)~~ of this section is a Class IV  
13 felony.

14 (c) Violation of this section is a Class III felony if  
15 video or an image ~~from the intrusion recorded in violation of this~~  
16 ~~section~~ is distributed to another person or otherwise made public  
17 in any manner which would enable it to be viewed by another person.

18 ~~(4)-(5)~~ As part of sentencing following a conviction for  
19 a violation of this section, the court shall make a finding as to  
20 the ages of the defendant and the victim at the time the offense  
21 occurred. If the defendant is found to have been nineteen years  
22 of age or older and the victim is found to have been less than  
23 eighteen years of age at such time, then the defendant shall be  
24 required to register under the Sex Offender Registration Act.

25 ~~(5)-(6)~~ No person shall be prosecuted for unlawful  
26 ~~intrusion~~ pursuant to subdivision ~~(3)(b)-(4)(b)~~ or (c) of this  
27 section unless the indictment for such offense is found by a grand  
1 jury or a complaint filed before a magistrate within three years  
2 after the later of:

3 (a) The commission of the crime;  
4 (b) Law enforcement's or a victim's receipt of actual or  
5 constructive notice of either the existence of a video or other  
6 electronic recording ~~of the unlawful intrusion made in violation~~  
7 ~~of this section~~ or the distribution of images, video, or other  
8 electronic recording ~~of the unlawful intrusion; made in violation~~  
9 ~~of this section; or~~

10 (c) The youngest victim of ~~the intrusion~~ a violation of  
11 ~~this section~~ reaching the age of twenty-one years.

12 Sec. 2. Section 28-367.01, Revised Statutes Cumulative  
13 Supplement, 2012, is amended to read:

14 28-367.01 Sexual exploitation includes, but is not  
15 limited to, ~~unlawful intrusion as described in a violation of~~  
16 section 28-311.08 and causing, allowing, permitting, inflicting,  
17 or encouraging a vulnerable adult to engage in voyeurism, in  
18 exhibitionism, in prostitution, or in the lewd, obscene, or  
19 pornographic photographing, filming, or depiction of the vulnerable  
20 adult.

21 Sec. 3. Section 29-4003, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23 29-4003 (1)(a) The Sex Offender Registration Act applies  
24 to any person who on or after January 1, 1997:

25 (i) Has ever pled guilty to, pled nolo contendere to, or  
26 been found guilty of any of the following:

27 (A) Kidnapping of a minor pursuant to section 28-313,  
1 except when the person is the parent of the minor and was not  
2 convicted of any other offense in this section;

3 (B) False imprisonment of a minor pursuant to section  
4 28-314 or 28-315;

5 (C) Sexual assault pursuant to section 28-319 or 28-320;

6 (D) Sexual assault of a child in the second or third

- 7 degree pursuant to section 28-320.01;
- 8 (E) Sexual assault of a child in the first degree
- 9 pursuant to section 28-319.01;
- 10 (F) Sexual abuse of a vulnerable adult pursuant to
- 11 subdivision (1)(c) of section 28-386;
- 12 (G) Incest of a minor pursuant to section 28-703;
- 13 (H) Pandering of a minor pursuant to section 28-802;
- 14 (I) Visual depiction of sexually explicit conduct of a
- 15 child pursuant to section 28-1463.03 or 28-1463.05;
- 16 (J) Knowingly possessing any visual depiction of sexually
- 17 explicit conduct which has a child as one of its participants or
- 18 portrayed observers pursuant to section 28-813.01;
- 19 (K) Criminal child enticement pursuant to section 28-311;
- 20 (L) Child enticement by means of an electronic
- 21 communication device pursuant to section 28-320.02;
- 22 (M) Debauching a minor pursuant to section 28-805; or
- 23 (N) Attempt, solicitation, aiding or abetting, being
- 24 an accessory, or conspiracy to commit an offense listed in
- 25 subdivisions (1)(a)(i)(A) through (1)(a)(i)(M) of this section;
- 26 (ii) Has ever pled guilty to, pled nolo contendere to, or
- 27 been found guilty of any offense that is substantially equivalent
- 1 to a registrable offense under subdivision (1)(a)(i) of this
- 2 section by any village, town, city, state, territory, commonwealth,
- 3 or other jurisdiction of the United States, by the United States
- 4 Government, by court-martial or other military tribunal, or by
- 5 a foreign jurisdiction, notwithstanding a procedure comparable
- 6 in effect to that described under section 29-2264 or any other
- 7 procedure to nullify a conviction other than by pardon;
- 8 (iii) Is incarcerated in a jail, a penal or correctional
- 9 facility, or any other public or private institution or is under
- 10 probation or parole as a result of pleading guilty to or being
- 11 found guilty of a registrable offense under subdivision (1)(a)(i)
- 12 or (ii) of this section prior to January 1, 1997; or
- 13 (iv) Enters the state and is required to register as
- 14 a sex offender under the laws of another village, town, city,
- 15 state, territory, commonwealth, or other jurisdiction of the United
- 16 States.
- 17 (b) In addition to the registrable offenses under
- 18 subdivision (1)(a) of this section, the Sex Offender Registration
- 19 Act applies to any person who on or after January 1, 2010:
- 20 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of
- 21 this section, has ever pled guilty to, pled nolo contendere to, or
- 22 been found guilty of any of the following:
- 23 (I) Murder in the first degree pursuant to section
- 24 28-303;
- 25 (II) Murder in the second degree pursuant to section
- 26 28-304;
- 27 (III) Manslaughter pursuant to section 28-305;
- 1 (IV) Assault in the first degree pursuant to section

- 2 28-308;
- 3 (V) Assault in the second degree pursuant to section
- 4 28-309;
- 5 (VI) Assault in the third degree pursuant to section
- 6 28-310;
- 7 (VII) Stalking pursuant to section 28-311.03;
- 8 (VIII) ~~Unlawful intrusion~~ Violation of section 28-311.08
- 9 requiring registration under the act pursuant to subsection ~~(4)~~(5)
- 10 of section 28-311.08;
- 11 (IX) Kidnapping pursuant to section 28-313;
- 12 (X) False imprisonment pursuant to section 28-314 or
- 13 28-315;
- 14 (XI) Sexual abuse of an inmate or parolee in the first
- 15 degree pursuant to section 28-322.02;
- 16 (XII) Sexual abuse of an inmate or parolee in the second
- 17 degree pursuant to section 28-322.03;
- 18 (XIII) Sexual abuse of a protected individual pursuant to
- 19 section 28-322.04;
- 20 (XIV) Incest pursuant to section 28-703;
- 21 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of
- 22 section 28-707;
- 23 (XVI) Enticement by electronic communication device
- 24 pursuant to section 28-833; or
- 25 (XVII) Attempt, solicitation, aiding or abetting, being
- 26 an accessory, or conspiracy to commit an offense listed in
- 27 subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this
- 1 section.
- 2 (B) In order for the Sex Offender Registration Act to
- 3 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),
- 4 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section,
- 5 a court shall have found that evidence of sexual penetration or
- 6 sexual contact, as those terms are defined in section 28-318, was
- 7 present in the record, which shall include consideration of the
- 8 factual basis for a plea-based conviction and information contained
- 9 in the presentence report;
- 10 (ii) Has ever pled guilty to, pled nolo contendere to, or
- 11 been found guilty of any offense that is substantially equivalent
- 12 to a registrable offense under subdivision (1)(b)(i) of this
- 13 section by any village, town, city, state, territory, commonwealth,
- 14 or other jurisdiction of the United States, by the United States
- 15 Government, by court-martial or other military tribunal, or by
- 16 a foreign jurisdiction, notwithstanding a procedure comparable
- 17 in effect to that described under section 29-2264 or any other
- 18 procedure to nullify a conviction other than by pardon; or
- 19 (iii) Enters the state and is required to register as
- 20 a sex offender under the laws of another village, town, city,
- 21 state, territory, commonwealth, or other jurisdiction of the United
- 22 States.
- 23 (2) A person appealing a conviction of a registrable

24 offense under this section shall be required to comply with the act  
 25 during the appeals process.  
 26 2. Renumber the remaining sections and correct the  
 27 repealer accordingly.

Senator McGill filed the following amendment to LB998:  
 AM2459

(Amendments to Standing Committee amendments, AM2079)

1 1. Insert the following new sections:  
 2 Section 1. Section 28-830, Revised Statutes Supplement,  
 3 2013, is amended to read:  
 4 28-830 For purposes of sections 28-830 and 28-831, the  
 5 following definitions apply:  
 6 (1) Actor means a person who solicits, procures, or  
 7 supervises the services or labor of another person;  
 8 (2) Commercial sexual activity means any sex act on  
 9 account of which anything of value is given, promised to, or  
 10 received by any person;  
 11 (3) Debt bondage means inducing another person to  
 12 provide:  
 13 (a) Commercial sexual activity in payment toward or  
 14 satisfaction of a real or purported debt; or  
 15 (b) Labor or services in payment toward or satisfaction  
 16 of a real or purported debt if:  
 17 (i) The reasonable value of the labor or services is not  
 18 applied toward the liquidation of the debt; or  
 19 (ii) The length of the labor or services is not limited  
 20 and the nature of the labor or services is not defined.  
 21 ~~(3)-(4)~~ Financial harm means theft by extortion as  
 22 described by section 28-513;  
 1 ~~(4)-(5)~~ Forced labor or services means labor or services  
 2 that are performed or provided by another person and are obtained  
 3 or maintained through:  
 4 (a) Inflicting or threatening to inflict serious personal  
 5 injury, to the other person as defined by section 28-318, on  
 6 another person;  
 7 (b) Physically restraining or threatening to physically  
 8 restrain the other person;  
 9 (c) Abusing or threatening to abuse the legal process  
 10 against another person to cause arrest or deportation for violation  
 11 of federal immigration law;  
 12 (d) Controlling or threatening to control another  
 13 person's access to a controlled substance listed in Schedule I, II  
 14 or III of section 28-405;  
 15 (e) Exploiting another person's substantial functional  
 16 impairment as defined in section 28-368 or substantial mental  
 17 impairment as defined in section 28-369;  
 18 ~~(e)-(f)~~ Knowingly destroying, concealing, removing,  
 19 confiscating, or possessing any actual or purported passport

20 or other immigration document or any other actual or purported  
21 government identification document of the other person; or

22 ~~(4)-(g)~~ Causing or threatening to cause financial harm to  
23 ~~the other person; another person, including debt bondage;~~

24 ~~(5)-(6)~~ Labor means work of economic or financial value;

25 ~~(6)-(7)~~ Labor trafficking means knowingly recruiting,  
26 enticing, harboring, transporting, providing, or obtaining by any  
27 means or attempting to recruit, entice, harbor, transport, provide,  
1 or obtain by any means a person eighteen years of age or older  
2 intending or knowing that the person will be subjected to forced  
3 labor or services;

4 ~~(7)-(8)~~ Labor trafficking of a minor means knowingly  
5 recruiting, enticing, harboring, transporting, providing, or  
6 obtaining by any means or attempting to recruit, entice, harbor,  
7 transport, provide, or obtain by any means a minor intending  
8 or knowing that the minor will be subjected to forced labor or  
9 services;

10 ~~(8)-(9)~~ Maintain means, in relation to labor or services,  
11 to secure continued performance thereof, regardless of any initial  
12 agreement by the other person to perform such type of service;

13 ~~(9)-(10)~~ Minor means a person younger than eighteen years  
14 of age;

15 ~~(10)-(11)~~ Obtain means, in relation to labor or services,  
16 to secure performance thereof;

17 ~~(11)-(12)~~ Services means an ongoing relationship between  
18 the actor and another person in which the person performs  
19 activities under the supervision of or for the benefit of  
20 the actor. Commercial sexual activity and sexually-explicit  
21 performances are forms of services under this section. Nothing in  
22 this subdivision shall be construed to legalize prostitution;

23 ~~(12)-(13)~~ Sex trafficking means knowingly recruiting,  
24 enticing, harboring, transporting, providing, or obtaining by  
25 any means or knowingly attempting to recruit, entice, harbor,  
26 transport, provide, or obtain by any means a person eighteen years  
27 of age or older for the purpose of having such person engage  
1 in commercial sexual activity, sexually explicit performance, or  
2 the production of pornography or to cause or attempt to cause  
3 a person eighteen years of age or older to engage in commercial  
4 sexual activity, sexually explicit performance, or the production  
5 of pornography;

6 ~~(13)-(14)~~ Sex trafficking of a minor means knowingly  
7 recruiting, enticing, harboring, transporting, providing, or  
8 obtaining by any means or knowingly attempting to recruit, entice,  
9 harbor, transport, provide, or obtain by any means a minor for the  
10 purpose of having such minor engage in commercial sexual activity,  
11 sexually explicit performance, or the production of pornography  
12 or to cause or attempt to cause a minor to engage in commercial  
13 sexual activity, sexually explicit performance, or the production  
14 of pornography;

15 ~~(14)~~(15) Sexually-explicit performance means a live or  
16 public play, dance, show, or other exhibition intended to arouse or  
17 gratify sexual desire or to appeal to prurient interests; and

18 ~~(15)~~(16) Trafficking victim means a person subjected to  
19 any act or acts prohibited by section 28-831.

20 Sec. 2. Section 28-831, Revised Statutes Supplement,  
21 2013, is amended to read:

22 28-831 (1) No person shall knowingly engage in labor  
23 trafficking or sex trafficking.

24 (2) If an actor knowingly engages in labor trafficking or  
25 sex trafficking by:

26 (a) Inflicting or threatening to inflict serious personal  
27 injury, ~~to the other person~~ as defined by section 28-318, on  
1 another person, the actor is guilty of a Class III felony;

2 (b) Physically restraining or threatening to physically  
3 restrain the other person, the actor is guilty of a Class III  
4 felony;

5 (c) Abusing or threatening to abuse the legal process  
6 against another person to cause arrest or deportation for violation  
7 of federal immigration law, the actor is guilty of a Class IV  
8 felony;

9 (d) Controlling or threatening to control another  
10 person's access to a controlled substance listed in Schedule I, II  
11 or III of section 28-405, the actor is guilty of a Class IV felony;

12 (e) Exploiting another person's substantial functional  
13 impairment as defined in section 28-368 or substantial mental  
14 impairment as defined in section 28-369, the actor is guilty of a  
15 Class IV felony;

16 ~~(f)~~ (f) Knowingly destroying, concealing, removing,  
17 confiscating, or possessing any actual or purported passport or  
18 other immigration document, or any other actual or purported  
19 government identification document, of the other person, the actor  
20 is guilty of a Class IV felony; or

21 ~~(g)~~ (g) Causing or threatening to cause financial harm  
22 to ~~the other~~ another person, including debt bondage, the actor is  
23 guilty of a Class I misdemeanor.

24 ~~(2)~~(3) No person shall engage in labor trafficking of  
25 a minor or sex trafficking of a minor. An actor who engages in  
26 labor trafficking of a minor or sex trafficking of a minor shall be  
27 punished as follows:

1 (a) In cases in which the actor uses overt force or the  
2 threat of force against the trafficking victim, the actor is guilty  
3 of a Class II felony;

4 (b) In cases in which the trafficking victim has not  
5 attained the age of fifteen years, the actor is guilty of a Class  
6 II felony; or

7 (c) In cases involving a trafficking victim between the  
8 ages of fifteen and eighteen years, and the actor does not use  
9 overt force or threat of force against the trafficking victim, the



10 actor is guilty of a Class III felony.  
11 ~~(3)~~(4) Any person who benefits, financially or by  
12 receiving anything of value, from participation in a venture which  
13 has, as part of the venture, an act that is in violation of this  
14 section, is guilty of a Class IV felony.  
15 2. Renumber the remaining sections and correct the  
16 repealer accordingly.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 660A.** Placed on Final Reading.

**LEGISLATIVE BILL 853A.** Placed on Final Reading.

**LEGISLATIVE BILL 967A.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 41CA.** Placed on Final Reading Second.

ST70

The following changes, required to be reported for publication in the Journal, have been made:

1. The Lautenbaugh amendment, AM1910, has been incorporated into the Final Reading copy of LR41CA on page 3, lines 14, 15, and 19, and page 4, line 7.

(Signed) John Murante, Chairperson

### NOTICE OF COMMITTEE HEARING

Judiciary

Room 1113

Wednesday, April 2, 2014 1:00 p.m.

Rosalyn Cotton - Nebraska Board of Parole

(Signed) Brad Ashford, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 538.** Introduced by B. Harr, 8.

**PURPOSE:** The purpose of this resolution is to examine issues surrounding the implementation of an electronic notary system in Nebraska. This study shall include, but not be limited to, the following issues:

(1) A review of best practices among the states that have adopted an electronic notary system; and

(2) A review of necessary legislation to enact an electronic notary system in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SENATOR KRIST PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 700.** Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 994.** Title read. Considered.

**SENATOR GLOOR PRESIDING**

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 994A.** Title read. Considered.

Senator Mello offered the following amendment:

AM2587

- 1 1. Insert the following new sections:
  - 2 Sec. 2. Section 26, Legislative Bill 905, One Hundred
  - 3 Third Legislature, Second Session, 2014, is amended to read:
  - 4 Sec. 26. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN
  - 5 SERVICES
  - 6 Program No. 33 - Administration
  - 7
  - 8
  - 9
  - 10
  - 11
  - 12
  - 13
  - 14
  - 15
  - 16
  - 17
- |                         | FY2013-14     | FY2014-15          |
|-------------------------|---------------|--------------------|
| <del>GENERAL FUND</del> | <del>0-</del> | <del>154,910</del> |
| <del>GENERAL FUND</del> | <del>0-</del> | <del>654,910</del> |
| <del>CASH FUND</del>    | <del>0-</del> | <del>500,000</del> |
| FEDERAL FUND est.       | -0-           | 177,090            |
| PROGRAM TOTAL           | -0-           | 832,000            |
| SALARY LIMIT            | -0-           | 335,722            |
- There is included in the appropriations to this program made by the One Hundred Third Legislature, First and Second Sessions, for FY2013-14 \$500,000 General Funds for the electronic records initiative, which shall only be used for such purpose.

18 There is included in the appropriations to this program made by  
 19 the One Hundred Third Legislature, First and Second Sessions, for  
 20 FY2014-15 ~~\$500,000~~ \$1,000,000 General Funds and ~~\$500,000~~ Cash Funds  
 21 ~~from the Health and Human Services Cash Fund~~ for the electronic  
 22 records initiative, which shall only be used for such purpose.

23 There is included in the appropriations to this program  
 1 made by the One Hundred Third Legislature, First and Second  
 2 Sessions, for FY2013-14 \$300,000 Cash Funds from the Health and  
 3 Human Services Cash Fund for vital records.

4 It is the intent of the Legislature that the Department  
 5 of Health and Human Services shall provide quarterly status reports  
 6 electronically as the Request for Proposal (RFP) is being developed  
 7 for the Medicaid Medical Information System (MMIS) as authorized in  
 8 the appropriations to this program. The department shall provide  
 9 a report electronically to the Legislature specifying the criteria  
 10 utilized for the RFP for the MMIS replacement contract prior to the  
 11 release of the RFP. The criteria shall include, but not be limited  
 12 to, the successful completion of MMIS projects in other states and  
 13 quality ongoing customer services provided during implementation of  
 14 the project. The department shall evaluate utilizing an independent  
 15 consultant to develop the MMIS RFP and evaluate respondents thereto  
 16 in order to maximize specific technical expertise in this regard  
 17 and to minimize political considerations. Upon awarding of the  
 18 contract, the department shall provide electronically to the  
 19 Legislature all documentation submitted by the entity that was  
 20 awarded the contract.

21 Sec. 3. Laws 2013, LB195, section 92, as amended by  
 22 section 57, Legislative Bill 905, One Hundred Third Legislature,  
 23 Second Session, 2014, is amended to read:

24 Sec. 92. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 25 SERVICES

26 Program No. 32 - Medicaid Prescription Drug Act  
 27 Administration

	FY2013-14	FY2014-15
1 GENERAL FUND	473,700	476,050
2 FEDERAL FUND est.	473,698	476,048
3 PROGRAM TOTAL	947,398	952,098
4 SALARY LIMIT	352,093	355,382

5 The unexpended General Fund appropriation balance  
 6 existing on June 30, 2013, less \$500,000 is hereby reappropriated.

7 Sec. 4. Laws 2013, LB195, section 103, as amended by  
 8 section 60, Legislative Bill 905, One Hundred Third Legislature,  
 9 Second Session, 2014, is amended to read:

10 Sec. 103. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 11 SERVICES

12 Program No. 348 - Medical Assistance

	FY2013-14	FY2014-15
13 GENERAL FUND	703,688,424	775,093,326
14 CASH FUND	41,081,662	46,381,662

17	FEDERAL FUND est.	1,104,116,011	1,163,014,792
18	PROGRAM TOTAL	1,848,886,097	1,984,489,780

19 There is included in the appropriation to this program  
20 for FY2013-14 \$703,688,424 General Funds, \$41,081,662 Cash Funds,  
21 and \$1,104,116,011 Federal Funds estimate for state aid, which  
22 shall only be used for such purpose. There is included in the  
23 appropriation to this program for FY2014-15 \$775,093,326 General  
24 Funds, \$46,381,662 Cash Funds, and \$1,163,014,792 Federal Funds  
25 estimate for state aid, which shall only be used for such purpose.

26 There is included in the appropriation to this program  
27 for FY2013-14 \$4,765,896 Cash Funds for state aid for the  
1 continuation of the behavioral health provider rate increase  
2 and behavioral health provider rate increase for managed care,  
3 inpatient services, and residential treatment services provided  
4 with funds from the Nebraska Health Care Cash Fund. There  
5 is included in the appropriation to this program for FY2014-15  
6 \$4,765,896 Cash Funds for state aid for the continuation of the  
7 behavioral health provider rate increase and behavioral health  
8 provider rate increase for managed care, inpatient services,  
9 and residential treatment services provided with funds from the  
10 Nebraska Health Care Cash Fund.

11 There is included in the appropriation to this program  
12 for FY2013-14 \$450,000 Cash Funds from the Nebraska Health Care  
13 Cash Fund for a state plan amendment covering tobacco-use cessation  
14 in compliance with Title XIX of the federal Social Security  
15 Act. There is included in the appropriation to this program for  
16 FY2014-15 \$450,000 Cash Funds from the Nebraska Health Care Cash  
17 Fund for a state plan amendment covering tobacco-use cessation  
18 in compliance with Title XIX of the federal Social Security Act.  
19 The smoking cessation funding for FY2013-14 and FY2014-15 is for  
20 the costs of tobacco-use cessation counseling and tobacco-use  
21 cessation pharmaceuticals approved by the federal Food and Drug  
22 Administration for such purpose.

23 The Department of Health and Human Services shall send  
24 to the Appropriations Committee of the Legislature the quarterly  
25 network access report from the behavioral health managed care  
26 provider as required by the contract. Additionally, on October  
27 1, January 1, April 1, and July 1 of each year, the department  
1 shall report such rates of initial service authorizations,  
2 reauthorizations subsequent to initial service authorizations, and  
3 denials for behavioral health services broken out by the following  
4 age groups: Children under the age of 19; adults ages 19 to 64;  
5 and adults age 65 and older. The reports required to be submitted  
6 to the Appropriations Committee of the Legislature by this section  
7 shall be submitted electronically.

8 It is the intent of the Legislature that phased-down  
9 state contributions to the federal government as defined and  
10 required by the Medicare Prescription Drug, Improvement, and  
11 Modernization Act of 2003 may be made from appropriations to

- 12 this program.  
 13 There is included in the appropriation to this program  
 14 for FY2014-15 \$7,700,000 Cash Funds from funds transferred from the  
 15 University of Nebraska Medical Center and an estimated \$9,200,000  
 16 federal funds for supplemental payments to the ~~University of~~  
 17 Nebraska Medical Center. The payments are allowed pending the  
 18 approval of a Medicaid State Plan Amendment by the Centers for  
 19 Medicare and Medicaid.  
 20 There is included in the appropriation to this program  
 21 for FY2014-15 \$2,400,000 Cash Funds from the Health and Human  
 22 Services Cash Fund (Fund 22555) for FY2014-15.  
 23 Sec. 5. Original section 26, Legislative Bill 905, One  
 24 Hundred Third Legislature, Second Session, 2014, and Laws 2013,  
 25 LB195, sections 92 and 103, as amended by sections 57 and 60,  
 26 respectively, Legislative Bill 905, One Hundred Third Legislature,  
 27 Second Session, 2014, are repealed.  
 1 2. Renumber the remaining section accordingly.

The Mello amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 811.** Title read. Considered.

Committee AM2400, found on page 929, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 687.** Placed on Select File.

**LEGISLATIVE BILL 687A.** Placed on Select File with amendment.

ER195

- 1 1. On page 2, line 4, after "Commission" insert an
- 2 underscored comma.

**LEGISLATIVE BILL 712.** Placed on Select File.

**LEGISLATIVE BILL 714.** Placed on Select File.

**LEGISLATIVE BILL 739.** Placed on Select File.

**LEGISLATIVE BILL 757.** Placed on Select File.

**LEGISLATIVE BILL 758.** Placed on Select File.

**LEGISLATIVE BILL 777.** Placed on Select File.

**LEGISLATIVE BILL 766.** Placed on Select File.

**LEGISLATIVE BILL 806.** Placed on Select File.

(Signed) John Murante, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 539.** Introduced by Campbell, 25.

**PURPOSE:** The purpose of this resolution is to study whether the maximum payment rate in the Aid to Dependent Children (ADC) program, pursuant to section 43-512, is adequate to meet the goals of the Temporary Assistance for Needy Families (TANF) program, including keeping children in their own home. The study shall include, but not be limited to, an examination of the following:

- (1) The actual cost of living for families in Nebraska;
- (2) The adequacy of the maximum payment rate in the ADC program for families in Nebraska;
- (3) The payment rates and payment methodologies used in other states for TANF programs;
- (4) The impact of increasing the maximum payment rate in the ADC program for families and for eligibility for other assistance programs;
- (5) The effectiveness of the maximum payment rate in the ADC program in keeping children in their own home and out of the child welfare system; and
- (6) Any other related topics the study committee deems necessary or appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 540.** Introduced by Campbell, 25.

**PURPOSE:** Some individuals who have been dually diagnosed with intellectual or developmental disabilities and mental illness (I/DD and MI) or intellectual or developmental disabilities and behavioral health problems (I/DD and behavioral health problems) are not receiving effective habilitation or behavioral health services. This study's purposes are to:

- (1) Study the treatment and services for people dually diagnosed with I/DD and MI or I/DD and behavioral health problems, including people who are not eligible for I/DD and MI services based on the Department of Health and Human Services' interpretation of criteria and people who may be

eligible for one set of services but whose services, due to regulatory and other barriers, are inadequate to meet their needs;

(2) Consider the federal Patient Protection and Affordable Care Act's potential impacts; and

(3) Make recommendations for administrative or legislative action.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 541.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the implementation of educational stability plans for children in foster care under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 542.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study issues regarding the current guardian ad litem system. The study shall include, but not be limited to, an examination of the following:

(1) The role and impact of the guardian ad litem on the child welfare system;

(2) The state statutes and policies related to the requirements of providing a guardian ad litem to juveniles and adults;

(3) The costs incurred by counties and their ability to audit work for guardian ad litem; and

(4) The qualifications needed and required to serve as a guardian ad litem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee and Judiciary Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 543.** Introduced by Ashford, 20.

PURPOSE: The purpose of this resolution is to study any matters and issues arising during the interim which are within the jurisdiction of the Judiciary Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 544.** Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the fiscal impacts of unfunded mandates. This study shall include, but not be limited to, an examination of the following:

(1) The increased occurrence of unfunded mandates on local governments in the State of Nebraska;

(2) The budgetary implications of federal unfunded mandates on both the state and local levels;

(3) The budgetary implications of state unfunded mandates on both the state and local levels; and

(4) The impact of unfunded mandates on property tax rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.



**GENERAL FILE**

**LEGISLATIVE BILL 373.** Title read. Considered.

Committee AM1550, found on page 1757, First Session, 2013, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 923.** Title read. Considered.

Committee AM1977, found on page 574, was offered.

Senator Kolowski offered the following amendment to the committee amendment:

AM2319

(Amendments to Standing Committee amendments, AM1977)

- 1 1. On page 1, line 22, strike "2015" and insert "2016".
- 2 2. On page 2, line 2, strike "January 1, 2016" and insert
- 3 "August 31, 2017"; in line 17 strike "2015" and insert "2016"; and
- 4 in line 18 strike "2014-15" and insert "2015-16".

**SENATOR COASH PRESIDING**

The Kolowski amendment was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Adams filed the following amendment to LB438:

AM2624

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.
- 4 2. On page 1, line 8, strike "and"; and in line 9 after
- 5 "sections" insert "; and to declare an emergency".

Senator Adams filed the following amendment to LB438A:

AM2625

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 Section 1. There is hereby appropriated (1) \$81,544 from
- 4 the General Fund for FY2013-14, (2) \$776,832 from the General Fund
- 5 for FY2014-15, and (3) \$776,832 from the General Fund for FY2015-16
- 6 to the State Department of Education, for Program 25, to aid in
- 7 carrying out the provisions of Legislative Bill 438, One Hundred
- 8 Third Legislature, Second Session, 2014.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$14,798 for FY2013-14, \$60,523 for FY2014-15, or \$60,523 for
- 12 FY2015-16.
- 13 Sec. 2. Since an emergency exists, this act takes effect
- 14 when passed and approved according to law.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 545.** Introduced by Kolowski, 31.

**PURPOSE:** The purpose of this resolution is to study state-wide efforts that can be taken to improve Nebraska's access to local food supply and distribution networks. The study will focus on the following issues:

- (1) Economic development and entrepreneurial opportunities related to local food production and consumption;
- (2) Improved health outcomes;
- (3) Positive environmental quality impacts;
- (4) Increased access to, and distribution of, wholesome, local food;
- (5) Support for local producers of sustainable food products;
- (6) Identification, preservation, and sustainable development of local resources including soil, agricultural land, important breeds and cultivars, water, skilled labor, capital, and markets;
- (7) Increased education and awareness on the part of Nebraskans regarding the benefits of locally produced foods;
- (8) Access to land for beginner farmers;
- (9) Incentives for farmers to transition their land to non-family members and beginner farmers;
- (10) Zoning requirements to allow farmers to grow food on vacant lots in municipalities; and
- (11) Funding sources for schools to purchase local food.

The study committee shall work with interested individuals and organizations to develop a state-wide food system assessment by December 1, 2014. Questions asked in the food system assessment shall include, but not be limited to, the following:

- (1) How does the food we eat today make it from the farm to our plates?
- (2) How much food does our state produce for export?
- (3) How much could be locally grown and consumed?
- (4) How much do we currently spend on food?

- (5) How do our food purchases impact our health and economy?
- (6) Do all members of our community have access to wholesome food?
- (7) Could our food choices actually help shape a robust local economy?
- (8) What is our food security?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 546.** Introduced by Kolowski, 31.

PURPOSE: (1) The purpose of this resolution is to review existing state and local programs and policies on expanded learning opportunities and make recommendations to the Legislature and State Department of Education on model approaches, including, but not limited to, the following areas:

- (a) Methods of improving program quality and impact from national and local program evaluations and best practices;
- (b) Available public and private funding sources for expanded learning opportunities;
- (c) The alignment of efforts between the State Department of Education, the nonprofit sector, and the private sector on expanded learning opportunities;
- (d) Opportunities for coordination and collaboration, including data-sharing, between school districts and community-based expanded learning opportunity programs;
- (e) Methods of improving quality and retention in the expanded learning opportunity workforce, including enhancing opportunities for professional development and technical assistance;
- (f) Methods to increase access for all children and families to high-quality expanded learning opportunities; and
- (g) Public and private support to build a sustainable infrastructure for expanded learning opportunities.

(2) The State Department of Education, the Nebraska Commission on Law Enforcement and Criminal Justice, the Division of Children and Family Services of the Department of Health and Human Services, the Department of Labor, and the Department of Economic Development shall work with the Education Committee of the Legislature to clarify a comprehensive system of accounting and reporting of all state and federal funding directly expended on expanded learning opportunities and the programs supported by such funding not later than September 1, 2014.

(3) The committee shall also consult with and solicit input from individuals and entities, including, but not limited to, Beyond School Bells, the Nebraska Chamber of Commerce and Industry, the Office of Probation

Administration, the state colleges, the community colleges, foundations, the Nebraska Elementary and Secondary School Finance Authority, the Nebraska Association of School Boards, the Nebraska Council of School Administrators, the Nebraska State Education Association, the Nebraska Association for the Education of Young Children, the Nebraska Children and Families Foundation, the League of Nebraska Municipalities, the Nebraska Rural Community Schools Association, the University of Nebraska-Lincoln Extension division relating to 4-H, the University of Nebraska-Lincoln National Center for Research on Rural Education, city-level expanded learning opportunities intermediaries, other local and national organizations serving youth, and other interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 547.** Introduced by Smith, 14; Ashford, 20; Lathrop, 12; Mello, 5.

**PURPOSE:** The purpose of this resolution is to study the issues surrounding labor shortage areas in the state and the opportunities available to Nebraska's future workforce to develop the skills necessary to fill such career positions. The study shall examine, but not be limited to, the following:

- (1) An identification of regional industry needs in the state;
- (2) The career education programs in Nebraska's public school system and the amount of local and state funding supporting those programs;
- (3) The prevalence of labor apprenticeship programs in the state and the extent to which those programs are able to partner with public school systems;
- (4) The involvement and support of regional business communities in the advancement of career education programs and labor apprenticeship programs;
- (5) An examination of public-private partnership opportunities for the development of a comprehensive and aggressive workforce training initiative for Nebraska, including an examination of similar initiatives in other states; and
- (6) An examination of the relevant rules that affect the credentialing of education centers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature, in consultation with the Education Committee of the Legislature, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 548.** Introduced by Coash, 27.

**PURPOSE:** To review, investigate, and assess how the State of Nebraska can improve the coordination and provision of child welfare services for Native American children and families. This study shall include, but not be limited to, an examination of the following:

- (1) The intersection of tribal and state child welfare and court systems, including consistency in implementing the federal Indian Child Welfare Act;
- (2) The resources available for tribal social services programs;
- (3) The barriers that prevent tribal participation in state court;
- (4) The number of culturally appropriate foster and adoptive homes for Nebraska children under the Nebraska Indian Child Welfare Act; and
- (5) Best practices from other states.

The study committee shall consult with stakeholders including, but not limited to, the Nebraska Indian Child Welfare Act Coalition, the Division of Children and Family Services of the Department of Health and Human Services, representatives from the Omaha, Santee Sioux, Winnebago, and Ponca tribes of Nebraska, state and tribal court judges, the Commission on Indian Affairs, and the Nebraska County Attorneys Association.

In holding public hearings by utilizing the authority provided by section 50-406 and the Rules of the Nebraska Unicameral Legislature, at least one public hearing should be conducted on a Native American reservation, if possible, to ensure the committee has full access to the tribes' collective experience and expertise in effectuating the federal and state Indian child welfare acts.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Health and Human Services Committee, Judiciary Committee, and State-Tribal Relations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 549.** Introduced by Bloomfield, 17.

PURPOSE: The purpose of this resolution is to study issues relating to Game and Parks Commission (Commission) funding. The study shall include, but not be limited to, an examination of the following:

- (1) All revenue sources for the Commission and where all funds are allocated;
- (2) All expenses for the Commission and whether they are recurring or one-time expenses;
- (3) Possible long-term funding sources for the Commission; and
- (4) Whether the purchase of farm or ranch land by the Commission is truly in support of its mission and in the best interests of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **GENERAL FILE**

**LEGISLATIVE BILL 719.** Title read. Considered.

Committee AM1787, found on page 446, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Crawford offered her amendment, AM2066, found on page 654.

The Crawford amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

### **AMENDMENTS - Print in Journal**

Senator Nordquist filed the following amendment to LB943:  
AM2200

(Amendments to Standing Committee amendments, AM1922)

- 1 1. Insert the following section:
- 2 Section 1. Section 48-1202, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-1202 For purposes of the Wage and Hour Act, unless the
- 5 context otherwise requires:

6 (1) Employ shall include to permit to work;  
7 (2) Employer shall include any individual, partnership,  
8 limited liability company, association, corporation, business  
9 trust, legal representative, ~~or~~ organized group of persons,  
10 employing or enterprise whose annual gross volume of sales made  
11 or business done is not less than five hundred thousand dollars,  
12 that employs at least four or more employees at any one time  
13 except for seasonal employment of not more than twenty weeks in  
14 any calendar year, acting directly or indirectly in the interest of  
15 as an employer in relation to an employee. Employer, but shall not  
16 include the United States, the state, or any political subdivision  
17 thereof;

18 (3) Employee shall include any individual employed by any  
19 employer but shall not include:

20 (a) Any individual employed in agriculture;

21 (b) Any individual employed as a baby-sitter in or about  
22 a private home;

1 (c) Any individual employed in a bona fide executive,  
2 administrative, or professional capacity or as a superintendent or  
3 supervisor;

4 (d) Any individual employed by the United States or by  
5 the state or any political subdivision thereof;

6 (e) Any individual engaged in the activities of an  
7 educational, charitable, religious, or nonprofit organization when  
8 the employer-employee relationship does not in fact exist or when  
9 the services rendered to such organization are on a voluntary  
10 basis;

11 (f) Apprentices and learners otherwise provided by law;

12 (g) Veterans in training under supervision of the United  
13 States Department of Veterans Affairs;

14 (h) A child in the employment of his or her parent or a  
15 parent in the employment of his or her child; or

16 (i) Any person who, directly or indirectly, is receiving  
17 any form of federal, state, county, or local aid or welfare and  
18 who is physically or mentally disabled and employed in a program of  
19 rehabilitation, who shall receive a wage at a level consistent with  
20 his or her health, efficiency, and general well-being;

21 (4) Occupational classification shall mean a  
22 classification established by the Dictionary of Occupational  
23 Titles prepared by the United States Department of Labor; and

24 (5) Wages shall mean all remuneration for personal  
25 services, including commissions and bonuses and the cash value  
26 of all remunerations in any medium other than cash.

27 2. On page 3, line 20, strike "48-1203" and insert  
1 "48-1202, 48-1203,".

2 3. Renumber the remaining sections accordingly.

Senator Lathrop filed the following amendment to LB923:

AM2057

(Amendments to Standing Committee amendments, AM1977)

1 1. Insert the following new sections:

2 Sec. 5. Section 71-9104, Revised Statutes Cumulative

3 Supplement, 2012, is amended to read:

4 71-9104 (1) Each approved or accredited public, private,

5 denominational, or parochial school shall:

6 (a) Make available training approved by the chief medical  
7 officer on how to recognize the symptoms of a concussion or brain  
8 injury and how to seek proper medical treatment for a concussion or  
9 brain injury to all coaches of school athletic teams; ~~and~~

10 (b) Require that concussion and brain injury information  
11 be provided on an annual basis to students and the students'  
12 parents or guardians prior to such students initiating practice or  
13 competition. The information provided to students and the students'  
14 parents or guardians shall include, but need not be limited to:

15 (i) The signs and symptoms of a concussion;

16 (ii) The risks posed by sustaining a concussion; and

17 (iii) The actions a student should take in response to  
18 sustaining a concussion, including the notification of his or her  
19 coaches; ~~and~~

20 (c) Establish a return to learn protocol for students  
21 that have sustained a concussion. The return to learn protocol  
22 shall recognize that students who have sustained a concussion and  
1 returned to school may need informal or formal accommodations,  
2 modifications of curriculum, and monitoring by medical or academic  
3 staff until the student is fully recovered.

4 (2)(a) A student who participates on a school athletic  
5 team shall be removed from a practice or game when he or she  
6 is reasonably suspected of having sustained a concussion or brain  
7 injury in such practice or game after observation by a coach  
8 or a licensed health care professional who is professionally  
9 affiliated with or contracted by the school. Such student shall  
10 not be permitted to participate in any school supervised team  
11 athletic activities involving physical exertion, including, but  
12 not limited to, practices or games, until the student (i) has  
13 been evaluated by a licensed health care professional, (ii) has  
14 received written and signed clearance to resume participation in  
15 athletic activities from the licensed health care professional, and  
16 (iii) has submitted the written and signed clearance to resume  
17 participation in athletic activities to the school accompanied  
18 by written permission to resume participation from the student's  
19 parent or guardian.

20 (b) If a student is reasonably suspected after  
21 observation of having sustained a concussion or brain injury and is  
22 removed from an athletic activity under subdivision (2)(a) of this  
23 section, the parent or guardian of the student shall be notified by  
24 the school of the date and approximate time of the injury suffered



25 by the student, the signs and symptoms of a concussion or brain  
26 injury that were observed, and any actions taken to treat the  
27 student.

1 (c) Nothing in this subsection shall be construed to  
2 require any school to provide for the presence of a licensed health  
3 care professional at any practice or game.

4 (d) The signature of an individual who represents that  
5 he or she is a licensed health care professional on a written  
6 clearance to resume participation that is provided to a school  
7 shall be deemed to be conclusive and reliable evidence that the  
8 individual who signed the clearance is a licensed health care  
9 professional. The school shall not be required to determine or  
10 verify the individual's qualifications.

11 Sec. 6. Original section 71-9104, Revised Statutes  
12 Cumulative Supplement, 2012, is repealed.

### VISITORS

Visitors to the Chamber were 59 fourth-grade students and teachers from Cottonwood Elementary, Omaha; 43 fourth-grade students, teachers, and sponsors from Lincoln Elementary, Beatrice; 25 twelfth-grade students and teacher from Overton; 22 students from TeenPact Leadership Schools from across the United States; Jessica Batchelor from Omaha, Laurel Nitzel from Hastings, and Hannah Wamhoff from Papillion; Senator Watermeier's mother, Lois, from Syracuse, and aunt, Carol Rystrom, from Lincoln; and Madison and Patty Calhoun from Whitney.

### ADJOURNMENT

At 6:48 p.m., on a motion by Senator Kintner, the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTIETH DAY - MARCH 26, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 26, 2014

**PRAYER**

The prayer was offered by Pastor Russell Foust, Grace United Methodist Church, Kennard.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Adams, Carlson, Coash, Conrad, Cook, Karpisek, Kolowski, Lautenbaugh, Mello, Murante, Nordquist, Pirsch, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth day was approved.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 550.** Introduced by Davis, 43; Ashford, 20; Avery, 28; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Conrad, 46; Crawford, 45; Dubas, 34; Garrett, 3; Gloor, 35; K. Haar, 21; Hadley, 37; Hansen, 42; B. Harr, 8; Howard, 9; Johnson, 23; Karpisek, 32; Kintner, 2; Kolowski, 31; Krist, 10; Larson, 40; Lathrop, 12; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Murante, 49; Nelson, 6; Nordquist, 7; Pirsch, 4; Scheer, 19; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14; Sullivan, 41; Wallman, 30; Wightman, 36.

WHEREAS, the University of Nebraska women's basketball team won the 2014 Big Ten Conference Women's Basketball Tournament Championship; and

WHEREAS, Jordan Hooper of Alliance was named Big Ten Conference Women's Basketball Player of the Year; and

WHEREAS, the University of Nebraska women's basketball team finished the regular season 25-6 and qualified for a third consecutive NCAA Tournament.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the University of Nebraska women's basketball team on winning the 2014 Big Ten Conference Women's Basketball Tournament Championship and further congratulates Jordan Hooper on being named Big Ten Conference Women's Basketball Player of the Year.

2. That a copy of this resolution be sent to the University of Nebraska women's basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 551.** Introduced by Lathrop, 12.

PURPOSE: The purpose of this resolution is to examine the enforcement of section 48-2909 with regard to the Employee Classification Act. The study shall examine the need for further enforcement and the effect misclassification has on multiple facets of business and labor in Nebraska, including its impact on state revenue, industries, and Nebraska communities. The study shall investigate actions to mitigate the problem, including enforcement of current law and possible statutory changes. This study shall include, but not be limited to, the following issues:

(1) The number of times and surrounding circumstances that have triggered section 48-2909 and enforcement of the Employee Classification Act;

(2) A research and overview of current tax policy related to misclassification and potential loss of state revenue as a result;

(3) Identifying the direct and indirect effects of misclassification on certain industries; and

(4) Ascertaining the result of misclassification on Nebraska communities and if it has caused complications such as the lack of workers' compensation and unemployment insurance, wage theft, and other employment uncertainties commonly accompanied with misclassification.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTIONS - Confirmation Reports**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1009:

Stem Cell Research Advisory Committee  
Joyce Bischoff

Voting in the affirmative, 28:

Ashford	Chambers	Gloor	Krist	Seiler
Avery	Christensen	Haar, K.	Lathrop	Sullivan
Bloomfield	Crawford	Harms	McCoy	Watermeier
Bolz	Davis	Harr, B.	McGill	Wightman
Brasch	Dubas	Howard	Nelson	
Campbell	Garrett	Johnson	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Hadley	Janssen	Larson	Smith
Hansen	Kintner	Scheer	Wallman

Excused and not voting, 13:

Adams	Conrad	Kolowski	Murante	Schilz
Carlson	Cook	Lautenbaugh	Nordquist	
Coash	Karpisek	Mello	Pirsch	

The appointment was confirmed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1010:

State Board of Health  
Shane M. Fleming  
Paul L. Salansky Jr.

Voting in the affirmative, 30:

Ashford	Dubas	Johnson	McGill	Seiler
Bloomfield	Gloor	Kintner	Nelson	Smith
Bolz	Haar, K.	Kolowski	Nordquist	Sullivan
Brasch	Harms	Krist	Pirsch	Wallman
Campbell	Harr, B.	Lathrop	Scheer	Watermeier
Christensen	Howard	McCoy	Schumacher	Wightman

Voting in the negative, 0.

Present and not voting, 12:

Avery	Crawford	Hadley	Karpisek
Chambers	Davis	Hansen	Larson
Conrad	Garrett	Janssen	Mello

Excused and not voting, 7:

Adams	Coash	Lautenbaugh	Schilz
Carlson	Cook	Murante	

The appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1010:

Commission for the Deaf and Hard of Hearing

Regina "Gina" Frerichs

John Hogue

Carol Lomicky

Voting in the affirmative, 35:

Adams	Chambers	Hadley	Krist	Schumacher
Ashford	Conrad	Harms	Lathrop	Seiler
Avery	Crawford	Howard	McGill	Smith
Bloomfield	Davis	Johnson	Nelson	Sullivan
Bolz	Garrett	Karpisek	Nordquist	Wallman
Brasch	Gloor	Kintner	Pirsch	Watermeier
Campbell	Haar, K.	Kolowski	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Christensen	Hansen	Janssen	McCoy
Dubas	Harr, B.	Larson	Mello

Excused and not voting, 6:

Carlson	Cook	Murante
Coash	Lautenbaugh	Schilz

The appointments were confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1010:

Commission for the Blind and Visually Impaired  
Robert L. Newman

Voting in the affirmative, 30:

Adams	Chambers	Haar, K.	Kolowski	Scheer
Ashford	Conrad	Hadley	Krist	Schumacher
Avery	Crawford	Harms	McGill	Seiler
Bolz	Davis	Howard	Nelson	Sullivan
Brasch	Garrett	Karpisek	Nordquist	Watermeier
Campbell	Gloor	Kintner	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 14:

Bloomfield	Hansen	Johnson	McCoy	Smith
Christensen	Harr, B.	Larson	Mello	Wallman
Dubas	Janssen	Lathrop	Schilz	

Excused and not voting, 5:

Carlson	Coash	Cook	Lautenbaugh	Murante
---------	-------	------	-------------	---------

The appointment was confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1010:

Nebraska Rural Health Advisory Commission  
Brian Buhlke  
Jessye Goertz

Voting in the affirmative, 30:

Ashford	Conrad	Haar, K.	Kolowski	Scheer
Bolz	Cook	Hadley	Krist	Schumacher
Brasch	Crawford	Harms	McGill	Seiler
Campbell	Davis	Howard	Nelson	Sullivan
Chambers	Garrett	Karpisek	Nordquist	Watermeier
Christensen	Gloor	Kintner	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 15:

Adams	Dubas	Janssen	Lathrop	Schilz
Avery	Hansen	Johnson	McCoy	Smith
Bloomfield	Harr, B.	Larson	Mello	Wallman

Excused and not voting, 4:

Carlson      Coash      Lautenbaugh      Murante

The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on pages 1010 and 1011:

Crime Victim's Reparations Committee  
G. Randall "Rand" Hansen  
Rita G. Sanders

Voting in the affirmative, 31:

Adams	Christensen	Gloor	Krist	Sullivan
Ashford	Coash	Haar, K.	Nelson	Watermeier
Avery	Conrad	Hadley	Nordquist	Wightman
Bolz	Cook	Harms	Pirsch	
Brasch	Crawford	Howard	Scheer	
Campbell	Davis	Kintner	Schumacher	
Chambers	Garrett	Kolowski	Seiler	

Voting in the negative, 0.

Present and not voting, 15:

Bloomfield	Harr, B.	Karpisek	McCoy	Schilz
Dubas	Janssen	Larson	McGill	Smith
Hansen	Johnson	Lathrop	Mello	Wallman

Excused and not voting, 3:

Carlson      Lautenbaugh      Murante

The appointments were confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on pages 1047 and 1048:

Nebraska Tourism Commission  
Lisa Burke



John P. Chapo  
 Roger L. Jasnoch  
 Debra Nelson-Loseke

Voting in the affirmative, 36:

Adams	Coash	Hansen	McCoy	Sullivan
Avery	Conrad	Harms	McGill	Wallman
Bloomfield	Cook	Howard	Pirsch	Watermeier
Bolz	Crawford	Johnson	Scheer	Wightman
Brasch	Garrett	Kintner	Schilz	
Campbell	Gloor	Kolowski	Schumacher	
Chambers	Haar, K.	Krist	Seiler	
Christensen	Hadley	Lathrop	Smith	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Dubas	Janssen	Larson	Nelson
Davis	Harr, B.	Karpisek	Mello	Nordquist

Excused and not voting, 3:

Carlson      Lautenbaugh      Murante

The appointments were confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

#### **GENERAL FILE**

**LEGISLATIVE BILL 1115A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 867A.** ER174, found on page 916, was adopted.

Senator Hadley offered his amendment, AM2572, found on page 1011.

The Hadley 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.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 552.** Introduced by Ashford, 20.

**PURPOSE:** The purpose of this resolution is to study Nebraska's juvenile courts, especially juvenile courts within Douglas County. The study should include a thorough examination of the following:

- (1) Juvenile court case loads;
- (2) Juvenile court jurisdiction;
- (3) Collaboration with other county courts;
- (4) The role of a juvenile assessment center;
- (5) Alternatives to incarceration;
- (6) The number of motions to transfer and the number of cases transferred to adult court from juvenile court and from adult court to juvenile court;
- (7) The number of juveniles placed on juvenile probation, the number of juveniles on probation in out-of-home care, the number of juveniles completing probation, the number of motions to revoke probation and probation revocations, and the average length of time on probation;
- (8) The number of juveniles prosecuted for felonies, misdemeanors, and traffic offenses;
- (9) Juvenile access to counsel in juvenile and adult court, both appointed and retained; and
- (10) Other pertinent matters of or relating to juvenile incarceration and reducing recidivism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 553.** Introduced by Ashford, 20.

**PURPOSE:** The purpose of this resolution is to study the issue of drivers' licenses for young Nebraskans who have been granted Deferred Action for Childhood Arrivals (DACA) by the Department of Homeland Security. The study shall include the following:

- (1) A review of state and federal policies related to the provision of drivers' licenses for various categories of immigrants who are lawfully present in the United States;
- (2) Inquiry into the effect the current practice of denying licenses to DACA recipients by the Department of Motor Vehicles has on community members and their ability to work and attend college; and

(3) Research concerning the public safety implications of denying licenses to Nebraskans who are lawfully present, including risks pertaining to untrained and uninsured drivers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 554.** Introduced by Howard, 9; McGill, 26.

**PURPOSE:** The purpose of this resolution is to gather information and study the possible existence and extent of labor trafficking in the State of Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) Data and information collected from agencies relevant to an examination of labor trafficking in Nebraska including, but not limited to, from the Commission on Latino-Americans, Department of Labor, Department of Agriculture, Nebraska Commission on Law Enforcement and Criminal Justice, and the human trafficking task force established pursuant to section 81-1430;

(2) Current available research and data about labor trafficking in Nebraska;

(3) Whether and where a research deficit may exist;

(4) Input from stakeholders regarding the problems, causes, and solutions moving forward; and

(5) Any other issues that the study committee deems relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 555.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this resolution is to examine how cities and villages provide services to residents located in the extraterritorial

jurisdiction or sanitary improvement districts of such cities and villages, whether through interlocal agreements or by other means. The study shall include, but not be limited to, an examination of the following:

- (1) The type and extent of services provided by cities and villages across Nebraska to residents located in the extraterritorial jurisdiction or sanitary improvement districts of such cities and villages;
- (2) The cost for providing such services;
- (3) Barriers, if any, to providing such services; and
- (4) Policies and practices in other states on this subject.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 859.** Placed on Select File.

**LEGISLATIVE BILL 781.** Placed on Select File.

**LEGISLATIVE BILL 753.** Placed on Select File with amendment.  
ER196

- 1 1. On page 3, strike line 4 and insert "subdivisions
- 2 (a)(1), (4), and (5) of this section and".

**LEGISLATIVE BILL 774.** Placed on Select File with amendment.  
ER198

- 1 1. On page 1, line 1, strike beginning with "annual"
- 2 through "with"; and in line 5 after "amended" insert "annual or
- 3 biennial".

**LEGISLATIVE BILL 698.** Placed on Select File.

**LEGISLATIVE BILL 736.** Placed on Select File with amendment.  
ER201

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 76-2322, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 76-2322 An excavator shall serve notice of intent to
- 6 excavate upon the center by ~~calling the center's toll-free~~
- 7 ~~telephone number-~~ submitting a locate request using a method
- 8 provided by the center. The center shall inform the excavator

9 of all operators to whom such notice will be transmitted and  
 10 shall promptly transmit such notice to every operator having an  
 11 underground facility in the area of intended excavation. The center  
 12 shall assign an identification number to each notice received.

13 Sec. 2. Section 76-2330, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 76-2330 The center shall:

16 (1) Maintain adequate records documenting compliance with  
 17 the requirements of the One-Call Notification System Act, including  
 18 records of all telephone calls and records of all ~~location-locate~~  
 19 requests for the preceding five years which will be made available  
 20 and printed upon request of an operator or excavator;

21 (2) Provide the notification service during normal  
 22 working hours at a minimum; and

23 (3) Provide procedures for emergency notification for  
 1 calls received at other than normal working hours.

2 Sec. 3. Original sections 76-2322 and 76-2330, Reissue  
 3 Revised Statutes of Nebraska, are repealed.

4 2. On page 1, strike lines 2 through 4 and insert  
 5 "sections 76-2322 and 76-2330, Reissue Revised Statutes of  
 6 Nebraska; to change requirements for serving notice of intent to  
 7 excavate; to harmonize provisions; and to repeal the original  
 8 sections."

**LEGISLATIVE BILL 702.** Placed on Select File with amendment.  
 ER203

1 1. On page 4, lines 18 and 22, strike "village" and  
 2 insert "city".

3 2. On page 6, line 7, after "the" insert "number of".

4 3. On page 10, line 4, strike "(2)", show as stricken,  
 5 and insert "(4)"; and in line 8 strike "(3)", show as stricken, and  
 6 insert "(5)".

**LEGISLATIVE BILL 697.** Placed on Select File.

**LEGISLATIVE BILL 683.** Placed on Select File.

**LEGISLATIVE BILL 798.** Placed on Select File.

**LEGISLATIVE BILL 989.** Placed on Select File with amendment.  
 ER202

1 1. On page 1, strike beginning with "77-385" in line 2  
 2 through "to" in line 3 and insert "77-382, 77-385, and 81-125,  
 3 Revised Statutes Supplement, 2013; to change requirements for the  
 4 tax expenditure report and".

**LEGISLATIVE BILL 792.** Placed on Select File.

**LEGISLATIVE BILL 816.** Placed on Select File with amendment.  
ER200

- 1 1. On page 1, line 1, strike "evidence of insurance" and
- 2 insert "the Motor Vehicle Registration Act".

**LEGISLATIVE BILL 750.** Placed on Select File.

**LEGISLATIVE BILL 876.** Placed on Select File with amendment.  
ER199

- 1 1. On page 1, strike beginning with "prohibit" in line 1
- 2 through line 3 and insert "require a bodily injury exception from a
- 3 pollutant exclusion in a property insurance policy."

**LEGISLATIVE BILL 1039.** Placed on Select File.

**LEGISLATIVE BILL 701.** Placed on Select File.

(Signed) John Murante, Chairperson

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1042A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1042, One Hundred Third Legislature, Second Session, 2014; to state intent; and to declare an emergency.

### **AMENDMENT - Print in Journal**

Senator Nordquist filed the following amendment to LB1042:  
AM2596 is available in the Bill Room.

### **NOTICE OF COMMITTEE HEARING** Health and Human Services

Room 1510

Thursday, April 3, 2014 12:00 p.m.

Martin Fattig - Nebraska Rural Health Advisory Commission  
Richard Lee Robinson - State Board of Health  
Joshua M. Vest - State Board of Health

(Signed) Kathy Campbell, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 907.** Title read. Considered.

Committee AM2376, found on page 886, was offered.

Senator Ashford withdrew his amendment, AM2576, found on page 1060.

Senator Ashford offered his amendment, AM2578, found on page 1074, to the committee amendment.

Pending.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 556.** Introduced by B. Harr, 8.

**PURPOSE:** The purpose of this resolution is to study local use of property taxes to examine the fiscal relationship between state and local governments and the impact on our schools and justice system.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 557.** Introduced by B. Harr, 8.

**PURPOSE:** The purpose of this resolution is to study the need to appropriate funds to Memorial Park in Omaha, Nebraska, for improvements to the park and to examine ways to honor our veterans.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 558.** Introduced by B. Harr, 8.

**PURPOSE:** The purpose of this resolution is to study ways the state and municipalities can encourage the development of community gardens, including providing spaces for gardening on public lands, ensuring the existence of consistent funding sources, and simplifying bureaucratic requirements. Community gardens can provide readily available sources of fresh, healthy foods to communities that may lack easy access to affordable sources of fruits and vegetables. Community gardens also can serve as an important outdoor exercise and recreation opportunity for citizens and can create more welcoming and attractive neighborhoods.

The study will examine best practices and programs for encouraging community gardens from other states and how those states utilize their programs.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 559.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this resolution is to study issues surrounding the Medicaid Reform Council. This study shall include, but not be limited to, an examination of the following:

(1) The structure, membership, and duties of the Medicaid Reform Council set forth in section 68-948;

(2) Changing demographics in the state and the need to reform Nebraska's medicaid program to address these changes;

(3) Recent federal changes to medicaid and the modifications necessary to implement these changes at the state level;

(4) Potential medicaid reforms including cost-sharing, health care delivery, coordinated care, patient-centered medical homes, and other innovations; and

(5) Whether such reforms should be implemented in Nebraska's current medicaid program.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.



2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 560.** Introduced by Schilz, 47.

**PURPOSE:** The purpose of this resolution is to provide a forum for receiving the dairy industry report authorized pursuant to LB941, which was enacted during the 2014 legislative session. It is intended that the study committee conduct a public hearing for the presentation of the report and to receive public comment on the report content. It is a goal of this resolution to engage stakeholders in the growth and development of dairy production and processing in Nebraska and to utilize the information and recommendations of the report to develop strategies to stimulate and support growth in Nebraska's dairy sector.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 561.** Introduced by Schilz, 47.

**PURPOSE:** The purpose of this resolution is to examine the role and value of private veterinarians in assisting law enforcement in carrying out duties under the Livestock Animal Welfare Act. The study shall examine constraints and liabilities of veterinary professionals when assisting law enforcement in investigation of incidents of animal abuse and neglect, and whether such constraints and liabilities are a deterrent to veterinarians offering their services to advise law enforcement in such situations.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 562.** Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the adequacy of revenue supporting the licensure and enforcement of the Commercial Dog and Cat Operator Inspection Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 563.** Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to examine vertical coordination in the pork industry, including the methods by which vertical coordination between the producing and processing sectors occurs, economic factors that contribute to vertical coordination, and the prevalence of the use of forward marketing commitments by producers via production or marketing contracts. The study shall compare swine marketing characteristics between Nebraska and surrounding states, and nationally, and identify trends in pork production characteristics in Nebraska and nationally. The study shall seek to determine sourcing of slaughter swine by Nebraska processors and whether restrictions on packer ownership of livestock under the Competitive Livestock Markets Act have implications for the continued competitiveness of packing operations in Nebraska and continued investment in packing facilities in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 564.** Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to identify issues positively or negatively affecting producer welfare associated with marketing and production contracting and to examine regulatory and statutory provisions governing packer procurement of swine through marketing or production contracting under the federal Packers and Stockyards Act and in other states.

The study shall further examine the extent of slaughter and marketing venues other than delivery to major packing companies, including direct marketing and consumer organized procurement, that are available to Nebraska producers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 565.** Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether adding antidepressant, antipsychotic, and anticonvulsant drugs to the medicaid preferred drug list would be of benefit to Nebraska medicaid or Nebraska medicaid clients. The study shall include, but not be limited to, an examination of the following:

- (1) Whether any of these drugs are available in a generic form;
- (2) Whether Nebraska medicaid clients would benefit from inclusion of some or all of these drugs on the preferred drug list; and
- (3) Whether Nebraska medicaid would be able to negotiate a lesser cost or increased rebate on these drugs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 566.** Introduced by Hadley, 37.

PURPOSE: The purpose of this resolution is to study the methods used by other states to determine the taxable value of agricultural land. The study shall compare Nebraska valuation results with valuation results obtained under methods used in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 567.** Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study potential funding sources for the Great Plains Black History Museum, Science and Technology Center in Omaha, Nebraska. This study shall include, but not be limited to, an examination of the following issues:

- (1) Existing funding sources available for the museum;
- (2) New funding sources that could be developed to support the museum;
- (3) The potential economic and educational impact of investing in the museum;
- (4) By their mutual support, how the State of Nebraska, the city of Omaha, and Douglas County can play a key role in the museum's development;
- (5) How the museum can tap into the \$40 billion spent nationally in the African American travel market, bringing in new tourist dollars to Omaha and Nebraska;
- (6) How the museum can benefit the surrounding area and Omaha at large;
- (7) How school districts, colleges, and universities in the state can benefit from the museum in their curriculum and programs;
- (8) How museums across Nebraska can link up with the Great Plains Black History Museum, Science and Technology Center, its educational programs, and the Science on a Sphere STEM program; and
- (9) How the museum can for the first time tell the important story of African American settlement in Nebraska and the Great Plains.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 568.** Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study options for the creation of a Nebraska educational trust fund for the purpose of stabilizing the availability of state aid to education when there is a significant decline in

state sales and income tax revenue. The study shall include, but not be limited to, an examination of the following:

(1) Strategies the State of Nebraska could use to ensure there is an adequate and continual level of funding for state aid to public schools under the Tax Equity and Educational Opportunities Support Act and for other education-related funding priorities;

(2) Various mechanisms utilized in providing a stable funding source for state aid to education in other states; and

(3) Additional dedicated sources of revenue which could be considered in funding an educational trust fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 569.** Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the professional development of forensic science in Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) Formulating a medical examiner's system;

(2) Mandating accreditation for forensic laboratories for those that are providing forensic testimony;

(3) Additional funding sources for forensic science; and

(4) DNA testing for felony arrests.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 570.** Introduced by Hadley, 37.

PURPOSE: The purpose of this resolution is to study the compliance and enforcement issues relative to Nebraska's tax incentive programs. This study shall include, but not be limited to:

(1) An examination of the qualification requirements to participate in the programs as well as the ongoing compliance requirements;

(2) An examination of the administrative and enforcement requirements imposed on the Department of Revenue; and  
(3) A review of the utilization of the various programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 571.** Introduced by Hadley, 37.

PURPOSE: The purpose of this resolution is to study Nebraska's individual and corporate income tax systems. This study shall include, but not be limited to:

(1) An examination of the exclusions, deductions, and credits currently allowed;

(2) A review of other states' income tax systems, particularly those that have recently revised their income tax system; and

(3) A review of potential federal income tax changes that may directly affect Nebraska's income tax system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 572.** Introduced by Hadley, 37.

PURPOSE: The purpose of this resolution is to study Nebraska's sales and use tax base. This study shall include, but not be limited to:

(1) An examination of consumer services that are currently not subject to tax;

(2) A review of other states' taxation of consumer services; and

(3) A review of economic studies regarding expansion of the sales tax base to consumer services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 573.** Introduced by Hadley, 37.

PURPOSE: The purpose of this resolution is to study Nebraska's state aid programs to cities, counties, and other political subdivisions. This study shall include, but not be limited to:

- (1) An examination of state-imposed mandates on local governments;
- (2) A review of local government costs to implement and administer such mandates; and
- (3) A review of economic studies regarding state and local revenue sharing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 574.** Introduced by Coash, 27.

PURPOSE: According to statistics provided by the Hearing Loss Association of America, about 20% of adults in the United States, or approximately 48 million people, report some degree of hearing loss. At age 65, one out of three people has a hearing loss. In Nebraska, approximately 18,560 people or 1% of the population are deaf, 167,040 people or 9% of the population are hard of hearing, and 371,200 people or 20% of the population have an associated hearing loss. The purpose of this resolution is to study the needs of Nebraska citizens who are deaf and hard of hearing.

People who experience deafness or hearing loss rarely receive natural communication which creates isolation. The necessity of living in any residential facility is a challenge in the best of circumstances, but for people who are deaf or hard of hearing, the isolation is overwhelming, often leaving them without the ability to carry on a conversation with anyone, including their own peers.

The study committee shall explore the need for fully integrated residential services for people who are deaf and hard of hearing including the need for group homes for persons with developmental disabilities, people with mental illness, and the aging.

The study committee shall consult with the Commission for the Deaf and Hard of Hearing, assisted living associations, developmentally disabled providers, the Nebraska Planning Council on Developmental Disabilities, the Nebraska Health Care Association, and the deaf and hard of hearing community in carrying out the purposes of this study.

This study shall include a review of any Department of Health and Human Services (DHHS) statewide survey of developmentally disabled residential providers, assisted living communities, and nursing home facilities to determine the number of deaf and hard of hearing people living in such facilities and where these facilities are located. The DHHS survey data will be used to frame future needs for people who are deaf and hard of hearing to include, but not be limited to, the need for creating a group home designed for people who are deaf and hard of hearing, and the need for establishing a special unit within a nursing home for deaf residents.

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.

#### **GENERAL FILE**

**LEGISLATIVE BILL 907.** The Ashford amendment, AM2578, found on page 1074 and considered in this day's Journal, to the committee amendment, was renewed.

#### **SENATOR WATERMEIER PRESIDING**

#### **SENATOR GLOOR PRESIDING**

The Ashford amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Committee AM2376, found on page 886 and considered in this day's Journal, as amended, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.



**RESOLUTIONS****LEGISLATIVE RESOLUTION 575.** Introduced by Mello, 5.

**PURPOSE:** The purpose of this resolution is to study issues surrounding in-home personal services. This study shall include, but not be limited to, an examination of the following:

(1) Nebraska's in-home personal services statutes set forth in sections 71-6501 to 71-6504;

(2) The benefits of in-home personal services provided to aging Nebraskans;

(3) The regulatory frameworks for in-home personal services utilized in other states;

(4) Efforts in Nebraska and in other states to develop effective criminal background checks and other screening policies for in-home personal services workers; and

(5) Programs in Nebraska and in other states to ensure the safety and security of elders in their home care experience whether provided by families or professionals.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 576.** Introduced by Campbell, 25.

**PURPOSE:** The purpose of this resolution is to study the current status of the sharing of electronic health records and health information exchanges in Nebraska. The study should include an examination of the benefits of electronic health records to payers, health care providers, and patients, current efforts encouraging electronic health record sharing in Nebraska, and public and private sector support given to electronic health record sharing in Nebraska through health information exchanges. The study should also examine participation in electronic health record sharing efforts through health information exchanges by payers, health care providers, and patients. In order to carry out the purpose of this resolution, the study committee should seek the input of interested persons as the committee deems necessary or appropriate.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 577.** Introduced by Karpisek, 32.

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 General Affairs 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 General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 578.** Introduced by Karpisek, 32; Coash, 27; Schilz, 47.

PURPOSE: The purpose of this resolution is to study the various Nebraska agricultural products used in the production of craft beer and distilled spirits, including issues relating to research and market development, promotion and incentives for such agricultural inputs, funding for such promotion and incentives, and any regulatory matters involving such agricultural inputs for the production of craft beer and distilled spirits.

The study committee shall seek cooperation and input from the Department of Economic Development, the Department of Agriculture, and the Nebraska Tourism Commission in carrying out the purposes of this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee and Agriculture Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 579.** Introduced by Nordquist, 7; Bolz, 29; Cook, 13; Kolowski, 31; Lathrop, 12; Mello, 5; Seiler, 33.

**PURPOSE:** The purpose of this resolution is to study the Nebraska need-based financial aid program (Nebraska Opportunity Grant Act) that was created by the Legislature by the passage of LB574 in 2003, and whether that program is sufficient to meet the needs of students in all sectors of Nebraska higher education. The study shall provide an examination of the following:

(1) The differences in allocations of state funds to students attending particular sectors of higher education institutions in the state, compared to the allocations to students before 2003, and whether those changes were intended and are appropriate in light of changing state policies;

(2) The scope of student aid currently available from all sources, including direct and indirect state assistance, federal assistance from financial aid programs, institutional assistance, private sector assistance, aid to nonresident students at public sector institutions, and a comparison with efforts in other states relating to student aid, particularly in those states in the Big Ten and Big East athletic conferences;

(3) Whether Nebraska's investment in higher education has resulted in an appropriately educated workforce in Nebraska;

(4) The college graduate migration patterns to and from Nebraska;

(5) The ability to maintain successful institutions and educational programs in Nebraska, both public and private, in the event that financial resources become more scarce in the future; and

(6) Any other issues relating to higher education and higher education financial aid programs in Nebraska, including with respect to the use of lottery funds in funding programs like the Nebraska Opportunity Grant Act for which the funding terminates on June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee and Education Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 580.** Introduced by Campbell, 25; Davis, 43.

**PURPOSE:** The purpose of this resolution is to study the reform effort of Nebraska's behavioral health system since the enactment of LB1083 in 2004. Since 2004, the state regional centers have been reduced in size and

services at the centers have changed. However, while plans were made to make changes in the community, it appears to many observers that these plans impacting community-based services were either not implemented or not fully implemented. As a result, mental health boards, law enforcement agencies, courts, providers, and the medical community face difficulties in finding appropriate services for people who are mentally ill. The study shall include, but not be limited to, an examination of the following issues:

- (1) How resources liberated by LB1083 have been spent;
- (2) Who is responsible for statewide mental health services;
- (3) Recommendations as to the optimal government-administrative model for Nebraska's mental health services, including whether or not the Division of Developmental Disabilities and the Division of Behavioral Health of the Department of Health and Human Services need to merge or change their existing relationship;
- (4) Whether or not the private sector has developed community-based alternatives for Nebraska's most severely disabled and vulnerable citizens;
- (5) How people enter and exit the regional centers and whether the changes made since 2004 have resulted in more people with a mental illness entering the criminal justice system; and
- (6) Whether regulatory and administrative practices have allowed or encouraged inappropriate practices by providers and practitioners, including multiple overlapping service contracts, insufficiently specified work requirements, and disproportionate practitioner-to-patient ratios.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 581.** Introduced by Avery, 28.

PURPOSE: The purpose of this resolution is to study any issues within the jurisdiction of the Government, Military and Veterans Affairs Committee which may arise during the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### VISITORS

Visitors to the Chamber were 11 twelfth-grade Russian exchange students and teachers from Lincoln High; 110 fourth-grade students and teachers from Crete; 4 guests of the U.S. Department of State from Azerbaijan, France, Lithuania, and Turkey; members of the 55th Wing Protocol from Offutt Air Force Base, Bellevue; and 16 legislative aides visiting via the Open World Association from Ukraine.

### RECESS

At 11:57 a.m., on a motion by Senator Scheer, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Watermeier presiding.

### ROLL CALL

The roll was called and all members were present except Senators Coash, Davis, Janssen, Larson, Lautenbaugh, and Schilz who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 999.** Title read. Considered.

Committee AM2173, found on page 865, was offered.

Senator Seiler offered his amendment, AM2530, found on page 1080, to the committee amendment.

The Seiler amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

### AMENDMENT - Print in Journal

Senator Hadley filed the following amendment to LB1067: AM2540 is available in the Bill Room.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 582.** Introduced by Crawford, 45.

**PURPOSE:** In 1996 the Legislature passed LB299 which created the Task Force on Unfunded Mandates. The task force was to identify and review all programs and services enacted by the Legislature which resulted or may result in an increase in expenditures of funds by the political subdivisions assigned to perform or provide the programs and services.

The purpose of this resolution is to review the work of the 1996 task force and study the impact of unfunded and underfunded mandates on counties and county governments. This study should include, but not be limited to, an examination of the following issues:

- (1) Identification of any and all acts by the Legislature which impose current unfunded or underfunded mandated obligations on counties;
- (2) The reduction in funds available for use by counties as a result of unfunded or underfunded mandates;
- (3) Any corresponding increase in property taxes by counties to meet the requirements of unfunded or underfunded mandates;
- (4) Identification of mandated but unfunded or underfunded programs or services which could be changed, eliminated, or repealed; and
- (5) The impact on county finances of fees set by the state and whether such fees are appropriate.

The study committee shall seek input and any recommendations or proposals from interested individuals, groups, or other entities as the committee deems necessary or appropriate.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 583.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this resolution is to study and assess the behavioral health and mental health needs of Nebraska's K-12 students and the resources available to meet these needs through the State Department of Education and Department of Health and Human Services. The study shall include, but not be limited to, an examination of the following:

- (1) Possible changes to programs in order to better coordinate and align services for students provided through these departments;
- (2) Any gaps in services for students with either behavioral health or mental health needs;

(3) The potential benefit gained by cooperation and coordination of services between these departments;

(4) The impact of such services on students' ability to be successful in the classroom; and

(5) Policies and programs in other states on this subject.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee and Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 923A.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 923, One Hundred Third Legislature, Second Session, 2014.

### **EXECUTIVE BOARD REPORT**

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

ACCESSNebraska Special Investigative Committee of the Legislature (LR400, 2014)

Senator Bolz  
 Senator Crawford  
 Senator Dubas  
 Senator Gloor  
 Senator Howard  
 Senator McGill  
 Senator Nordquist

Department of Correctional Services Special Investigative Committee of the Legislature (LR424, 2014)

Senator Bolz  
 Senator Chambers  
 Senator Krist  
 Senator Lathrop  
 Senator Mello

Senator Schumacher  
Senator Seiler

Tax Incentive Evaluation Committee (LR444, 2014)  
Senator Davis

(Signed) John Wightman, Chairperson  
Legislative Council, Executive Board

### MESSAGE FROM THE GOVERNOR

March 26, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 144, 259, 371e, 371Ae, 474e, and 546 were received in my office on March 20, 2014.

These bills were signed and delivered to the Secretary of State on March 26, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

### GENERAL FILE

**LEGISLATIVE BILL 1092.** Senator Chambers renewed his amendment, FA255, found on page 889.

### SENATOR KRIST PRESIDING

Pending.

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 765.** Placed on Select File.

**LEGISLATIVE BILL 780.** Placed on Select File.

**LEGISLATIVE BILL 693.** Placed on Select File.

**LEGISLATIVE BILL 828.** Placed on Select File with amendment.

ER207

- 1 1. On page 1, line 4, after the semicolon insert "to
- 2 provide a form;".



**LEGISLATIVE BILL 937.** Placed on Select File.

**LEGISLATIVE BILL 735.** Placed on Select File.

**LEGISLATIVE BILL 1050.** Placed on Select File with amendment.

ER210

- 1 1. On page 1, line 1; and page 3, line 25, after
- 2 "43-2618" insert ", 71-1911,".

**LEGISLATIVE BILL 1072.** Placed on Select File with amendment.

ER211

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 71-2454, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 71-2454 It is the intent of the Legislature that
- 6 an entity described in section 71-2455 establish a system of
- 7 prescription drug monitoring for the purposes of (1) preventing
- 8 the misuse of ~~prescription drugs controlled substances that are~~
- 9 prescribed in an efficient and cost-effective manner and (2)
- 10 allowing doctors and pharmacists to monitor the care and treatment
- 11 of patients for whom such a prescription drug is prescribed
- 12 to ensure that such prescription drugs are used for medically
- 13 appropriate purposes and that the State of Nebraska remains on the
- 14 cutting edge of medical information technology.
- 15 Sec. 2. Section 71-2455, Revised Statutes Cumulative
- 16 Supplement, 2012, is amended to read:
- 17 71-2455 The Department of Health and Human Services, in
- 18 collaboration with the Nebraska Health Information Initiative or
- 19 any successor public-private statewide health information exchange,
- 20 shall enhance or establish technology for prescription drug
- 21 monitoring to carry out the purposes of section 71-2454. ~~No state~~
- 22 ~~funding shall be used to implement or operate the prescription drug~~
- 23 ~~monitoring system provided for in this section. The department may~~
- 1 use state funds and accept grants, gifts, or other funds in order
- 2 to implement and operate the technology. The department may adopt
- 3 and promulgate rules and regulations to authorize use of electronic
- 4 health information, if necessary to carry out the purposes of
- 5 sections 71-2454 and 71-2455.
- 6 Sec. 3. The Prescription Drug Monitoring Program Fund
- 7 is created. The Department of Health and Human Services shall
- 8 administer the fund which shall include any state funds, grants, or
- 9 gifts received by the department for the purposes of carrying out
- 10 the purposes of sections 71-2454 and 71-2455. Any money in the fund
- 11 available for investment shall be invested by the state investment
- 12 officer pursuant to the Nebraska Capital Expansion Act and the
- 13 Nebraska State Funds Investment Act.
- 14 Sec. 4. Original sections 71-2454 and 71-2455, Revised
- 15 Statutes Cumulative Supplement, 2012, are repealed.

16 2. On page 1, strike beginning with "section" in line 1  
17 through line 9 and insert "sections 71-2454 and 71-2455, Revised  
18 Statutes Cumulative Supplement, 2012; to change provisions relating  
19 to the prescription drug monitoring program; to create a fund; and  
20 to repeal the original sections."

**LEGISLATIVE BILL 930.** Placed on Select File with amendment.  
ER212

1 1. In the Standing Committee amendments, AM2039, on page  
2 1, line 11, strike "Part".  
3 2. On page 1, line 2, strike beginning with "76-2320"  
4 through the last comma and insert "76-2323, 76-2324, and 76-2325,".

**LEGISLATIVE BILL 737.** Placed on Select File.  
**LEGISLATIVE BILL 1008.** Placed on Select File.

**LEGISLATIVE BILL 997.** Placed on Select File with amendment.  
ER213

1 1. On page 1, strike beginning with "section" in line  
2 1 through line 4 and insert "section 48-622.03, Reissue Revised  
3 Statutes of Nebraska, and sections 48-622.01 and 48-622.02, Revised  
4 Statutes Cumulative Supplement, 2012; to change provisions relating  
5 to the Nebraska Training and Support Trust Fund; to create the  
6 Nebraska Training and Support Cash Fund; to provide for placement  
7 of interest in the fund and for distributions from the fund; to  
8 provide duties for the Nebraska Worker Training Board; and to  
9 repeal the original sections."

**LEGISLATIVE BILL 964.** Placed on Select File.

**LEGISLATIVE BILL 1089.** Placed on Select File with amendment.  
ER204

1 1. On page 2, lines 12 and 18, strike the comma.

**LEGISLATIVE BILL 558.** Placed on Select File.

**LEGISLATIVE BILL 1044.** Placed on Select File with amendment.  
ER205

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 60-1901, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 60-1901 (1) A motor vehicle is an abandoned vehicle:  
6 (a) If left unattended, with no license plates or  
7 valid In Transit stickers issued pursuant to the Motor Vehicle  
8 Registration Act affixed thereto, for more than six hours on any  
9 public property;

10 (b) If left unattended for more than twenty-four hours on  
11 any public property, except a portion thereof on which parking is  
12 legally permitted;

13 (c) If left unattended for more than forty-eight hours,  
14 after the parking of such vehicle has become illegal, if left  
15 on a portion of any public property on which parking is legally  
16 permitted;

17 (d) If left unattended for more than seven days on  
18 private property if left initially without permission of the owner,  
19 or after permission of the owner is terminated;

20 (e) If left for more than thirty days in the custody of  
21 a law enforcement agency after the agency has sent a letter to the  
22 last-registered owner under section 60-1903.01; or

23 (f) If removed from private property by a municipality  
1 pursuant to a municipal ordinance.

2 (2) An all-terrain vehicle, a utility-type vehicle, or a  
3 minibike is an abandoned vehicle:

4 (a) If left unattended for more than twenty-four hours on  
5 any public property, except a portion thereof on which parking is  
6 legally permitted;

7 (b) If left unattended for more than forty-eight hours,  
8 after the parking of such vehicle has become illegal, if left  
9 on a portion of any public property on which parking is legally  
10 permitted;

11 (c) If left unattended for more than seven days on  
12 private property if left initially without permission of the owner,  
13 or after permission of the owner is terminated;

14 (d) If left for more than thirty days in the custody of  
15 a law enforcement agency after the agency has sent a letter to the  
16 last-registered owner under section 60-1903.01; or

17 (e) If removed from private property by a municipality  
18 pursuant to a municipal ordinance.

19 (3) A mobile home is an abandoned vehicle if left in  
20 place on private property for more than thirty days after a local  
21 governmental unit, pursuant to an ordinance or resolution, has  
22 sent a certified letter to each of the last-registered owners and  
23 posted a notice on the mobile home, stating that the mobile home  
24 is subject to sale or auction or vesting of title as set forth in  
25 section 60-1903.

26 ~~(3)~~(4) For purposes of this section:

27 (a) Mobile home means a movable or portable dwelling  
1 constructed to be towed on its own chassis, connected to utilities,  
2 and designed with or without a permanent foundation for year-round  
3 living. It may consist of one or more units that can be telescoped  
4 when towed and expanded later for additional capacity, or of two  
5 or more units, separately towable but designed to be joined into  
6 one integral unit, and shall include a manufactured home as defined  
7 in section 71-4603. Mobile home does not include a mobile home

8 or manufactured home for which an affidavit of affixture has been  
 9 recorded pursuant to section 60-169;  
 10 ~~(a)~~(b) Public property means any public right-of-way,  
 11 street, highway, alley, or park or other state, county, or  
 12 municipally owned property; and  
 13 ~~(b)~~(c) Private property means any privately owned  
 14 property which is not included within the definition of public  
 15 property.  
 16 ~~(4)~~(5) No motor vehicle subject to forfeiture under  
 17 section 28-431 shall be an abandoned vehicle under this section.  
 18 Sec. 2. Original section 60-1901, Reissue Revised  
 19 Statutes of Nebraska, is repealed.

(Signed) John Murante, Chairperson

### COMMITTEE REPORT

Revenue

**LEGISLATIVE BILL 1057.** Placed on General File with amendment.  
 AM2645 is available in the Bill Room.

(Signed) Galen Hadley, Chairperson

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1098A.** Introduced by Carlson, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1098, One Hundred Third Legislature, Second Session, 2014.

### AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB383:  
 AM2635

(Amendments to Standing Committee amendments, AM1169)

- 1 1. On page 12, lines 25 and 27, after "emblem" insert ",  
 2 official seal, or other official image".
- 3 2. On page 13, line 12, strike "may" and insert "shall";  
 4 and in line 23 strike "2015" and insert "2016".
- 5 3. On page 14, line 23; and page 15, line 2, strike  
 6 "Each" and insert "In addition to all other fees required for  
 7 registration under the Motor Vehicle Registration Act, each".

Senator Carlson filed the following amendment to LB1098:

AM2600

(Amendments to Standing Committee amendments, AM2594)

1. On page 5, line 15, strike "additional".

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 584.** Introduced by Schilz, 47.

PURPOSE: The purpose of this resolution is to study issues related to changing recreational liability provisions and enacting the Recreation and Tourism Promotion Act as contemplated by LB551 which was introduced in 2013 and referred to the Judiciary Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 585.** Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to study and review the Nebraska statutes relating to cities of the first class.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 586.** Introduced by Howard, 9; Campbell, 25.

PURPOSE: The purpose of this interim study is to gather information and make recommendations necessary for the Legislature to craft policy to support and continue electronic health records exchanges and health information initiatives. The study shall include, but not be limited to, an examination of the following:

(1) Current initiatives that facilitate the secure exchange of clinical information among health care providers, including mental health and behavioral health providers;

(2) The resources necessary for public-private partnerships to continue operations and to increase functionality;

(3) The resources available for health information initiatives and exchanges;

(4) The role of providers, payers, facilities, and the State of Nebraska in ensuring the continued existence of such initiatives and exchanges;

(5) The role health information initiatives can play in prescription drug monitoring and the resources necessary to ensure effective utilization of such purpose;

(6) Input from public and private stakeholders on needs, resources, and strategies moving forward; and

(7) Any other information the study committee deems appropriate or necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee and Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 587.** Introduced by Howard, 9.

PURPOSE: The purpose of this interim study is to gather information and make recommendations necessary for the Legislature to craft policy to support the creation of a sustainable community health workforce in Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) Current efforts to educate and train community health workers to work in medically underserved areas;

(2) Programs in other states that make effective use of community health workers as a resource for underserved communities;

(3) How the university system, state colleges, and community colleges can work in partnership with local health organizations to ensure that community health workers are educated and trained in core competencies;

(4) What policies may be necessary for ensuring community health workers are able to fulfill professional functions; and

(5) The necessary steps to ensure that reimbursement can be obtained for community health workers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 588.** Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the establishment of an early childhood data governance entity. The study shall include, but not be limited to, an examination of the following:

(1) The current coordination of early childhood data in Nebraska between the State Department of Education and the Department of Health and Human Services;

(2) How early childhood data collection and sharing has been or will be addressed by the goals and priorities set by the Nebraska P-16 Initiative;

(3) How 31 other states have created and benefited from the designation of an early childhood data governance entity to guide the development and use of a state coordinated longitudinal early childhood education data system to secure data sharing across public agencies and ensure appropriate, secure use of data; and

(4) How the establishment of an early childhood data governance entity can improve and sustain coordination and streamlining of services, guide resource allocation, and provide greater accountability for investment in early childhood services in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 589.** Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to study and evaluate the local and statewide health impacts of burning coal. This study should include an examination of publicly available scientific resources, databases, and recently published research pertinent to Nebraska and include a cost-benefit analysis of moving away from coal-based electricity generation to other forms of electricity generation. The study should also examine how to promote health and prevent health risks related to coal, reduce dependence on coal, and protect public health and the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 590.** Introduced by K. Haar, 21.

**PURPOSE:** The purpose of this resolution is to study the current organizational structure of public power and how it could be made more efficient and work more harmoniously together. This includes a potential reorganization and consolidation of Nebraska's numerous public power districts, rural electric associations, and municipal power suppliers. The study shall include, but not be limited to, the following:

(1) Development of a strategic plan for reorganization of public power entities which prioritizes benefits for Nebraska including maximizing economic development and the use of Nebraska resources, and maximizing the benefits and minimizing the costs to Nebraska citizens;

(2) Recommendations on a regulatory system that achieves the goals determined by the study; and

(3) Any other recommendations as determined by the study committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 591.** Introduced by Karpisek, 32.

**PURPOSE:** The purpose of this study is to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce. This study shall take into consideration, but not be limited to, the following information:

1. A review and an analysis of research studies that examine how custody and parenting time awards affect outcomes for children both socially and emotionally;



2. A review, a comparison, and an analysis of parent-created parenting plans, attorney-negotiated parenting plans, mediated parenting plans, and court-determined parenting plans;

3. A review and an analysis of relevant legal standards that address the constitutional rights of children and parents;

4. A review and analysis of current and proposed legislation in other states to determine how other states have addressed these issues;

5. A review and an analysis of parenting time guidelines currently used in Nebraska to set and determine standards, including variations of these standards across the state;

6. A review and an analysis of available data on Nebraska divorce and custody proceedings;

7. A review and an analysis of custody decisions related to domestic violence;

8. A review and an analysis of how litigants manipulate the current family law system and the incentives the current system creates for such manipulation;

9. A review and an analysis of the effect of child support guidelines on parenting time decisions and the effect of custody decisions on child support payments;

10. A review and an analysis of what measures could be taken to improve implementation and actual enforcement of custody decisions; and

11. A review and an analysis of custody decisions on subsequent litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 592.** Introduced by McGill, 26.

PURPOSE: The purpose of this resolution is to study various methods of behavioral health workforce development. This study shall examine:

(1) The results of behavioral health screening initiatives implemented at pediatrician offices in Nebraska;

(2) State and national methods used to integrate behavioral health care in primary care offices;

(3) Existing opportunities for communities to function as a critical element of the behavioral health workforce; and

(4) Specific Nebraska stakeholder feedback regarding workforce development opportunities for those with graduate training, as well as for those individuals who have an associate or a bachelor degree, a high school diploma, or less formal education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 593.** Introduced by McGill, 26.

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 Urban Affairs 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 Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 594.** Introduced by Schumacher, 22.

PURPOSE: The purpose of this resolution is to study Nebraska constitutional provisions which enable or limit the Legislature's power to provide for property tax policies and relief programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTION - Print in Journal**

Senator Mello filed the following motion to LB863:

MO155

Suspend Rule 7, Sec. 3(d) to permit consideration of AM2563.

**GENERAL FILE**

**LEGISLATIVE BILL 1092.** The Chambers amendment, FA255, found on page 889 and considered in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Adams	Brasch	Conrad	Gloor	Kintner
Ashford	Christensen	Crawford	Hadley	Krist
Bloomfield	Coash	Garrett	Hansen	

Voting in the negative, 26:

Avery	Dubas	Karpisek	Scheer	Watermeier
Bolz	Haar, K.	Kolowski	Schilz	Wightman
Campbell	Harms	Lautenbaugh	Schumacher	
Carlson	Harr, B.	McGill	Seiler	
Cook	Howard	Nordquist	Sullivan	
Davis	Johnson	Pirsch	Wallman	

Present and not voting, 7:

Chambers	McCoy	Murante	Smith
Lathrop	Mello	Nelson	

Excused and not voting, 2:

Janssen	Larson
---------	--------

The Chambers amendment lost with 14 ayes, 26 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 595.** Introduced by McGill, 26.

**PURPOSE:** The purpose of this resolution is to examine the impact of Nebraska changing to a home rule state in matters of local concern. This study shall include, but not be limited to, an examination of the following:

- (1) Statewide and local concerns and key issues in local municipal government operation;
- (2) The current structure of the limited home rule authority granted to municipalities within current constitutional and statutory constraints;
- (3) The impact of the home rule change on cities of the first and second class and villages;
- (4) How such change could be implemented effectively; and
- (5) The interested and affected parties outside of municipal governing bodies that would be affected by such change including, but not limited to, other taxing entities, public and private utilities, the judicial system, licensing entities, and other political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 596.** Introduced by Watermeier, 1.

**PURPOSE:** The purpose of this resolution is to study and evaluate the potential use of Physician Orders for Life-Sustaining Treatment (POLST) and the potential use of out-of-hospital Do Not Resuscitate (DNR) protocols.

POLST are used to convert patients' medical treatment preferences into medical orders. It is completed based upon conversations among health care professionals with the patient, or with a designated proxy decision maker if identified in an advance medical directive. One of the main components of POLST is the development and use of a standardized form that provides specific medical treatment orders for cardiopulmonary resuscitation, medical intervention, artificial nutrition, and antibiotics. The standard form is designed to transfer across treatment settings so it is readily available to medical personnel, including emergency medical technicians, emergency physicians and nurses, and nursing facility staff.

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.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 907A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 907, One Hundred Third Legislature, Second Session, 2014; and to provide for a transfer.

**GENERAL FILE**

**LEGISLATIVE BILL 1092.** Senator Chambers offered the motion:

MO156

Reconsider the vote taken on FA255.

**SENATOR COASH PRESIDING**

Senator Dubas offered the following motion:

MO157

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Dubas moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Dubas requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Adams	Davis	Karpisek	McGill	Schilz
Ashford	Dubas	Kolowski	Mello	Schumacher
Avery	Haar, K.	Krist	Murante	Seiler
Bolz	Harms	Larson	Nelson	Sullivan
Campbell	Harr, B.	Lathrop	Nordquist	Wallman
Cook	Howard	Lautenbaugh	Pirsch	Wightman
Crawford	Johnson	McCoy	Scheer	

Voting in the negative, 14:

Bloomfield	Chambers	Conrad	Hadley	Smith
Brasch	Christensen	Garrett	Hansen	Watermeier
Carlson	Coash	Gloor	Kintner	

Excused and not voting, 1:

Janssen

The Dubas motion to invoke cloture prevailed with 34 ayes, 14 nays, and 1 excused and not voting.

The Chambers motion to reconsider the vote taken on FA255 failed with 15 ayes, 26 nays, 7 present and not voting, and 1 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Ashford	Dubas	Kolowski	Mello	Seiler
Avery	Haar, K.	Krist	Murante	Sullivan
Bolz	Harms	Larson	Nelson	Wallman
Campbell	Harr, B.	Lathrop	Nordquist	Wightman
Cook	Howard	Lautenbaugh	Pirsch	
Crawford	Johnson	McCoy	Scheer	
Davis	Karpisek	McGill	Schumacher	

Voting in the negative, 14:

Adams	Carlson	Coash	Gloor	Kintner
Bloomfield	Chambers	Conrad	Hadley	Smith
Brasch	Christensen	Garrett	Hansen	

Present and not voting, 2:

Schilz            Watermeier

Excused and not voting, 1:

Janssen

Advanced to Enrollment and Review Initial with 32 ayes, 14 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORT**

Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Joel Carlson - Commission of Industrial Relations  
David J. Partsch - Commission of Industrial Relations

Aye: 7 Ashford, Chambers, Hansen, B. Harr, Lathrop, McGill, Wallman.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORT**

Business and Labor

**LEGISLATIVE BILL 961.** Placed on General File with amendment.  
AM2626 is available in the Bill Room.

(Signed) Steve Lathrop, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 526.** Title read. Considered.

Committee AM1619, found on page 565, was adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

Senator Howard moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Howard requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 27:

Bolz	Haar, K.	Larson	Pirsch	Wallman
Conrad	Harr, B.	Lautenbaugh	Scheer	Watermeier
Cook	Howard	McCoy	Schilz	Wightman
Crawford	Johnson	Mello	Schumacher	
Davis	Karpisek	Murante	Smith	
Dubas	Kintner	Nordquist	Sullivan	

Voting in the negative, 10:

Adams	Campbell	Garrett	Hadley	Nelson
Avery	Chambers	Gloor	Harms	Seiler

Present and not voting, 7:

Bloomfield	Christensen	Kolowski	Lathrop
Brasch	Coash	Krist	

Excused and not voting, 5:

Ashford	Carlson	Hansen	Janssen	McGill
---------	---------	--------	---------	--------

Advanced to Enrollment and Review Initial with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORTS**

## Enrollment and Review

**LEGISLATIVE BILL 191.** Placed on Final Reading.

ST71

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Nordquist amendment, AM2606, section 18 has been renumbered as section 20.

2. In the Nordquist amendment, AM2569, on page 30, line 5, "section 77-132, Reissue Revised Statutes of Nebraska," has been inserted after "Original"; in line 6 "and 77-3806" has been struck and "77-3806, and 77-5007" inserted; and in line 7 "and 77-2717" has been struck and ", 77-2717, and 77-27,119" inserted.

3. On page 1, the matter beginning with "sections" in line 1 through line 7 and all amendments thereto have been struck and "section 77-132, Reissue Revised Statutes of Nebraska, sections 77-908, 77-2715.07, 77-2734.03, 77-3806, and 77-5007, Revised Statutes Cumulative Supplement, 2012, and sections 49-801.01, 77-2717, and 77-27,119, Revised Statutes Supplement, 2013; to adopt the Nebraska Job Creation and Mainstreet Revitalization Act; to provide tax credits as prescribed; to require the use of the income approach to value certain real property for taxation purposes; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 191A.** Placed on Final Reading.

**LEGISLATIVE BILL 690.** Placed on Final Reading.

**LEGISLATIVE BILL 690A.** Placed on Final Reading.

**LEGISLATIVE BILL 744.** Placed on Final Reading.

**LEGISLATIVE BILL 744A.** Placed on Final Reading.

**LEGISLATIVE BILL 768.** Placed on Final Reading.

**LEGISLATIVE BILL 851.** Placed on Final Reading.

ST73

The following changes, required to be reported for publication in the Journal, have been made:

1. Sections 10 and 12 have been struck and the following new sections inserted:

Sec. 16. Sections 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, and 18 of this act become operative three calendar months after the adjournment of this legislative session. Sections 4, 5, 11, 12, and 19 of this act become operative on October 1, 2014. The other sections of this act become operative on their effective date.

Sec. 18. Original sections 52-603, 52-604, 66-482, and 77-2793, Reissue Revised Statutes of Nebraska, sections 77-367, 77-1030, and 77-1837.01, Revised Statutes Cumulative Supplement, 2012, and sections 19-5217, 77-1807, and 77-27,119, Revised Statutes Supplement, 2013, are repealed.

2. In the Hadley amendment, AM2621:

a. Sections 1 and 2 have been renumbered as sections 2 and 3, respectively;



b. On page 1, line 14, "(a)" has been struck and "(1)" inserted; in line 16 "(b)" has been struck and "(2)" inserted; and in line 17 "lien" has been struck and "lienholder" inserted; and

c. On page 2, line 5, "lien" has been struck, shown as stricken, and "lienholder" inserted.

3. In the Harr amendment, AM2611, section 5 has been renumbered as section 10.

4. In the Mello amendment, AM2561, section 6 has been renumbered as section 9.

5. On page 1, the matter beginning with "revenue" in line 1 through line 15 and all amendments thereto have been struck and "law; to amend sections 52-603, 52-604, 60-366, 60-367, 66-482, 77-2703.01, and 77-2793, Reissue Revised Statutes of Nebraska, sections 77-367, 77-1030, 77-1837.01, and 77-2709, Revised Statutes Cumulative Supplement, 2012, and sections 19-5217, 77-1807, 77-27,119, and 77-5735, Revised Statutes Supplement, 2013; to change provisions relating to land banks and tax sales for delinquent property taxes; to provide for the extinguishment of a lien or security interest on personal property as prescribed; to change provisions relating to such lien proceeds and distribution; to change provisions relating to nonresident owners under the Motor Vehicle Registration Act; to redefine ethanol facility; to require the Department of Revenue to contract for enforcement of tax laws; to provide for notice to the Department of Revenue under the Nebraska Advantage Transformational Tourism and Redevelopment Act; to change provisions relating to tax sales certificates, sales and use tax sourcing, notice of deficiency determinations, claims for credit or refund, disclosure of tax information, and applicability; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 867A.** Placed on Final Reading.

**LEGISLATIVE BILL 1076.** Placed on Final Reading.

ST72

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1903:

a. Section 3 has been struck and the following new sections inserted:

Sec. 6. Sections 1, 2, and 7 of this act become operative on January 1, 2014. Sections 3, 4, 5, and 8 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 8. Original sections 71-8503 and 71-8508, Reissue Revised Statutes of Nebraska, and section 71-8506, Revised Statutes Supplement, 2013, are repealed.

b. Section 5 has been renumbered as section 9; and

c. On page 2, line 4, an underscored comma has been inserted after the third "services"; and in line 7 the second comma has been struck.

2. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "public health and welfare; to amend sections 71-8503 and 71-8508, Reissue Revised Statutes of Nebraska, section 68-901, Revised

Statutes Cumulative Supplement, 2012, and section 71-8506, Revised Statutes Supplement, 2013; to state intent; to provide for certain reimbursement rates and services under the Medical Assistance Act; to change provisions of the Nebraska Telehealth Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1087.** Placed on Final Reading.

**LEGISLATIVE BILL 1087A.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator McCoy filed the following amendment to LB1092:

AM2647

(Amendments to Standing Committee amendments, AM2067)

- 1 1. On page 2, strike beginning with "No" in line 3
- 2 through the period in line 5 and insert "No bonds shall be issued
- 3 with a variable interest rate. No bonds shall be issued with a
- 4 fixed interest rate exceeding five percent.".
- 5 2. On page 10, strike beginning with "No" in line 2
- 6 through the period in line 4 and insert "No advanced refunding
- 7 bonds shall be issued with a variable interest rate. No advanced
- 8 refunding bonds shall be issued with a fixed interest rate
- 9 exceeding five percent.".

Senator Karpisek filed the following amendment to LB565:

AM2553

(Amendments to Standing Committee amendments, AM810)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 32-207, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-207 The office of election commissioner shall be
- 5 created for each county having a population of more than one
- 6 hundred thousand inhabitants. The election commissioner shall be
- 7 appointed by the Governor subject to the approval of a majority
- 8 of the members of the Legislature and shall serve for a term of
- 9 four years or until a successor has been appointed and qualified.
- 10 In the event of a vacancy, the Governor shall appoint an election
- 11 commissioner subject to the approval of a majority of the members
- 12 of the Legislature to serve the unexpired portion of the term.
- 13 If the Legislature is not in session, any appointment shall be
- 14 temporary until the next session of the Legislature, at which
- 15 time a majority of the members of the Legislature may approve or
- 16 disapprove such appointment.
- 17 Sec. 3. Sections 1 and 5 of this act become operative on
- 18 January 1, 2015. The other sections of this act become operative
- 19 three calendar months after the adjournment of this legislative

20 session.  
21 Sec. 5. Original section 32-207, Reissue Revised Statutes  
22 of Nebraska, is repealed.

Senator Murante filed the following amendment to LB810:  
AM2644

(Amendments to E & R amendments, ER180)

1 1. Insert the following new sections:  
2 Section 1. Section 8-162.02, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 8-162.02 (1) A state-chartered bank may deposit or have  
5 on deposit funds of a fiduciary account controlled by the bank's  
6 trust department unless prohibited by applicable law.  
7 (2) To the extent that the funds are awaiting investment  
8 or distribution and are not insured or guaranteed by the Federal  
9 Deposit Insurance Corporation, a state-chartered bank shall set  
10 aside collateral as security under the control of appropriate  
11 fiduciary officers and bank employees. The bank shall place pledged  
12 assets of fiduciary accounts in the joint custody or control of not  
13 fewer than two of the fiduciary officers or employees of the bank  
14 designated for that purpose by the board of directors. The bank  
15 may maintain the investments of a fiduciary account off-premises if  
16 consistent with applicable law and if the bank maintains adequate  
17 safeguards and controls. The market value of the collateral shall  
18 at all times equal or exceed the amount of the uninsured or  
19 unguaranteed fiduciary funds awaiting investment or distribution.  
20 (3) A state-chartered bank may satisfy the collateral  
21 requirements of this section with any of the following: (a)  
22 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. 3. Original section 8-162.02, Reissue Revised  
 24 Statutes of Nebraska, is repealed.  
 25 2. Renumber the remaining sections accordingly.

Senator Lathrop filed the following amendments to LB1098:

FA280

Amend AM2594

Strike the criteria in Section 5.

FA281

Amend AM2594

Strike intent language in Section 5.

FA282

Amend AM2594

Strike the definitions in Section 1.

FA283

Amend AM2594

Strike intent language in Section 3.

FA284

Amend AM2594

Strike the findings in Section 4.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 597.** Introduced by Christensen, 44;  
 Carlson, 38.

**PURPOSE:** The purpose of this resolution is to study methods by which to find balance between water resources and water uses in areas under interstate compacts, cooperative agreements, or decrees in order to not force a disproportionate burden on either surface water or ground water to meet compliance for such interstate compacts, agreements, or decrees.

This study should include, but not be limited to, an examination of retirement of ground water or surface water acres, ground water and surface water dry year leases, ground water augmentation projects for surface water irrigation, rule changes by natural resources districts, ground water and surface water allocation reductions, increased flexibility to move water rights and allocations, model changes by the Department of Natural Resources, and increased occupation tax authority or state assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 598.** Introduced by Davis, 43; Avery, 28; Johnson, 23; Schumacher, 22.

**PURPOSE:** The purpose of this resolution is to study issues surrounding the potential impact of federal legislation that would require remote retailers with no physical presence in Nebraska to collect and remit the tax imposed under section 77-2703. This study shall include, but not be limited to:

(1) An analysis of the revenue currently going uncollected by the state from remote retailers without a physical presence in Nebraska;

(2) An analysis of the amount of revenue that would be collected should the Marketplace Fairness Act of 2013 or similar legislation become law; and

(3) An analysis of the mechanism by which the Department of Revenue would determine revenue receipts collected pursuant to passage of any such federal law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 599.** Introduced by Davis, 43; Avery, 28; McGill, 26.

**PURPOSE:** The purpose of this interim study is to examine issues surrounding the use of tax increment financing under the Community Development Law in Nebraska. This study shall include, but not be limited to:

(1) The current processes used by municipalities in determining whether a project is eligible to receive tax increment financing and whether current law is being met;

(2) Whether municipalities are consistently conducting the cost-benefit analysis required under section 18-2113;

(3) Whether municipalities are ensuring that projects authorized under the Community Development Law are meeting the "but for" test;

(4) Whether there is adequate transparency surrounding the use of tax increment financing;

(5) The rate of return of tax increment financing projects to municipalities and other local governments, and whether certain types of projects have higher returns than others;

(6) The extent to which tax increment financing results in lost property tax revenue for other local governments, including, but not limited to, school districts, community colleges, and natural resources districts, and whether impacted local governments should be part of the tax increment financing approval process; and

(7) A determination of any changes that should be made to the Community Development Law in order to remedy deficiencies and improve transparency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 600.** Introduced by Davis, 43; Avery, 28; Hansen, 42; Johnson, 23; Schumacher, 22.

**PURPOSE:** The purpose of this resolution is to study issues surrounding the use of a foundation formula per student in the calculation of need for a school district and the use of an income factor in the calculation of resources for a school district pursuant to the Tax Equity and Educational Opportunities Support Act. This study shall include, but not be limited to:

(1) An examination of methods other states use to calculate a per student cost in their education funding system;

(2) An analysis of using a foundation formula per student for calculating a school district's needs;

(3) An examination of methods other states use to include wealth in their education funding system; and

(4) An analysis of using an income factor as a determination of wealth for the resources calculation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 601.** Introduced by Davis, 43; Avery, 28; Campbell, 25; Crawford, 45; Howard, 9; Johnson, 23; McGill, 26; Schumacher, 22.

**PURPOSE:** The purpose of this resolution is to study the impact of implementing, and the impact of failing to implement, medicaid expansion in Nebraska under the federal Patient Protection and Affordable Care Act (ACA) for medical assistance for newly eligible individuals described under section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended. The study shall include, but not be limited to, an examination of the following:

(1) The fiscal impact and effect of implementing and failing to implement the medicaid option under the ACA for:

- (a) The state as a whole;
- (b) Rural counties in Nebraska;
- (c) Hospitals in Nebraska; and
- (d) Those Nebraskans who may be eligible for the program;

(2) The economic impact on the state and local economies from medicaid expansion including, but not limited to, federal and state spending, employment both inside and outside the health care sector, tax revenue, business and employer costs, household incomes, and health care funding; and

(3) Any other effects or impacts, including the ability to reform the delivery of care in the broader range of health care services.

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.

**SPEAKER ADAMS PRESIDING**

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 483, 484, 485, 486, 488, 489, 490, 492, 493, 494, 495, 496, 500, 502, 503, 504, 505, and 507 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 483, 484, 485, 486, 488, 489, 490, 492, 493, 494, 495, 496, 500, 502, 503, 504, 505, and 507.

**VISITORS**

Visitors to the Chamber were 47 fourth-grade students, teachers, and sponsors from Washington Elementary, Norfolk; and 24 fourth-grade students and teacher from Twin River Elementary, Genoa.

**ADJOURNMENT**

At 6:33 p.m., on a motion by Senator Christensen, the Legislature adjourned until 9:00 a.m., Thursday, March 27, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIRST DAY - MARCH 27, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 27, 2014

**PRAYER**

The prayer was offered by Pastor Ken Hutson, United Church of Sumner, Sumner.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Davis and Harms who were excused; and Senators Avery, Christensen, Coash, Hansen, and Lautenbaugh who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 916.** Placed on Select File with amendment.  
ER214

- 1 1. In the Standing Committee amendments, AM1916:
- 2 a. Insert the following new section:
- 3 Sec. 2. Section 38-2301, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 38-2301 Sections 38-2301 to 38-2324 and section 4 of this
- 6 act shall be known and may be cited as the Nurse Practitioner
- 7 Practice Act.
- 8 b. On page 2, line 11, strike "3" and insert "4";
- 9 c. On page 7, line 27, after the third comma insert
- 10 "section 38-2301, Revised Statutes Cumulative Supplement, 2012,";
- 11 and
- 12 d. Renumber the remaining sections accordingly.
- 13 2. On page 1, strike beginning with "and" in line
- 14 1 through line 9 and insert ", 38-2302, 38-2310, 38-2322, and

15 38-2323, Reissue Revised Statutes of Nebraska, section 38-2301,  
 16 Revised Statutes Cumulative Supplement, 2012, and section 38-2315,  
 17 Revised Statutes Supplement, 2013; to eliminate requirements  
 18 for integrated practice agreements for nurse practitioners; to  
 19 provide for transition-to-practice agreements; to change provisions  
 20 relating to credentialing and regulation; to harmonize provisions;  
 21 and to repeal the original sections."

**LEGISLATIVE BILL 276.** Placed on Select File with amendment.

ER215

1 1. In the Nordquist amendment, AM2554:  
 2 a. On page 1, line 17, after "plan" insert "amendment";  
 3 b. On page 2, line 5, after "system" insert an  
 4 underscored comma;  
 5 c. On page 4, line 3, strike "subsection" and insert  
 6 "subdivision";  
 7 d. On page 9, line 4, after "Act" insert an underscored  
 8 comma; and  
 9 e. On page 10, line 5, strike "section" and insert  
 10 "sections".  
 11 2. On page 1, strike beginning with "43-2515" in  
 12 line 1 through line 7 and insert "43-2511, 43-2513, 43-2515,  
 13 79-1119, 79-1145, 79-1158, and 79-1160, Reissue Revised Statutes  
 14 of Nebraska, section 79-1018.01, Revised Statutes Cumulative  
 15 Supplement, 2012, and section 68-911, Revised Statutes Supplement,  
 16 2013; to change provisions relating to the statewide billing  
 17 system and funding for services under the Early Intervention  
 18 Act; to provide for a state plan amendment under the Medical  
 19 Assistance Act for certain services provided by school districts;  
 20 to change local system formula resources under the Tax Equity and  
 21 Educational Opportunities Support Act; to change the amount of  
 22 appropriations for and requirements from reimbursement under the  
 23 Special Education Act; to harmonize provisions; and to repeal the  
 1 original sections."

(Signed) John Murante, Chairperson

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 26, 2014,  
 in accordance with Section 49-1481, Revised Statutes of Nebraska.  
 Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
 Clerk of the Legislature

Kevin Johnson  
 AstraZeneca Pharmaceuticals  
 Steven Robino  
 Coventry Health Care, an Aetna Company

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**GENERAL FILE**

**LEGISLATIVE BILL 923A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 96.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708.01, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2012; to exempt repair or replacement parts for commercial agricultural machinery and equipment from sales and use tax; to harmonize provisions; 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, 40:

Adams	Christensen	Harr, B.	McCoy	Schilz
Ashford	Conrad	Howard	McGill	Schumacher
Avery	Cook	Johnson	Mello	Seiler
Bloomfield	Crawford	Karpisek	Murante	Smith
Bolz	Dubas	Kintner	Nelson	Sullivan
Brasch	Garrett	Krist	Nordquist	Wallman
Campbell	Haar, K.	Larson	Pirsch	Watermeier
Carlson	Hadley	Lathrop	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 2:

Gloor            Kolowski

Excused and not voting, 7:

Chambers	Davis	Harms	Lautenbaugh
Coash	Hansen	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 LB986 with 37 ayes, 2 nays, 3 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

### LEGISLATIVE BILL 986. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, 77-3509, and 77-3513, Reissue Revised Statutes of Nebraska; to change homestead exemption income limitations; to provide a homestead exemption for individuals with a developmental disability; 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Garrett	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Davis	Janssen
Coash	Harms	Lautenbaugh

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 986A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 986, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Garrett	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Davis	Janssen
Coash	Harms	Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB987 with 34 ayes, 2 nays, 7 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 987.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2012, and section 77-2716, Revised Statutes Supplement, 2013; to adjust individual income tax brackets for inflation; to exempt social security benefits and military retirement benefits from state income taxation as prescribed; 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, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

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 987A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, 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, 43:

Adams	Coash	Hansen	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Johnson	Murante	Sullivan
Bolz	Dubas	Karpisek	Nelson	Wallman
Brasch	Garrett	Kintner	Nordquist	Watermeier
Campbell	Gloor	Kolowski	Pirsch	Wightman
Carlson	Haar, K.	Krist	Scheer	
Christensen	Hadley	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 725.** With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.20 and 79-1015.01, Revised Statutes Supplement, 2013; to change provisions relating to a student growth adjustment correction and local effort rate yield; 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	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

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 725A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 725, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB359 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 359.**

A BILL FOR AN ACT relating to social services; to amend sections 68-1713 and 68-1726, Reissue Revised Statutes of Nebraska, section 43-512, Revised Statutes Cumulative Supplement, 2012, and section 68-1206, Revised Statutes Supplement, 2013; to exclude certain income and assets as prescribed from determination of income, resources, or need for certain public assistance; to change provisions relating to eligibility redetermination for a child care subsidy as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "



Voting in the affirmative, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

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 359A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 359, 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Garrett	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 402.**

A BILL FOR AN ACT relating to community-based energy development projects; to amend sections 70-1904 and 70-1909, Reissue Revised Statutes of Nebraska, and sections 70-1903 and 77-2704.57, Revised Statutes Supplement, 2013; to define, redefine, and eliminate terms; to change provisions relating to community-based energy development projects, power purchase agreements, eminent domain, and sales and use tax exemptions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 560.**

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend sections 48-1228, 48-1230, and 48-1231, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Commissioner of Labor; to provide for enforcement of the Nebraska Wage Payment and Collection Act; to change requirements for employers to provide wage statements as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Adams	Coash	Harr, B.	McGill	Seiler
Ashford	Conrad	Howard	Mello	Smith
Avery	Cook	Johnson	Murante	Sullivan
Bloomfield	Dubas	Karpisek	Nelson	Wallman
Bolz	Garrett	Kolowski	Nordquist	Watermeier
Brasch	Gloor	Krist	Pirsch	Wightman
Campbell	Haar, K.	Larson	Scheer	
Carlson	Hadley	Lathrop	Schilz	
Christensen	Hansen	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Crawford      Kintner

Excused and not voting, 5:

Chambers      Davis      Harms      Janssen      Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 560A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 560, One Hundred Third Legislature, Second Session, 2014.

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	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 660.** With Emergency Clause.

A BILL FOR AN ACT relating to children and families; to amend section 68-1212, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to a pilot project; to provide for extension of a contract as prescribed; to provide for an evaluation; 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, 43:

Adams	Coash	Hansen	McCoy	Schumacher
Ashford	Conrad	Harr, B.	McGill	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Johnson	Murante	Sullivan
Bolz	Dubas	Karpisek	Nelson	Wallman
Brasch	Garrett	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Haar, K.	Larson	Scheer	
Christensen	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Kintner

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

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 660A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 660, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Garrett	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB661 with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 661.**

A BILL FOR AN ACT relating to elections; to amend sections 32-204, 32-308, 32-309, 32-311, 32-312.05, 32-315, 32-321, 32-323, 32-325, 32-902, and 60-484.02, Reissue Revised Statutes of Nebraska, sections 32-312, 32-915, and 32-1002, Revised Statutes Cumulative Supplement, 2012, and sections 32-101 and 60-484, Revised Statutes Supplement, 2013; to provide for voter registration on the Secretary of State's web site; to provide for electronic transmission of certain voter registration applications; to provide for use of records of the Department of Motor Vehicles for purposes of voter registration; 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, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 661A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 661, 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, 42:

Adams	Conrad	Harr, B.	McGill	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Johnson	Murante	Sullivan
Bolz	Dubas	Karpisek	Nelson	Wallman
Brasch	Garrett	Kintner	Nordquist	Watermeier
Campbell	Gloor	Kolowski	Pirsch	Wightman
Carlson	Haar, K.	Krist	Scheer	
Christensen	Hadley	Lathrop	Schilz	
Coash	Hansen	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Ashford      Larson

Excused and not voting, 5:

Chambers      Davis      Harms      Janssen      Lautenbaugh

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 LB814 with 37 ayes, 3 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 814.**

A BILL FOR AN ACT relating to law; to amend sections 60-103, 60-305, and 77-2701.35, Reissue Revised Statutes of Nebraska, sections 37-201, 77-2703, 77-2708, and 77-27,132, Revised Statutes Cumulative

Supplement, 2012, and sections 60-135.01, 60-358.01, and 60-6,355, Revised Statutes Supplement, 2013; to create a fund; to redefine all-terrain vehicle and utility-type vehicle for the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Nebraska Rules of the Road; to redefine sales price; to change sales and use tax provisions relating to all-terrain vehicles and utility-type vehicles; to change duties of sellers and the distribution of sales and use tax revenue; to provide funding for infrastructure administered by the Game and Parks Commission; to harmonize provisions; 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 1:

Bloomfield

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 814A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 814, 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, 42:



Adams	Conrad	Harr, B.	McGill	Seiler
Ashford	Cook	Howard	Mello	Smith
Avery	Crawford	Johnson	Murante	Sullivan
Bolz	Dubas	Karpisek	Nelson	Wallman
Brasch	Garrett	Kolowski	Nordquist	Watermeier
Campbell	Gloor	Krist	Pirsch	Wightman
Carlson	Haar, K.	Larson	Scheer	
Christensen	Hadley	Lathrop	Schilz	
Coash	Hansen	McCoy	Schumacher	

Voting in the negative, 1:

Bloomfield

Present and not voting, 1:

Kintner

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

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 LB853 with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 853.**

A BILL FOR AN ACT relating to children and families; to amend sections 28-713, 28-719, 28-720.01, 28-721, 28-722, 28-723, 28-724, 28-725, 43-146.17, 43-284.02, 43-2932, 43-3709, 71-6039.01, 71-6039.05, and 71-6502, Reissue Revised Statutes of Nebraska, sections 28-713.01, 28-718, 28-720, 28-728, and 43-107, Revised Statutes Cumulative Supplement, 2012, and sections 28-710, 28-726, 28-801, 43-247, 43-285, 43-905, 43-1311.03, 43-4318, 43-4331, 43-4501, 43-4502, 43-4503, 43-4504, 43-4505, 43-4506, 43-4507, 43-4508, 43-4509, 43-4510, 43-4511, 43-4512, 43-4513, 43-4514, 71-3405, and 81-3136, Revised Statutes Supplement, 2013; to rename the Child Protection Act; to provide for alternative response to a report of child abuse or neglect; to define terms; to state intent; to provide for demonstration projects and expansion; to provide duties for the Department of Health and Human Services and the Inspector General; to

change terminology regarding the central register of child abuse and neglect; to eliminate obsolete provisions; to change and rename the Young Adult Voluntary Services and Support Act; to rename an advisory committee; to require training for case managers as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Adams	Conrad	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	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	Schilz	
Coash	Hansen	Lathrop	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield    Scheer

Excused and not voting, 5:

Chambers    Davis    Harms    Janssen    Lautenbaugh

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 853A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 853, 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 901.**

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-830, Revised Statutes Cumulative Supplement, 2012; to provide for psychology internships as prescribed; to change duties of the Behavioral Health Education Center; to eliminate obsolete provisions; to adopt the Nebraska Mental Health First Aid Training Act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Coash	Hansen	McCoy	Schumacher
Ashford	Conrad	Harr, B.	McGill	Seiler
Avery	Cook	Howard	Mello	Smith
Bloomfield	Crawford	Johnson	Murante	Sullivan
Bolz	Dubas	Karpisek	Nelson	Wallman
Brasch	Garrett	Kintner	Nordquist	Watermeier
Campbell	Gloor	Kolowski	Pirsch	Wightman
Carlson	Haar, K.	Krist	Scheer	
Christensen	Hadley	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 901A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 901, 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Garrett	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Christensen

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

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 LB920 with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 920.**

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.

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	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 920A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 920, 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, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION - Return LB967 to Select File**

Senator Kolowski moved to return LB967 to Select File for the following specific amendment:

FA285

Strike the enacting clause.

Senator Kolowski withdrew his motion to return.

#### **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 LB967 with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 967. With Emergency Clause.**

A BILL FOR AN ACT relating to education; to amend sections 1-116, 79-526, 79-535, 79-1101, 79-1102, and 79-1337, Reissue Revised Statutes of Nebraska, sections 72-201, 79-319, 79-759, 79-8,133, 79-8,137.01,

79-8,137.05, 79-1011, 79-1012, and 85-2407, Revised Statutes Cumulative Supplement, 2012, and sections 9-812, 79-1003, 79-1007.11, 79-1007.23, 79-1007.25, 79-1017.01, 79-1028.01, 79-1118.01, 79-2306, 85-1603, 85-1604, and 85-2405, Revised Statutes Supplement, 2013; to change provisions relating to accountant licensing examination accreditation, education funding, compensation of members of the Board of Educational Lands and Funds, powers and duties of school boards, boards of education, the State Board of Education, the State Department of Education, and the Coordinating Commission for Postsecondary Education, the Attracting Excellence to Teaching Program, the Enhancing Excellence in Teaching Program, the Tax Equity and Educational Opportunities Support Act, and early childhood education programs; to provide for appointment of a student achievement coordinator; to redefine disability relating to special education; to change provisions relating to distance education program incentives and regulation; to change provisions relating to the Private Postsecondary Career School Act; 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, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 967A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, section 48; to appropriate funds to aid in carrying out the provisions

of Legislative Bill 967, One Hundred Third Legislature, Second Session, 2014; 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, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB974 with 38 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 974.** With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 77-2215, 79-1145, 81-153, 81-181, 81-1111.01, and 81-3110, Reissue Revised Statutes of Nebraska, sections 73-507, 81-132, 81-1018, 81-1113, and 81-1125.01, Revised Statutes Cumulative Supplement, 2012, and section 81-3133, Revised Statutes Supplement, 2013; to provide an exception to certain requirements for contracts for services; to change and eliminate provisions for duplicate warrants; to change limitations on the appropriation of General Funds for special education; to eliminate obsolete provisions regarding budget forms; to change a duty for the materiel division of the Department of Administrative Services; to change report requirements under the Deferred Building Renewal Act; to change



provisions relating to state-owned vehicles; to provide and change reporting requirements for the Department of Health and Human Services; to change provisions relating to agency preaudits; to change powers and duties of the Department of Administrative Services; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

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 974A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 974, 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, 43:

Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Adams

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 1114.**

A BILL FOR AN ACT relating to economic development; to amend section 13-208, Reissue Revised Statutes of Nebraska, and sections 81-12,154 and 81-12,167, Revised Statutes Cumulative Supplement, 2012; to change funding for certain tax credits; to state intent relating to funding; to change the termination date of the Business Innovation Act; to create a fund and provide for its use; 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, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1114A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1114, 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 5:

Chambers      Davis              Harms              Janssen              Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SENATOR COASH PRESIDING**

**MOTION - Return LB438 to Select File**

Senator Adams moved to return LB438 to Select File for his specific amendment, AM2624, found on page 1121.

The Adams motion to return prevailed with 42 ayes, 0 nays, 2 present and

not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 438.** The Adams specific amendment, AM2624, found on page 1121, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Return LB438A to Select File**

Senator Adams moved to return LB438A to Select File for his specific amendment, AM2625, found on page 1122.

The Adams motion to return prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 438A.** The Adams specific amendment, AM2625, found on page 1122, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**SPEAKER ADAMS PRESIDING**

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 251.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4501, Reissue Revised Statutes of Nebraska; to change a fee relating to the rental of motor vehicles; 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Garrett	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Davis	Janssen
Coash	Harms	Lautenbaugh

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 LB699 with 39 ayes, 2 nays, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 699.** With Emergency Clause.

A BILL FOR AN ACT relating to regulated activities; to amend sections 37-404 and 37-414, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-413, and 69-2409.01, Revised Statutes Cumulative Supplement, 2012; to authorize hunting permits as prescribed for persons who have a developmental disability; to authorize license-purchase exemption certificates; to change provisions relating to mandatory firearm hunter education programs and bow hunter education programs; to change provisions relating to firearm, air gun, bow and arrow, and crossbow hunting; to require reports from the Nebraska State Patrol and the Department of Health and Human Services regarding the agencies' records of persons unable to purchase or possess firearms because of disqualification or disability; to eliminate certain firearms provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 28-1211, 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, 43:

Adams	Conrad	Harr, B.	McCoy	Schumacher
Ashford	Cook	Howard	McGill	Seiler
Avery	Crawford	Johnson	Mello	Smith
Bloomfield	Dubas	Karpisek	Murante	Sullivan
Bolz	Garrett	Kintner	Nelson	Wallman
Brasch	Gloor	Kolowski	Nordquist	Watermeier
Campbell	Haar, K.	Krist	Pirsch	Wightman
Carlson	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Davis	Janssen
Coash	Harms	Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB751 with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 751.**

A BILL FOR AN ACT relating to corporations; to amend section 84-511, Revised Statutes Supplement, 2013; to adopt the Nebraska Benefit Corporation Act; 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, 44:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Seiler
Bloomfield	Crawford	Johnson	Mello	Smith
Bolz	Dubas	Karpisek	Murante	Sullivan
Brasch	Garrett	Kintner	Nelson	Wallman
Campbell	Gloor	Kolowski	Nordquist	Watermeier
Carlson	Haar, K.	Krist	Pirsch	Wightman
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Davis	Harms	Janssen	Lautenbaugh
----------	-------	-------	---------	-------------

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 751A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 751, 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, 43:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	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	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Harms	Lautenbaugh
Davis	Janssen	Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 836.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187, 77-5702, and 77-5801, Reissue Revised Statutes of Nebraska, and section 77-6301, Revised Statutes Cumulative Supplement, 2012; to provide and change provisions relating to legislative findings for the state's tax incentive programs; 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, 42:

Adams	Coash	Harr, B.	McCoy	Schumacher
Ashford	Conrad	Howard	McGill	Smith
Avery	Cook	Johnson	Mello	Sullivan
Bloomfield	Crawford	Karpisek	Murante	Wallman
Bolz	Dubas	Kintner	Nelson	Watermeier
Brasch	Garrett	Kolowski	Nordquist	Wightman
Campbell	Haar, K.	Krist	Pirsch	
Carlson	Hadley	Larson	Scheer	
Christensen	Hansen	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 6:

Chambers	Harms	Lautenbaugh
Davis	Janssen	Seiler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Suspend Rules**

Senator Mello offered his motion, MO155, found on page 1170, to suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2563 to LB863.

The Mello motion to suspend the rules prevailed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.



**MOTION - Return LB863 to Select File**

Senator Mello moved to return LB863 to Select File for his specific amendment, AM2563, found on page 1043.

The Mello motion to return prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 863.** The Mello specific amendment, AM2563, found on page 1043, was adopted with 43 ayes, 0 nays, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**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 LB946 with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 946.**

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 23-1901.01, 32-209, 32-210, 32-405, 32-525, 32-542, 32-543, 32-567, 32-608, 32-713, 32-714, 32-949.01, 32-953, 32-956, 32-957, 32-1202, 79-406, 79-443, 79-451, 79-4,123, 79-547, 79-549, 79-550, and 79-10,111, Reissue Revised Statutes of Nebraska, section 32-616, Revised Statutes Cumulative Supplement, 2012, and sections 32-101, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1455, 49-1456, 49-1457, 49-1461.01, 49-1463.01, 49-1467, 49-1469, 49-1477, 49-1479.02, 49-1488.01, and 79-4,129, Revised Statutes Supplement, 2013; to change provisions relating to bond elections, county surveyor elections, school board elections, administration and conduct of elections, vacancies, presidential electors, and threshold amounts under the Nebraska Political Accountability and Disclosure Act; to provide an operative date; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	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	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Harms	Lautenbaugh
Davis	Janssen	Seiler

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 LB1001 with 38 ayes, 2 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 1001.**

A BILL FOR AN ACT relating to industrial hemp; to amend section 28-401, Revised Statutes Supplement, 2013; to permit growth and cultivation of industrial hemp by a postsecondary institution or the Department of Agriculture as prescribed; to exempt industrial hemp from the Uniform Controlled Substances Act as prescribed; to provide powers and duties for the Department of Agriculture; 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, 39:

Adams	Coash	Hadley	Larson	Schilz
Ashford	Conrad	Hansen	Lathrop	Schumacher
Avery	Cook	Harr, B.	McGill	Smith
Bloomfield	Crawford	Howard	Mello	Sullivan
Brasch	Dubas	Johnson	Murante	Wallman
Campbell	Garrett	Kintner	Nordquist	Watermeier
Carlson	Gloor	Kolowski	Pirsch	Wightman
Christensen	Haar, K.	Krist	Scheer	

Voting in the negative, 2:

Karpisek      McCoy

Present and not voting, 2:

Bolz              Nelson

Excused and not voting, 6:

Chambers	Harms	Lautenbaugh
Davis	Janssen	Seiler

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 1012.** With Emergency Clause.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Supplement, 2013; to change provisions relating to blighted areas; 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, 43:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	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	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Harms	Lautenbaugh
Davis	Janssen	Seiler

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 1103.** With Emergency Clause.

A BILL FOR AN ACT relating to education; to state findings and intent; to provide for a strategic planning process; to provide duties for the Education Committee of the Legislature; 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, 43:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harr, B.	McCoy	Schumacher
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	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	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Harms	Lautenbaugh
Davis	Janssen	Seiler

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 96, 986, 986A, 987, 987A, 725, 725A, 359, 359A, 402, 560, 560A, 660, 660A, 661, 661A, 814, 814A, 853, 853A, 901, 901A, 920, 920A, 967, 967A, 974, 974A, 1114, 1114A, 251, 699, 751, 751A, 836, 946, 1001, 1012, and 1103.

**SENATOR COASH PRESIDING****SELECT FILE**

**LEGISLATIVE BILL 717.** ER191, found on page 1077, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1048.** ER189, found on page 1078, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 759.** ER192, found on page 1078, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 674.** ER188, found on page 1079, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 364.** ER193, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 679.** ER194, found on page 1105, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 802.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 803.** ER197, found on page 1106, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 687.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 687A.** ER195, found on page 1117, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 712.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 714.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 739.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 757.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 758.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 777.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 766.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 806.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 859.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 781.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 753.** ER196, found on page 1140, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 774.** ER198, found on page 1140, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 698.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 736.** ER201, found on page 1140, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 702.** ER203, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 697.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 683.** Advanced to Enrollment and Review for Engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 565.** Title read. Considered.

Committee AM810, found on page 875, First Session, 2013, was offered.

Senator Karpisek offered his amendment, AM2553, found on page 1178, to the committee amendment.

Senator Karpisek moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Karpisek requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Ashford	Conrad	Harr, B.	Lathrop	Wallman
Avery	Cook	Howard	McGill	
Bolz	Crawford	Karpisek	Mello	
Campbell	Dubas	Kolowski	Schumacher	
Coash	Haar, K.	Krist	Seiler	

Voting in the negative, 18:

Adams	Gloor	Kintner	Nelson	Watermeier
Brasch	Hadley	Lautenbaugh	Pirsch	Wightman
Carlson	Hansen	McCoy	Schilz	
Garrett	Johnson	Murante	Smith	

Present and not voting, 3:

Bloomfield	Christensen	Larson
------------	-------------	--------

Excused and not voting, 7:

Chambers	Harms	Nordquist	Sullivan
Davis	Janssen	Scheer	

The Karpisek amendment lost with 21 ayes, 18 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

### SENATOR KRIST PRESIDING

Senator B. Harr offered the following amendment to the committee amendment:

FA286

Amend AM810

Page 2, line 20 add "homeless," prior to elderly.

Senator B. Harr moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator B. Harr requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Bolz	Haar, K.	Kolowski	McGill
Conrad	Harr, B.	Krist	Wallman
Cook	Howard	Lathrop	

Voting in the negative, 24:

Adams	Coash	Karpisek	Murante	Seiler
Avery	Garrett	Kintner	Nelson	Smith
Bloomfield	Hadley	Larson	Pirsch	Watermeier
Brasch	Hansen	Lautenbaugh	Scheer	Wightman
Christensen	Johnson	McCoy	Schilz	

Present and not voting, 8:

Ashford	Carlson	Dubas	Schumacher
Campbell	Crawford	Gloor	Sullivan

Excused and not voting, 6:

Chambers	Harms	Mello
Davis	Janssen	Nordquist

The B. Harr amendment lost with 11 ayes, 24 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.



Senator B. Harr offered the following amendment to the committee amendment:

FA287

Amend AM810

Page 1, line 2 add "any" at the beginning of the sentence.

Pending.

**CORRECTED NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Thursday, April 3, 2014 ~~12:00 p.m.~~ 8:30 a.m.

Martin Fattig - Nebraska Rural Health Advisory Commission

Richard Lee Robinson - State Board of Health

Joshua M. Vest - State Board of Health

(Signed) Kathy Campbell, Chairperson

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 999A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB198, section 11; to appropriate funds to aid in carrying out the provisions of Legislative Bill 999, One Hundred Third Legislature, Second Session, 2014; and to repeal the original section.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 27, 2014, at 12:01 p.m. were the following: LBs 96, 986e, 986Ae, 987, 987A, 725e, 725Ae, 359, 359A, 402, 560, 560A, 660e, 660Ae, 661, 661A, 814, 814A, 853, 853A, 901, 901A, 920, 920A, 967e, 967Ae, 974e, 974A, 1114, 1114A, 251, 699e, 751, 751A, 836, 946, 1001, 1012e, and 1103e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**AMENDMENTS - Print in Journal**

Senator Smith filed the following amendment to LB965:  
AM2655

(Amendments to Standing Committee amendments, AM2045)

- 1 1. Strike the original amendments and all amendments
- 2 thereto and insert the following new amendments:
- 3 1. Strike section 2.
- 4 2. On page 2, strike beginning with "and" in line 5
- 5 through "possible," in line 6; and strike beginning with "Cost" in
- 6 line 14 through line 24.
- 7 3. On page 3, strike lines 15 through 17.
- 8 4. On page 4, strike beginning with "and" in line 23
- 9 through "possible," in line 24.
- 10 5. On page 5, strike beginning with "Cost" in line 3
- 11 through line 16; and in line 18 strike "sections 70-1001 and
- 12 70-1014" and insert "section 70-1001".
- 13 6. Renumber the sections accordingly.

Senator Ashford filed the following amendment to LB907A:  
AM2660

- 1 1. Insert the following new section:
- 2 Sec. 7. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator Krist filed the following amendment to LB464:  
AM2652

(Amendments to Final Reading copy)

- 1 1. Strike sections 10, 23, and 33 and insert the
- 2 following sections:
- 3 Sec. 10. Section 43-247.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 ~~43-247.01 (1) Pending the adjudication of any case,~~
- 6 In any juvenile case, the court may provide the parties the
- 7 opportunity to address issues involving the child's care and
- 8 placement, services to the family, restorative justice, and
- 9 other concerns through facilitated conferencing or mediation.
- 10 Facilitated conferencing may include, but is not limited to,
- 11 prehearing conferences, and family group conferences, expedited
- 12 family group conferences, child welfare mediation, permanency
- 13 prehearing conferences, termination of parental rights prehearing
- 14 conferences, and juvenile victim-offender dialogue. Funding and
- 15 management for such services will be part of the office of the
- 16 State Court Administrator. All discussions taking place during
- 17 such facilitated conferences, including plea negotiations, shall
- 18 be considered confidential and privileged communications, except
- 19 communications required by mandatory reporting under section 28-711
- 20 for new allegations of child abuse or neglect which were not
- 21 previously known or reported.

22 (2) For purposes of this section:

1 (a) Expedited family group conference means an expedited  
 2 and limited-scope facilitated planning meeting which engages  
 3 a child's or juvenile's parents, the child or juvenile when  
 4 appropriate, other critical family members, services providers,  
 5 and staff members from either the Department of Health and Human  
 6 Services or the Office of Probation Administration to address  
 7 immediate placement issues for the child or juvenile;

8 (b) Family group conference means a facilitated meeting  
 9 involving a child's or juvenile's family, the child or juvenile  
 10 when appropriate, available extended family members from across the  
 11 United States, other significant and close persons to the family,  
 12 service providers, and staff members from either the Department of  
 13 Health and Human Services or the Office of Probation Administration  
 14 to develop a family-centered plan for the best interests of the  
 15 child and to address the essential issues of safety, permanency,  
 16 and well-being of the child;

17 (c) Juvenile victim-offender dialogue means a  
 18 court-connected process in which a facilitator meets with  
 19 the juvenile offender and the victim in an effort to convene a  
 20 dialogue in which the offender takes responsibility for his or  
 21 her actions and the victim is able to address the offender and  
 22 request an apology and restitution, with the goal of creating an  
 23 agreed-upon written plan; and

24 ~~(d)~~ (d) Prehearing conference means a facilitated meeting  
 25 prior to appearing in court and held to gain the cooperation  
 26 of the parties, to offer services and treatment, and to develop  
 27 a problem-solving atmosphere in the best interests of children  
 1 involved in the juvenile court system. A prehearing conference may  
 2 be scheduled at any time during the child welfare or juvenile court  
 3 process, from initial removal through permanency, termination of  
 4 parental rights, and juvenile delinquency court processes. ; and

5 ~~(b) Family group conference means a facilitated~~  
 6 ~~collaborative process in which families work with extended family~~  
 7 ~~members and others to make decisions and develop plans for the best~~  
 8 ~~interests of children who are under the jurisdiction of the court.~~

9 Sec. 11. (1) It is the intent of the Legislature to  
 10 transfer four hundred fifty thousand dollars in General Funds from  
 11 the Department of Health and Human Services' 2014-15 budget to the  
 12 office of the State Court Administrator's budget for the purpose  
 13 of making the State Court Administrator directly responsible for  
 14 contracting and paying for court-connected prehearing conferences,  
 15 family group conferences, expedited family group conferences, child  
 16 welfare mediation, permanency prehearing conferences, termination  
 17 of parental rights prehearing conferences, juvenile victim-offender  
 18 dialogue, and other related services. Such funds shall be  
 19 transferred on or before October 15, 2014.

20 (2) The Department of Health and Human Services  
 21 shall continue to be responsible for contracting with mediation

22 centers approved by the Office of Dispute Resolution to provide  
23 family group conferences, mediation, and related services for  
24 non-court-involved and voluntary child welfare or juvenile cases  
25 through June 30, 2017, unless extended by the Legislature.

26 Sec. 33. Section 43-4203, Revised Statutes Supplement,  
27 2013, is amended to read:

1 43-4203 (1) The Nebraska Children's Commission shall work  
2 with administrators from each of the service areas designated  
3 pursuant to section 81-3116, the teams created pursuant to section  
4 28-728, local foster care review boards, child advocacy centers,  
5 the teams created pursuant to the Supreme Court's Through the Eyes  
6 of the Child Initiative, community stakeholders, and advocates for  
7 child welfare programs and services to establish networks in each  
8 of such service areas. Such networks shall permit collaboration  
9 to strengthen the continuum of services available to child welfare  
10 agencies and to provide resources for children and juveniles  
11 outside the child protection system. Each service area shall  
12 develop its own unique strategies to be included in the statewide  
13 strategic plan. The Department of Health and Human Services shall  
14 assist in identifying the needs of each service area.

15 (2)(a) The commission shall create a committee to examine  
16 state policy regarding the prescription of psychotropic drugs for  
17 children who are wards of the state and the administration of such  
18 drugs to such children. Such committee shall review the policy and  
19 procedures for prescribing and administering such drugs and make  
20 recommendations to the commission for changes in such policy and  
21 procedures.

22 (b) The commission shall create a committee to examine  
23 the structure and responsibilities of the Office of Juvenile  
24 Services as they exist on April 12, 2012. Such committee shall  
25 review the role and effectiveness of the youth rehabilitation  
26 and treatment centers in the juvenile justice system and make  
27 recommendations to the commission on the future role of the  
1 youth rehabilitation and treatment centers in the juvenile justice  
2 continuum of care, including what populations they should serve  
3 and what treatment services should be provided at the centers  
4 in order to appropriately serve those populations. Such committee  
5 shall also review how mental and behavioral health services are  
6 provided to juveniles in secure residential placements and the need  
7 for such services throughout Nebraska and make recommendations to  
8 the commission relating to those systems of care in the juvenile  
9 justice system. The committee shall collaborate with the University  
10 of Nebraska at Omaha, Juvenile Justice Institute, the University of  
11 Nebraska Medical Center, Center for Health Policy, the behavioral  
12 health regions as established in section 71-807, and state and  
13 national juvenile justice experts to develop recommendations.  
14 If the committee's recommendations include maintaining the Youth  
15 Rehabilitation and Treatment Center-Kearney, the recommendation  
16 shall include a plan to implement a rehabilitation and treatment

17 model by upgrading the center's physical structure, staff, and  
18 staff training and the incorporation of evidence-based treatments  
19 and programs. The recommendations shall be delivered to the  
20 commission and electronically to the Judiciary Committee of the  
21 Legislature by December 1, 2013.

22 (c) The commission may organize committees as it  
23 deems necessary. Members of the committees may be members of  
24 the commission or may be appointed, with the approval of the  
25 majority of the commission, from individuals with knowledge of  
26 the committee's subject matter, professional expertise to assist  
27 the committee in completing its assigned responsibilities, and the  
1 ability to collaborate within the committee and with the commission  
2 to carry out the powers and duties of the commission.

3 (d) The Title IV-E Demonstration Project Committee  
4 created pursuant to section 43-4208 and the Foster Care  
5 Reimbursement Rate Committee created pursuant to section 43-4212  
6 are under the jurisdiction of the commission.

7 (3) The commission shall work with the office of the  
8 State Court Administrator, as appropriate, and entities which  
9 coordinate facilitated conferencing as described in section  
10 ~~43-247.01-10 of this act.~~ Facilitated conferencing shall be  
11 included in statewide strategic plan discussions by the commission.  
12 Facilitated conferencing shall continue to be utilized and  
13 maximized, as determined by the court of jurisdiction, during  
14 the development of the statewide strategic plan. Funding and  
15 ~~contracting of with mediation centers approved by the Office of~~  
16 Dispute Resolution to provide facilitated conferencing entities  
17 shall continue to be provided by the ~~Department of Health and~~  
18 ~~Human Services to at least the same extent as such funding and~~  
19 ~~contracting are being provided on April 12, 2012.~~ office of the  
20 State Court Administrator at an amount of no less than the General  
21 Fund transfer under subsection (1) of section 11 of this act.

22 (4) The commission shall gather information and  
23 communicate with juvenile justice specialists of the Office of  
24 Probation Administration and county officials with respect to any  
25 county-operated practice model participating in the Crossover Youth  
26 Program of the Center for Juvenile Justice Reform at Georgetown  
27 University.

1 (5) The commission shall coordinate and gather  
2 information about the progress and outcomes of the Nebraska  
3 Juvenile Service Delivery Project established pursuant to section  
4 43-4101.

5 2. On page 1, line 3, strike "43-295,"; and in line  
6 15 after the semicolon insert "to change provisions relating to  
7 juvenile facilitated conferencing and funding;".

8 3. On page 44, lines 14 and 15, reinstate the stricken  
9 matter; in line 15 strike "court"; in lines 16 through 18 reinstate  
10 the stricken matter; and in lines 21, 23, and 24 strike all  
11 occurrences of "release" and insert "discharge".

- 12 4. On page 45, strike beginning with "discharge" in line  
 13 14 through the comma in line 15; in line 19 after the comma insert  
 14 "and"; and strike beginning with the comma in line 20 through  
 15 "juvenile" in line 21.
- 16 5. On page 46, strike lines 4 through 6.
- 17 6. On page 49, strike beginning with "(1)" in line 18  
 18 through line 21 and insert "(1) Payment of costs for juveniles  
 19 described in or alleged to be described in subdivision (1), (2),  
 20 (3)(b), or (4) of section 43-247, except as ordered by the court  
 21 pursuant to section 43-290, shall be paid by:".
- 22 7. On page 50, strike beginning with "the" in line 16  
 23 through "court" in line 17 and insert "the juvenile is discharged  
 24 by the Office of Juvenile Services".
- 25 8. On page 63, lines 19 through 23, strike the new matter  
 26 and reinstate the stricken matter.
- 27 9. On page 69, line 2, strike the new matter and  
 1 reinstate the stricken matter.
- 2 10. On page 90, line 20, strike "43-295,".
- 3 11. Correct the operative date section so that the  
 4 sections added by this amendment become operative three calendar  
 5 months after the adjournment of this legislative session.
- 6 12. Renumber the remaining sections and correct the  
 7 internal references and repealer accordingly.

#### EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 96, 986e, 986Ae, 987, 987A, and 699.

(Signed) Colby Coash

Had I been present, I would have voted "aye" on final passage of LB96.

(Signed) Tom Hansen

#### UNANIMOUS CONSENT - Add Cointroducer

Senator Wallman asked unanimous consent to add his name as cointroducer to LR482. No objections. So ordered.

#### VISITORS

Visitors to the Chamber were 58 fourth-grade students, teachers, and sponsors from Prairie Lane Elementary, Omaha; and 40 sixth-grade students and teachers from Heartland Elementary, Henderson.

**ADJOURNMENT**

At 1:58 p.m., on a motion by Senator Garrett, the Legislature adjourned until 10:00 a.m., Monday, March 31, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature





**FIFTY-SECOND DAY - MARCH 31, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 31, 2014

**PRAYER**

The prayer was offered by Reverend Lowell Nelson, Immanuel Lutheran Church, Bellevue.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Conrad, Lautenbaugh, and Murante who were excused until they arrive.

**PRESIDENT HEIDEMANN PRESIDING****CORRECTIONS FOR THE JOURNAL**

Page 1223, line 10, after "875," insert "First Session, 2013,".  
The Journal for the fifty-first day was approved as corrected.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 559.** Placed on Select File with amendment.  
ER217 is available in the Bill Room.

**LEGISLATIVE BILL 700.** Placed on Select File with amendment.  
ER220

- 1 1. On page 2, line 21, strike "this" and insert "the".
- 2 2. On page 3, line 5, strike "mean" and insert "means".
- 3 3. On page 3, line 18; and page 5, line 5, strike
- 4 "insurer" and insert "insurer's".
- 5 4. On page 4, line 1, strike "changes have" and insert
- 6 "change has".
- 7 5. On page 7, line 20, after the second "assessment"
- 8 insert "summary".
- 9 6. On page 8, line 2, after "for" insert "a".
- 10 7. On page 10, line 19, after "44-2137.01" insert an
- 11 underscored comma.

**LEGISLATIVE BILL 994.** Placed on Select File.

**LEGISLATIVE BILL 994A.** Placed on Select File with amendment.  
ER229

- 1 1. On page 1, line 1, after the semicolon insert
- 2 "to amend section 26, Legislative Bill 905, One Hundred Third
- 3 Legislature, Second Session, 2014, and Laws 2013, LB195, sections
- 4 92 and 103, as amended by sections 57 and 60, respectively,
- 5 Legislative Bill 905, One Hundred Third Legislature, Second
- 6 Session, 2014;" and in line 3 after the semicolon insert "to
- 7 change provisions relating to appropriations to the Department of
- 8 Health and Human Services; to repeal the original sections;"

**LEGISLATIVE BILL 811.** Placed on Select File with amendment.  
ER227

- 1 1. In the Standing Committee amendments, AM2400, on page
- 2 22, line 17, after "phenyl" insert an underscored comma.
- 3 2. On page 1, line 3, strike ", 28-405, and 28-416" and
- 4 insert "and 28-405".

**LEGISLATIVE BILL 373.** Placed on Select File with amendment.  
ER219

- 1 1. On page 1, line 3, strike "and eliminate"; in line
- 2 4 after the semicolon insert "and"; and strike beginning with the
- 3 semicolon in line 5 through "Nebraska" in line 6.

**LEGISLATIVE BILL 923.** Placed on Select File with amendment.  
ER221

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The position of state school security
- 4 director is created within the State Department of Education. The
- 5 Commissioner of Education shall appoint the director based on
- 6 experience, knowledge, and skills in the field of school security.
- 7 Sec. 2. The state school security director appointed
- 8 pursuant to section 1 of this act shall be responsible for
- 9 providing leadership and support for safety and security for the
- 10 public, private, denominational, and parochial schools. Duties of
- 11 the director include, but are not limited to:
- 12 (1) Collecting safety and security plans, required
- 13 pursuant to rules and regulations of the State Department of
- 14 Education relating to accreditation of schools, and other school
- 15 security information from each school system in Nebraska. School
- 16 districts shall provide the state school security director with
- 17 the safety and security plans of the school district and any other
- 18 security information requested by the director, but any plans or

19 information submitted by a school district may be withheld by the  
20 department pursuant to subdivision (8) of section 84-712.05;

21 (2) Recommending minimum standards for school security on  
22 or before January 1, 2016, to the State Board of Education;

23 (3) Conducting an assessment of the security of each  
1 public school building, which assessment shall be completed by  
2 August 31, 2017;

3 (4) Identifying deficiencies in school security based on  
4 the minimum standards adopted by the State Board of Education  
5 and making recommendations to school boards for remedying such  
6 deficiencies;

7 (5) Establishing security awareness and preparedness  
8 tools and training programs for public school staff;

9 (6) Establishing research-based model instructional  
10 programs for staff, students, and parents to address the underlying  
11 causes for violent attacks on schools; and

12 (7) Overseeing suicide awareness and prevention training  
13 in public schools pursuant to section 4 of this act.

14 Sec. 3. The State Board of Education, based on the  
15 recommendations of the state school security director appointed  
16 pursuant to section 1 of this act, may adopt and promulgate rules  
17 and regulations establishing minimum school security standards on  
18 or before July 1, 2016.

19 Sec. 4. (1) Beginning in school year 2015-16, all  
20 public school nurses, teachers, counselors, school psychologists,  
21 administrators, school social workers, and any other appropriate  
22 personnel shall receive at least one hour of suicide awareness and  
23 prevention training each year. This training shall be provided  
24 within the framework of existing inservice training programs  
25 offered by the State Department of Education or as part of  
26 required professional development activities.

27 (2) The department, in consultation with organizations  
1 including, but not limited to, the Nebraska State Suicide  
2 Prevention Coalition, the Nebraska chapter of the American  
3 Foundation for Suicide Prevention, the Behavioral Health Education  
4 Center of Nebraska, the National Alliance on Mental Illness  
5 Nebraska, and other organizations and professionals with expertise  
6 in suicide prevention, shall develop a list of approved training  
7 materials to fulfill the requirements of subsection (1) of this  
8 section. Such materials shall include training on how to identify  
9 appropriate mental health services, both within the school and  
10 also within the larger community, and when and how to refer youth  
11 and their families to those services. Such materials may include  
12 programs that can be completed through self-review of suitable  
13 suicide prevention materials.

14 (3) The department may adopt and promulgate rules and  
15 regulations to carry out this section.

16 2. On page 1, line 1, after the semicolon insert "to

17 provide for the position of state school security director; to  
 18 require assessment of and training on school security;".

**LEGISLATIVE BILL 719.** Placed on Select File with amendment.  
 ER218

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 84-907.04, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 84-907.04 (1) At the time an agency finalizes a proposed  
 6 rule or regulation and prior to submission to the Secretary of  
 7 State, Attorney General, and Governor, the agency shall attach to  
 8 the proposed rule or regulation a concise explanatory statement  
 9 containing:  
 10 (a) Its reasons for adopting the rule or regulation;  
 11 (b) An indication of any change between the text of  
 12 the proposed rule or regulation contained or referenced in the  
 13 published notice and the text of the rule or regulation to be  
 14 adopted, with the reasons for any change; and  
 15 (c) When procedural rules differ from the model rules,  
 16 the agency's reasons why relevant portions of the model rules were  
 17 impracticable under the circumstances.  
 18 (2) Only the reasons contained in the concise explanatory  
 19 statement may be used by an agency as justifications for the  
 20 adoption of the rule or regulation in any proceeding in which its  
 21 validity is at issue.  
 22 (3) The agency shall also attach to the proposed rule  
 23 or regulation a written report that includes a summary of the  
 1 testimony offered at the public hearing and that lists any  
 2 specific issues or questions that were presented by individuals  
 3 or representatives of organizations at the hearing or in written  
 4 testimony submitted as part of the public hearing process. The  
 5 report shall also include a response from the agency proposing  
 6 the regulatory change to the questions and issues that were  
 7 presented by individuals or representatives of organizations at the  
 8 hearing or in written testimony submitted as part of the public  
 9 hearing process. The written report shall also be submitted to  
 10 the Executive Board of the Legislative Council. The chairperson  
 11 of the executive board or committee staff member of the executive  
 12 board shall refer each written report received pursuant to this  
 13 subsection for review (a) to the chairperson of the standing  
 14 committee of the Legislature which has subject matter jurisdiction  
 15 over the issue involved in the rule or regulation or which  
 16 has traditionally handled the issue and (b) if practicable, to  
 17 the member of the Legislature who was the primary sponsor of a  
 18 legislative bill that granted the agency the rulemaking authority  
 19 if the member is still serving or, if the legislative bill was  
 20 amended to include the rulemaking authority, to the member of  
 21 the Legislature who was the primary sponsor of the amendment that

22 granted rulemaking authority if the member is still serving.  
23 Sec. 2. Section 84-907.10, Reissue Revised Statutes of  
24 Nebraska, is amended to read:  
25 84-907.10 ~~(1) After an agency submits a copy of each~~  
26 ~~amendment or rule or regulation pursuant to section 84-907.06, or~~  
27 ~~any time thereafter.~~ (1) If any member of the Legislature who feels  
1 aggrieved by a rule or regulation or by the proposed adoption,  
2 amendment, or repeal of a rule, or regulation pursuant to section  
3 84-907.06 or believes that ~~the~~ (a) a rule or regulation or the  
4 adoption, amendment, ~~rule, or regulation~~ or repeal of a rule or  
5 regulation is in excess of the statutory authority or jurisdiction  
6 of the agency, is unconstitutional, ~~or~~ is inconsistent with the  
7 legislative intent of the authorizing statute, or creates an undue  
8 burden in a manner that significantly outweighs its benefit to  
9 the public, (b) circumstances have changed since the passage of  
10 the statute which a rule or regulation implements, or (c) a rule  
11 or regulation or an amendment or repeal overlaps, duplicates, or  
12 conflicts with federal, state, or local laws, rules, regulations,  
13 or ordinances, the member may file a complaint with the Chairperson  
14 of the Executive Board of the Legislative Council. The complaint  
15 shall explain in detail the member's contentions.  
16 (2) The chairperson of the executive board or a committee  
17 staff member of the executive board shall refer the complaint  
18 to the chairperson of the standing committee of the Legislature  
19 which has subject matter jurisdiction over the issue involved in  
20 the rule or regulation or which has traditionally handled the  
21 issue and, if practicable, to the member of the Legislature who  
22 was the primary sponsor of the legislative bill that granted  
23 the agency the rulemaking authority if the member is still  
24 serving or, if the legislative bill was amended to include the  
25 rulemaking authority, to the primary sponsor of the amendment  
26 granting rulemaking authority if the member is still serving.  
27 (3) The standing committee and primary sponsor of the  
1 legislative bill or amendment granting rulemaking authority may  
2 consider the complaint and, if such committee or primary sponsor  
3 concludes that the complaint has merit, then such committee or  
4 primary sponsor may request a written response from the agency  
5 which shall include, but not be limited to (a) a description of the  
6 amendment or rule or regulation, (b) when applicable, a description  
7 of the legislative intent of the statute granting the agency  
8 rulemaking authority and a statement explaining how the rule or  
9 regulation or the adoption, amendment, or repeal of the ~~or~~ rule or  
10 regulation is within the authority or jurisdiction of the agency,  
11 is constitutional, is consistent with legislative intent, or is not  
12 an undue burden, (c) if the description required in subdivision (b)  
13 of this subsection is inapplicable, an explanation as to why the  
14 rule or regulation or the adoption, amendment, or repeal ~~or rule or~~  
15 regulation is necessary, and (d) an explanation of the extent to  
16 which and how any public comment was taken into consideration by

17 the agency with respect to the rule or regulation or the adoption,  
 18 amendment, or repeal, or rule or regulation. The agency shall  
 19 respond within sixty days of a request, and such response shall be  
 20 a public record.  
 21 (4) Nothing in this section shall be construed to  
 22 prohibit the adoption or promulgation of the rule or regulation  
 23 in accordance with other ~~sections~~ provisions of the Administrative  
 24 Procedure Act.  
 25 Sec. 3. Original sections 84-907.04 and 84-907.10,  
 26 Reissue Revised Statutes of Nebraska, are repealed.  
 27 2. On page 1, strike lines 2 through 4 and insert  
 1 "sections 84-907.04 and 84-907.10, Reissue Revised Statutes of  
 2 Nebraska; to require a report and referral of the report regarding  
 3 proposed rules and regulations; to change provisions regarding  
 4 complaints by members of the Legislature relating to rules and  
 5 regulations; and to repeal the original sections."

**LEGISLATIVE BILL 1115A.** Placed on Select File.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**  
 Enrollment and Review

**LEGISLATIVE BILL 364.** Placed on Final Reading.

**LEGISLATIVE BILL 438.** Placed on Final Reading Second.

**LEGISLATIVE BILL 438A.** Placed on Final Reading Second.  
 ST74

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. The Adams amendment, AM2625, has been incorporated into the Final Reading Copy of LB438A.

2. On page 1, line 3, "; and to declare an emergency" has been inserted after "2014".

**LEGISLATIVE BILL 674.** Placed on Final Reading.  
**LEGISLATIVE BILL 679.** Placed on Final Reading.  
**LEGISLATIVE BILL 687.** Placed on Final Reading.  
**LEGISLATIVE BILL 687A.** Placed on Final Reading.  
**LEGISLATIVE BILL 712.** Placed on Final Reading.  
**LEGISLATIVE BILL 714.** Placed on Final Reading.  
**LEGISLATIVE BILL 717.** Placed on Final Reading.  
**LEGISLATIVE BILL 739.** Placed on Final Reading.  
**LEGISLATIVE BILL 757.** Placed on Final Reading.  
**LEGISLATIVE BILL 758.** Placed on Final Reading.  
**LEGISLATIVE BILL 759.** Placed on Final Reading.  
**LEGISLATIVE BILL 766.** Placed on Final Reading.

**LEGISLATIVE BILL 777.** Placed on Final Reading.  
**LEGISLATIVE BILL 802.** Placed on Final Reading.  
**LEGISLATIVE BILL 803.** Placed on Final Reading.  
**LEGISLATIVE BILL 806.** Placed on Final Reading.  
**LEGISLATIVE BILL 859.** Placed on Final Reading.  
**LEGISLATIVE BILL 863.** Placed on Final Reading Second.

**LEGISLATIVE BILL 1048.** Placed on Final Reading.  
ST75

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "political parties" has been struck and "elections" inserted.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Transportation and Telecommunications

Room 1113

Monday, April 7, 2014 1:00 p.m.

John F. Krager III - Board of Public Roads Classifications and Standards

(Signed) Annette Dubas, Chairperson

General Affairs

Room 1510

Monday, April 7, 2014 1:00 p.m.

James S. Brummer - State Electrical Board

(Signed) Russ Karpisek, Chairperson

**MESSAGES FROM THE GOVERNOR**

March 28, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 132, 692, 728e, 740, 749, 755, 776e, 844, 854, 884, 941, 941A, 983e, 983Ae, 1014, 1016e, and 1016Ae were received in my office on March 24, 2014.

These bills were signed and delivered to the Secretary of State on March 28, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

March 28, 2014

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 671 without my signature and with my objections.

LB 671 would repeal authorization for the Nebraska Game and Parks Commission to issue permits for hunting mountain lions. In 2012, I signed LB 928 to grant the Commission the authority to permit the hunting of mountain lions. The majority of you supported the enactment of that law.

Nebraskans expect responsible wildlife management. LB 671 eliminates an important tool used to accomplish it. The Nebraska Game and Parks Commission should retain the ability to determine those management actions which are necessary to protect both the health and safety of our citizens and the wildlife in our state. Removing the agency's authority to manage mountain lions through hunting at this time is poor public policy.

I am concerned that LB 671 is potentially unconstitutional as it prohibits wildlife management of mountain lions through hunting. The majority of Nebraskans expressed, through the 2012 adoption of Article XV, Section 25 of the Nebraska Constitution that "hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife."



This provision of our Constitution is so new there is no clearly established law that tests its reach. However, LB 671 could be challenged as infringing upon Article XV, Section 25 because it precludes hunting which is now established as "preferred means" of wildlife management. Even if LB 671 is not unconstitutional, it fails to respect the will of Nebraska's citizens on this issue.

For these reasons, I respectfully urge you to sustain my veto of this bill.

Sincerely,  
(Signed) Dave Heineman  
Governor

March 29, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 949e was received in my office on March 24, 2014.

I signed and delivered this bill to the Secretary of State on March 29, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

March 29, 2014

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 130 with my signature, but with line-item reductions.

I have vetoed the \$14,500,000 transfer from the Cash Reserve Fund to the Nebraska Capitol Construction Fund in FY 2014-15 provided for in section 2 of LB 130. This transfer was made to enable appropriations for construction of four courtyard fountains and the beginning of the renovation of the heating, ventilation, and air condition system in the State Capitol. The appropriations in LB 905 have been vetoed and this transfer is not

necessary.

I have line-item reduced the transfer of \$50,500,000 from the Cash Reserve Fund to the General Fund provided for in section 2 of LB 130 by \$15,000,000, for the following reasons:

- 1) I have line-item reduced the appropriation from the Game & Parks State Park Improvement and Maintenance Fund created in LB 906. \$5,000,000 of the \$15,000,000 transfer amount made by the Legislature for this purpose from the Cash Reserve Fund is not necessary.
- 2) I have vetoed the \$10,000,000 appropriation provided for in LB 905 from the Job Training Cash Fund. The \$10,000,000 transfer amount made by the Legislature for this purpose from the Cash Reserve Fund is not necessary.

I urge you to sustain my line-item reductions.

Sincerely,  
(Signed) Dave Heineman  
Governor

March 29, 2014

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 906 with my signature, but with line-item reductions.

I have vetoed the \$12,500,000 transfer from the Department of Motor Vehicles Cash Fund to the Vehicle Title and Registration System Replacement and Maintenance Cash Fund provided for in section 3. This transfer was made to enable the appropriation for a replacement vehicle title and registration system. I have vetoed the appropriation for that purpose in LB 905. Therefore, this transfer is not necessary.

I have vetoed \$1,100,000 of the \$21,000,000 transfer from the General Fund to the Water Sustainability Fund provided for in section 8. This line-item reduction is to specifically remove any funding for redevelopment of sewer infrastructure facilities in FY 2014-15 and continue this reduction in future years to preserve the intended purpose and use of these monies for water sustainability. Therefore, this transfer is not necessary.

I have vetoed the \$5,000,000 of the \$15,000,000 transfer from the General Fund to the Game & Parks State Park Improvement and Maintenance Fund

provided for in section 5. I have vetoed the \$2,500,000 transfer from the State Recreation Road Fund to the Game & Parks State Park Improvement and Maintenance Fund provided for in section 6. This transfer was made to enable appropriations for Game and Parks Commission deferred maintenance projects. I have line-item reduced appropriations for that purpose in LB 905. Therefore, these transfer amounts are not necessary.

I urge you to sustain my line-item reductions.

Sincerely,  
(Signed) Dave Heineman  
Governor

March 29, 2014

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 905 with my signature, but with line-item reductions.

I have vetoed \$45,000 General Funds in FY 2013-14 and \$15,000 General Funds in FY 2014-15 from the Legislative Council that has been appropriated to re-establish Nebraska as an annual dues paying member of the Midwest Interstate Passenger Rail Compact. Sufficient justification has not been presented to explain any benefit that Nebraska has received or will receive from its participation in the Compact. There is simply no obligation to pay the dues merely because a bill has been received from the Compact. The Legislature rightfully eliminated this funding in 2010 and is encouraged to repeal the reference to Nebraska's participation and officially withdraw next session.

I have vetoed \$152,105 General Funds, along with \$88,506 of new Salary Limit, in FY 2014-15 provided to the Legislative Council for increased staffing for the Office of the Inspector General for Child Welfare. The Legislature is encouraged to utilize existing appropriation authority to address staffing needs that may exist in this area consistent with its decision for other state agencies requesting additional funding during this mid-biennium.

I have vetoed \$8,273 General Funds, along with \$6,293 of new Salary Limit in FY 2014-15, provided to the Supreme Court, for an additional salary increase for County Court employees greater than the annual wage increase provided for other state employees. The Supreme Court did not submit a deficit budget request for this additional wage increase for County Court

employees. It was not part of my budget recommendations.

I have vetoed a total of \$282,683 General Funds, along with \$245,490 of new Salary Limit in FY 2014-15 provided to the Supreme Court, for reclassification of probation officer positions, which will provide an extra salary increase in addition to the annual wage increase provided for other court employees. I vetoed a similar request by the Supreme Court in 2013 and that veto was sustained by the Legislature in the 2013 Legislative Session. Funding for these extra salary increases that will result from this reclassification of probation officers was not included in my 2014 deficit budget recommendations.

I have vetoed a total of \$1,702,368 General Funds, along with \$1,500,000 of new Salary Limit in FY 2014-15 to the Supreme Court, for additional salary increases for court and probation employees, greater than the annual increase provided for other state employees. The Supreme Court did not submit a deficit budget request for this additional wage increase for Court and Probation employees. It was not part of my budget recommendations. Your recommendation to use one-time monies for ongoing wage obligations is not sound fiscal policy.

I have vetoed \$7,400,000 General Funds in FY 2013-14, provided to the Supreme Court, for a Juvenile Services Project Contingency Program, just in case there is a shortfall in funds already requested and provided to the Supreme Court in Laws 2013, LB 561A for the Juvenile Services Delivery Project. This \$7,400,000 contingency appropriation represents an additional 37.4% over the total amount of General Funds provided to the Courts through LB 561A. The Supreme Court did not submit a deficit budget request, nor was it included in my recommendations. An analysis of year-to-date spending through February 28, 2014, for Probation – Community Corrections Program, reveals that the Supreme Court is estimated to underspend General Fund appropriations by approximately \$8 million by June 30, 2014. This contingency appropriation is not necessary.

I have vetoed \$17,668 General Funds, along with \$12,024 of new Salary Limit, in FY 2014-15 from the Governor's Office provided to convert a half-time position to full-time. This increased appropriation is not a priority.

I have vetoed \$17,668 General Funds, along with \$12,024 of new Salary Limit, in FY 2014-15 from the Lieutenant Governor's Office provided to convert a half-time position to full-time. This increased appropriation is not a priority.

I have vetoed \$176,669 General Funds, along with \$20,000 of new Salary Limit, for each of FY 2013-14 and FY 2014-15 appropriated to the Auditor of Public Accounts to restore their budget to the Legislature's original appropriations enacted during the 2013 Legislative Session. This veto restores the appropriation decisions made during the 2013 Legislative Session. This increased appropriation is not a priority.

I have vetoed \$95,798 General Funds for each of FY 2013-14 and FY 2014-15 that were taken from the Department of Education early childhood education grant program and redirected to finance Department of Education operational costs. Monies intended for state aid to directly benefit Nebraska's children should not be redirected to fund the state bureaucracy. The Department already receives adequate operations funding.

I have vetoed \$95,000 General Funds and \$55,000 of new Salary Limit for FY 2014-15 that were appropriated to the Department of Education for additional staff and technical assistance for early childhood education. The Department already receives an adequate appropriation for staff and administration of its aid programs.

I have vetoed \$250,000 General Funds for FY 2014-15 that were appropriated to the Department of Education to contract directly with the Microsoft IT Academy for a pilot project. As this provision causes a state agency sole source contract with one specific vendor by name, it represents special legislation potentially in violation of Article III, Section 18 of the Nebraska Constitution.

I have vetoed \$93,532 General Funds and \$55,048 new Salary Limit for FY 2014-15 that were appropriated to the Department of Education for a student achievement coordinator, a position that was eliminated in 2011. The position was originally created in 2006, but the Department did not implement the functions intended for the position. In 2012, the Legislature appropriated \$75,000 General Funds to the Department to perform the original duties of this position. The additional appropriation in LB 905 does not account for this existing appropriation. Furthermore, LB 438A also provides the Department another full-time position that would perform duties which are closely related to the duties of the position funded in LB 905. This appropriation in LB 905 is not necessary.

I have vetoed \$100,000 General Funds for FY 2014-15 that were appropriated to the Department of Education for an ongoing licensing fee. This specific amount of appropriation does not comport with the Department's own deficit request. The Department already received adequate funding for data systems for the current biennium during the 2013 Legislative Session.

I have vetoed \$13,605 cash fund appropriations and \$7,515 Salary Limit in FY 2013-14 and \$50,964 cash funds appropriation and \$32,273 Salary Limit in FY 2014-15 from the Public Service Commission for an additional administrative assistant. Again, providing additional appropriation to add state employee positions to existing programs is not a priority during this mid-biennium.

I have vetoed \$10,198 cash funds, along with \$8,855 of new Salary Limit, in FY 2013-14 and \$10,428 cash funds, along with \$9,055 of new Salary

Limit, in FY 2014-15 provided to the Commission on Problem Gambling (administratively located within the Department of Revenue), to increase the salary for the Commission's administrative support position. LB 6A, 2013 Session Laws provided adequate funding for a staff support position to perform duties and responsibilities on behalf of the Commission. Nothing has occurred in the few short months of the Commission's independence to warrant increasing the cost of the staff support position provided to the Commission.

I have vetoed a \$100,000 cash funds increase in FY 2013-14 provided to the Commission on Problem Gambling that would be used to contract for development of a data collection system to gather demographic and service utilization data. Sufficient flexibility exists within the Commission's current \$3.1 million biennial budget to accommodate development of the system without the \$100,000 increase.

I have vetoed \$15,000 cash funds in FY 2014-15, provided to the Department of Aeronautics, for an increase in aid to the Civil Air Patrol. This \$15,000 was not sought by the Department of Aeronautics in a 2014 deficit budget request and was not included in my recommendations. It represents an unreasonable increase of 59.5% above the current budgeted amount for FY 2014-15.

I have vetoed \$271,128 cash funds, along with \$94,584 of new Salary Limit, in FY 2014-15 provided to the Department of Motor Vehicles to identify a replacement vehicle title and registration system, associated costs, and financing options. This funding was not requested by the Department and is not an emergency that requires an appropriation during the mid-biennium deficit process.

I have vetoed the \$300,000 Health and Human Services Cash Fund earmark in FY 2013-14 for support of the vital records program in the Department of Health and Human Services. The additional spending proposed from the Medicaid False Claims Act Cash Fund over obligates the balance of the fund. The fund balance is not sufficient to support the additional spending from the fund proposed by the Legislature. At the present time there are no additional receipts identified for the remainder of the biennium other than a small amount of interest earnings.

I have vetoed the \$500,000 one-time FY 2014-15 appropriation from the Medicaid False Claims Act Cash Fund designated for the electronic health records initiative. The additional spending proposed from the Medicaid False Claims Act Cash Fund over obligates the balance of the fund. The fund balance is simply not sufficient to support the additional spending from the fund proposed by the Legislature. At the present time there are no additional receipts identified for the remainder of the biennium other than a small amount of interest earnings.

I have vetoed \$10,000,000 General Funds in FY 2014-15 redirected from

the Patient Protection and Affordable Care Act Contingency Fund program to the Behavioral Health Aid program. The \$10,000,000 General Funds represent only a portion of the savings to state behavioral health program attributable to the passage of the Affordable Care Act (ACA). It is imperative that these savings be captured as intended during the 2013 Legislative Session to help offset the cost to the state due to the ACA.

The Developmental Disability Aid program received significant increases when the biennial budget was developed during the 2013 Legislative Session, including \$8.7 million for transitioning students, \$13.0 million to address the waiting list, \$5.9 million for provider rates, and \$42 million for a new rate methodology for paying providers. The new rate methodology was adopted during the 2013 Legislative Session to pay providers based upon actual costs of providing services in the state with provisions for future adjustments for inflation. LB 905 includes an additional \$10.5 million for FY 2014-15 for the waiting list and \$5.4 million for FY 2014-15 for provider rates. I have vetoed \$2,595,048 General Funds and \$2,821,240 federal funds in FY 2014-15 for the additional adjustment in provider rates. It is premature to add funds for additional rate adjustments before the new methodology is implemented in FY 2014-15. All other increases listed above remain intact after my modest veto for provider rates.

I have vetoed \$1,500,000 General Funds and \$1,500,000 federal funds in FY 2014-15 for the state ward permanency pilot project. A request to establish a state ward permanency pilot was withdrawn by the Department of Health and Human Services, indicating that the request was more appropriate to address during development of the biennial budget than for consideration for supplemental or deficit funding. I concur that this pilot project should be considered during the regular biennial budget process for the 2015-2017 biennium. Adequate funding remains after my veto for the Department to serve these wards.

I have vetoed Salary Limit amounts of \$408,000 in FY 2013-14 and \$871,600 in FY 2014-15 designated for the behavioral health operations program. Adequate justification does not exist for this increase in Salary Limit.

I have vetoed \$85,000 General Funds in FY 2014-15 for increased funding for Nebraska Advocacy Services. The \$85,000 represents an increase of more than 21% above the current \$399,750 General Funds allocated for this purpose. This unreasonable increase is not necessary.

I have vetoed Salary Limit amounts of \$293,422 in FY 2013-14 and \$387,540 in FY 2014-15 designated for the Norfolk Sex Offender Treatment program. The Salary Limit increases of \$293,421 for FY 2013-14 and \$387,539 for FY 2014-15 remaining after my veto is sufficient to operate the facility during the biennium.

Senator Mello's AM2408 to LB 905 reduced the FY2013-14 General Fund

appropriation to Medicaid by \$2,400,000 and gave those monies to the Supreme Court. It also substituted a Cash Fund appropriation for Medicaid of \$2,400,000 for FY 2013-14 to be funded from the Medicaid False Claims Act Cash Fund. I have vetoed this \$2,400,000 FY 2013-14 Cash Fund appropriation from the Medicaid False Claims Act Cash Fund to the Medical Assistance program. The additional spending proposed from the Medicaid False Claims Act Cash Fund over obligates the balance of the fund. The fund balance is not sufficient to support the additional spending from the fund proposed by the Legislature. There are no additional receipts identified for the remainder of the biennium other than a small amount of interest earnings.

I have vetoed \$50,000 of the \$150,000 cash fund appropriation provided to the Nebraska Game and Parks Commission for administration and operations related to increased deferred maintenance projects to reflect the reduction in the level of deferred maintenance to be undertaken by the Commission. I have vetoed \$7,350,000 of the \$17,350,000 provided to the Nebraska Game and Parks Commission for state parks facilities deferred maintenance. Of the remaining \$10 million appropriation, I have left in \$1,500,000 to be expended at Ponca State Park to replace the existing swimming pool with a new aquatic feature and \$1,000,000 for new camper cabins. The remaining appropriation also includes \$2,107,000 to be expended at Arbor Lodge State Historical Park for deferred repairs and maintenance improvements at the mansion, carriage house, and grounds. I understand the need to maintain our state parks, state historical parks and state recreation areas for the benefit of our citizens. LB 814 proposes to direct over \$3 million annually of sales tax revenue to Nebraska Game & Parks Commission for deferred maintenance. This \$10.0 million and over \$3 million annually is adequate to initiate and continue a program of deferred maintenance based on the priorities shared with us by the Game and Parks Commission.

I have vetoed \$10,000 cash funds appropriation in FY 2013-14 and FY 2014-15 from the Nebraska Real Estate Commission for funding of educational expenses. The Commission has sufficient existing appropriations to meet its educational expenses. This additional appropriation is not necessary.

I have vetoed \$10,000 General Funds in FY 2013-14 from the Coordinating Commission for Postsecondary Education that has been appropriated to conduct a search for an executive director. I have also vetoed \$11,000 General Funds and \$14,000 Salary Limit in FY 2014-15 that has been appropriated for a retirement payout. The Commission is accruing vacancy savings due to staff resignations and should redirect its existing appropriations to fund its search for a new Executive Director and provide for retirement payout.

I have vetoed \$2,500,000 Nebraska Capitol Construction Funds in FY 2014-15 from the Department of Administrative Services (Office of the Capitol Commission) for the construction of four courtyard fountains. The State Capitol was completed in 1932. The decision was made at that time



not to install fountains because it was not a priority use of taxpayer money. The citizens of Nebraska have managed well without fountains in the courtyards for over 80 years. This expenditure lacks justification.

I have vetoed \$11,701,900 Nebraska Capitol Construction Funds in FY 2014-15 from the Department of Administrative Services (Office of the Capitol Commission) to renovate the heating, ventilation, and air condition system in the State Capitol. The Capitol Commission did not request funding for this project during this mid-biennium. LB 905 only provides funding of \$11.7 million of the \$77.8 million current estimated total cost of this project with the balance of \$66.1 million relegated to future Legislatures to resolve. This project should be presented and considered during a regular biennial budget process along side other capital projects with full consideration and a commitment to recognize and fund the full costs identified for the project.

I have vetoed \$3,000 General Funds for both FY 2013-14 and FY 2014-15 that were appropriated to the Nebraska Arts Council for operations to pay stipends to art reviewers. These reviewers traditionally have been unpaid volunteers and should remain so. Furthermore, changing this prudent volunteer relationship for the Arts Council would set a precedent for all other agencies to seek the same consideration for their unpaid volunteers.

I have vetoed the \$10,000,000 cash fund appropriation and the \$10,000,000 General Fund transfer provided to the Department of Economic Development for the Job Training Program in FY 2014-15. This increase is not needed at this time. No increase was requested by the Department of Economic Development.

I urge you to sustain my line-item reductions.

Sincerely,  
(Signed) Dave Heineman  
Governor

Attachments

## RESOLUTION

**LEGISLATIVE RESOLUTION 602.** Introduced by Johnson, 23.

WHEREAS, the David City High School speech team won the 2014 Class C-1 State Speech Championship; and

WHEREAS, the David City Scouts qualified 12 competitors in 14 events for the state meet, and defeated Omaha Brownell-Talbot by a score of 172-126 to win their fourth state title in five years; 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 David City High School speech team on winning the 2014 Class C-1 State Speech Championship.
2. That a copy of this resolution be sent to the David City High School speech team and their coach, Jarod Ockander.

Laid over.

### COMMUNICATIONS

Received copies of House Concurrent Resolution No. 13 and Senate Joint Resolution No. 1 from the state of Utah relating to the federal government honoring promises made with all states east of Colorado and transfer title of public lands to all willing western states and the Legislature urging the United States Congress to support, establish, or construct a national museum recognizing atrocities against American Indians.

### AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendments to LB1098:

FA288

Strike Section 1.

FA289

Strike Section 2.

FA290

Strike Section 3.

### GENERAL FILE

**LEGISLATIVE BILL 907A.** Title read. Considered.

Senator Ashford offered his amendment, AM2660, found on page 1226.

The Ashford amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 999A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 464A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 690.** With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to provide duties for the Department of Health and Human Services; to require application for a federal grant as prescribed; to create and provide duties for a task force; to provide a termination date; 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, 32:

Adams	Cook	Harms	McGill	Smith
Ashford	Crawford	Harr, B.	Mello	Sullivan
Avery	Davis	Howard	Murante	Wallman
Bolz	Dubas	Karpisek	Nelson	Wightman
Campbell	Gloor	Kolowski	Nordquist	
Chambers	Haar, K.	Krist	Schumacher	
Conrad	Hadley	Lathrop	Seiler	

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Larson	Scheer	Schilz
-------	--------	--------	--------

Excused and not voting, 2:

Johnson	Lautenbaugh
---------	-------------

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

Adams	Cook	Harms	McGill	Smith
Ashford	Crawford	Harr, B.	Mello	Sullivan
Avery	Davis	Howard	Murante	Wallman
Bolz	Dubas	Karpisek	Nelson	Wightman
Campbell	Gloor	Kolowski	Nordquist	
Chambers	Haar, K.	Krist	Schumacher	
Conrad	Hadley	Lathrop	Seiler	

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Larson	Scheer	Schilz
-------	--------	--------	--------

Excused and not voting, 2:

Johnson	Lautenbaugh
---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**LEGISLATIVE BILL 690A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 32:

Adams	Cook	Harms	Mello	Smith
Ashford	Crawford	Harr, B.	Murante	Sullivan
Avery	Davis	Howard	Nelson	Wallman
Bolz	Dubas	Karpisek	Nordquist	Wightman
Campbell	Gloor	Krist	Scheer	
Chambers	Haar, K.	Lathrop	Schumacher	
Conrad	Hadley	McGill	Seiler	

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Kolowski	Larson	Schilz
-------	----------	--------	--------

Excused and not voting, 2:

Johnson	Lautenbaugh
---------	-------------

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

Adams	Cook	Harms	McGill	Smith
Ashford	Crawford	Harr, B.	Mello	Sullivan
Avery	Davis	Howard	Murante	Wallman
Bolz	Dubas	Karpisek	Nelson	Wightman
Campbell	Gloor	Kolowski	Nordquist	
Chambers	Haar, K.	Krist	Scheer	
Conrad	Hadley	Lathrop	Schumacher	

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Larson	Schilz	Seiler
-------	--------	--------	--------

Excused and not voting, 2:

Johnson	Lautenbaugh
---------	-------------

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

**LEGISLATIVE BILL 744.** With Emergency Clause.

A BILL FOR AN ACT relating to state government; to establish the Nebraska Sesquicentennial Commission; to provide for the membership of the commission; to provide powers and duties; to provide an operative date; 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	Christensen	Haar, K.	Larson	Schilz
Ashford	Coash	Hadley	Lathrop	Schumacher
Avery	Conrad	Harms	Lautenbaugh	Seiler
Bloomfield	Cook	Harr, B.	McGill	Smith
Bolz	Crawford	Howard	Mello	Sullivan
Brasch	Davis	Johnson	Murante	Wallman
Campbell	Dubas	Karpisek	Nelson	Watermeier
Carlson	Garrett	Kolowski	Nordquist	Wightman
Chambers	Gloor	Krist	Scheer	

Voting in the negative, 3:

Kintner	McCoy	Pirsch
---------	-------	--------

Present and not voting, 2:

Hansen	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 744A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 744, 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, 43:

Adams	Christensen	Haar, K.	Larson	Schumacher
Ashford	Coash	Hadley	Lathrop	Seiler
Avery	Conrad	Harms	McGill	Smith
Bloomfield	Cook	Harr, B.	Mello	Sullivan
Bolz	Crawford	Howard	Murante	Wallman
Brasch	Davis	Johnson	Nelson	Watermeier
Campbell	Dubas	Karpisek	Nordquist	Wightman
Carlson	Garrett	Kolowski	Scheer	
Chambers	Gloor	Krist	Schilz	

Voting in the negative, 4:

Hansen          Kintner          McCoy          Pirsch

Present and not voting, 2:

Janssen          Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTIONS - Return LB768 to Select File**

Senator Larson moved to return LB768 to Select File for the following specific amendment:

AM2658

(Amendments to Final Reading copy)

- 1 1. On page 10, line 16; and page 13, line 2, strike
- 2 "The", show as stricken, and insert "For the period May 1, 2014,
- 3 through April 30, 2016, the amount of the fee assessed pursuant to
- 4 this section shall be six hundred fifty dollars. Beginning May 1,
- 5 2016, the".

Senator Larson requested a roll call vote, in reverse order, on his motion to return.

The Larson motion to return failed with 23 ayes, 14 nays, and 12 present and not voting.

Senator Davis moved to return LB768 to Select File for the following specific amendment:

AM2610

(Amendments to Standing Committee amendments, AM1945)

- 1 1. Strike sections 8 and 9 and insert the following
- 2 sections:
- 3 Sec. 8. Section 54-1,120, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 54-1,120 (1) Any person who operates a cattle feeding
- 6 operation located within the brand inspection area may make

7 application to the Nebraska Brand Committee for registration as  
8 a registered feedlot. The application form shall be prescribed by  
9 the brand committee and shall be made available by the director  
10 of the brand committee for this purpose upon written request.

11 If the applicant is an individual, the application shall include  
12 the applicant's social security number. After the brand committee  
13 has received a properly completed application, an agent of the  
14 brand committee shall within thirty days make an investigation to  
15 determine if the following requirements are satisfied:

16 (a) The operator's feedlot must be permanently fenced;  
17 and

18 (b) The operator must commonly practice feeding cattle to  
19 finish for slaughter.

20 If the application is satisfactory, and upon payment of  
21 a registration fee by the applicant, the brand committee shall  
22 issue a registration number and registration certificate valid  
1 for one year unless rescinded for cause. If the registration is  
2 rescinded for cause, any registration fee shall be forfeited by  
3 the applicant. The fees for registered feedlots shall be ~~not less~~  
4 ~~than one hundred dollars nor more than six hundred fifty dollars an~~  
5 amount for each such registered feedlot having one thousand head or  
6 less capacity and an equal amount for each additional one thousand  
7 head capacity, or part thereof, of such registered feedlot. The  
8 brand committee shall set the fee per one thousand head capacity  
9 so as to correspond with the inspection fee provided under section  
10 54-1,108. The registration fee shall be paid on an annual basis.

11 (2) The brand committee may adopt and promulgate rules  
12 and regulations for the operation of registered feedlots to assure  
13 that brand laws are complied with, that registered feedlot shipping  
14 certificates are available, and that proper records are maintained.  
15 Violation of sections 54-1,120 to 54-1,122 subjects the operator  
16 to revocation or suspension of the feedlot registration issued.  
17 Sections 54-1,120 to 54-1,122 shall not be construed as prohibiting  
18 the operation of nonregistered feedlots.

19 (3) Registered feedlots are subject to inspection at any  
20 reasonable time at the discretion of the brand committee and its  
21 authorized agents, and the operator shall show cattle purchase  
22 records or certificates of inspection to cover all cattle in his or  
23 her feedlot. Cattle having originated from such registered feedlots  
24 may from time to time, at the discretion of the committee, be  
25 subject to a spot-check inspection and audit at destination to  
26 enable the brand committee to assure satisfactory compliance with  
27 the brand laws by the registered feedlot operator.

1 (4) The operator of a registered feedlot shall keep  
2 cattle inventory records. A form for such purpose shall be  
3 prescribed by the brand committee. The brand committee and its  
4 employees may from time to time make spot checks and audits of  
5 the registered feedlots and the records of cattle on feed in such  
6 feedlots.



7 (5) The brand committee may rescind the registration of  
8 any registered feedlot operator who fails to cooperate or violates  
9 the laws or rules and regulations of the brand committee covering  
10 registered feedlots.

11 Sec. 9. Section 54-1,122.01, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 54-1,122.01 (1) Any person who operates a dairy operation  
14 located within the brand inspection area may make application  
15 to the Nebraska Brand Committee for registration as a registered  
16 dairy. The application form shall be prescribed by the brand  
17 committee and shall be made available by the director of the brand  
18 committee for this purpose upon written request. If the applicant  
19 is an individual, the application shall include the applicant's  
20 social security number. After the brand committee has received a  
21 properly completed application, an agent of the brand committee  
22 shall within thirty days make an investigation to determine if the  
23 following requirements are satisfied:

24 (a) The operator's dairy must be permanently fenced; and

25 (b) The operator must identify each animal individually  
26 as directed by the Nebraska Brand Committee.

27 If the application is satisfactory, and upon payment of  
1 a registration fee by the applicant, the brand committee shall  
2 issue a registration number and registration certificate valid  
3 for one year unless rescinded for cause. If the registration is  
4 rescinded for cause, any registration fee shall be forfeited by  
5 the applicant. The fee for a registered dairy shall be ~~not less~~  
6 ~~than one hundred dollars nor more than six hundred fifty dollars an~~  
7 amount for each such registered dairy having one thousand head or  
8 less capacity and an equal amount for each additional one thousand  
9 head capacity, or part thereof, of such registered dairy. The brand  
10 committee shall set the fee per one thousand head capacity so as to  
11 correspond with the inspection fee provided under section 54-1,108.  
12 The registration fee shall be paid on an annual basis.

13 (2) The brand committee may adopt and promulgate rules  
14 and regulations for the operation of registered dairies to assure  
15 that brand laws are complied with, that registered dairy shipping  
16 certificates are available, and that proper records are maintained.  
17 This section shall not be construed as prohibiting the operation of  
18 nonregistered dairies.

19 (3) A registered dairy is subject to inspection at any  
20 reasonable time at the discretion of the brand committee and its  
21 authorized agents, and the operator shall show cattle purchase  
22 records or certificates of inspection to cover all cattle in his  
23 or her dairy. Cattle having originated from any such registered  
24 dairy may from time to time, at the discretion of the committee, be  
25 subject to a spot-check inspection and audit at the destination to  
26 enable the brand committee to assure satisfactory compliance with  
27 the brand laws by the registered dairy operator.

1 (4) The operator of a registered dairy shall keep cattle

2 inventory records. A form for such purpose shall be prescribed by  
 3 the brand committee. The brand committee and its employees may from  
 4 time to time make spot checks and audits of registered dairies and  
 5 the records of cattle in such registered dairies.

6 (5) The brand committee may rescind or suspend the  
 7 registration of any registered dairy operator who fails to  
 8 cooperate or violates the laws or rules and regulations of the  
 9 brand committee covering registered dairies.

Senator Davis withdrew his motion to return.

## 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 LB768 with 41 ayes, 4 nays, and 4 present and not voting.

The following bill was put upon final passage:

### LEGISLATIVE BILL 768. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-172, 54-1,110, 54-1,111, 54-1,120, 54-1,122.01, and 54-415, Reissue Revised Statutes of Nebraska, section 54-1,108, Revised Statutes Cumulative Supplement, 2012, and sections 54-170 and 54-171, Revised Statutes Supplement, 2013; to define and redefine terms; to provide for brand inspection service areas under the Livestock Brand Act; to provide and change fees under the act; to change terminology relating to purchasers; to change provisions relating to estrays; to provide operative dates; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## **SENATOR GLOOR PRESIDING**

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB867 with 42 ayes, 3 nays, and 4 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 867.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-3107, 13-3108, 14-2138, 14-2139, 66-6,102, 77-2701.11, 77-2701.35, and 77-2704.13, Reissue Revised Statutes of Nebraska, sections 77-2701, 77-2701.04, and 77-27,144, Revised Statutes Cumulative Supplement, 2012, and sections 13-2709, 76-902, and 77-2711, Revised Statutes Supplement, 2013; to change provisions relating to distributions under the Sports Arena Facility Financing Assistance Act and payments by metropolitan utilities districts for sales of natural gas; to exempt certain deeds from the documentary stamp tax; to exempt energy or fuel used in the compression of natural gas, certain postage, currency, and bullion from sales and use taxation; to exempt purchases by historic automobile museums from sales and use taxation; to change provisions relating to review of sales and use tax information by municipalities; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 867A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Third Legislature, Second Session, 2014; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1087 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1087.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3501.01, 77-3506.02, 77-3506.03, 77-3509, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3513, 77-3514, 77-3516, 77-3521, 77-3522, 77-3523, 77-3529, and 77-4212, Reissue Revised Statutes of Nebraska, and section 77-3517, Revised Statutes Cumulative Supplement, 2012; to create a homestead exemption for disabled veterans and widows and widowers as prescribed; to harmonize provisions; 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, 48:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harms	Lautenbaugh	Schumacher
Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Murante	Wallman
Campbell	Garrett	Karpisek	Nelson	Watermeier
Carlson	Gloor	Kolowski	Nordquist	Wightman
Chambers	Haar, K.	Krist	Pirsch	
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kintner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 1087A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 1087, 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **WITHDRAW - Amendment to LB464**

Senator Krist withdrew his amendment, AM2652, found on page 1226, to LB464.

#### **MOTION - Return LB464 to Select File**

Senator Krist moved to return LB464 to Select File for the following specific amendment:

AM2687

(Amendments to Final Reading copy)

- 1 1. Strike sections 10, 23, and 33 and insert the
- 2 following sections:
- 3 Sec. 10. Section 43-247.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 ~~43-247.01 (1) Pending the adjudication of any case,~~
- 6 In any juvenile case, the court may provide the parties the
- 7 opportunity to address issues involving the child's care and
- 8 placement, services to the family, restorative justice, and
- 9 other concerns through facilitated conferencing or mediation.
- 10 Facilitated conferencing may include, but is not limited to,
- 11 prehearing conferences, and-family group conferences, expedited
- 12 family group conferences, child welfare mediation, permanency

13 prehearing conferences, termination of parental rights prehearing  
 14 conferences, and juvenile victim-offender dialogue. Funding and  
 15 management for such services will be part of the office of the  
 16 State Court Administrator. All discussions taking place during  
 17 such facilitated conferences, including plea negotiations, shall  
 18 be considered confidential and privileged communications, except  
 19 communications required by mandatory reporting under section 28-711  
 20 for new allegations of child abuse or neglect which were not  
 21 previously known or reported.

22 (2) For purposes of this section:

1 (a) Expedited family group conference means an expedited  
 2 and limited-scope facilitated planning meeting which engages  
 3 a child's or juvenile's parents, the child or juvenile when  
 4 appropriate, other critical family members, services providers,  
 5 and staff members from either the Department of Health and Human  
 6 Services or the Office of Probation Administration to address  
 7 immediate placement issues for the child or juvenile;

8 (b) Family group conference means a facilitated meeting  
 9 involving a child's or juvenile's family, the child or juvenile  
 10 when appropriate, available extended family members from across the  
 11 United States, other significant and close persons to the family,  
 12 service providers, and staff members from either the Department of  
 13 Health and Human Services or the Office of Probation Administration  
 14 to develop a family-centered plan for the best interests of the  
 15 child and to address the essential issues of safety, permanency,  
 16 and well-being of the child;

17 (c) Juvenile victim-offender dialogue means a  
 18 court-connected process in which a facilitator meets with  
 19 the juvenile offender and the victim in an effort to convene a  
 20 dialogue in which the offender takes responsibility for his or  
 21 her actions and the victim is able to address the offender and  
 22 request an apology and restitution, with the goal of creating an  
 23 agreed-upon written plan; and

24 ~~(a)~~ (d) Prehearing conference means a facilitated meeting  
 25 prior to appearing in court and held to gain the cooperation  
 26 of the parties, to offer services and treatment, and to develop  
 27 a problem-solving atmosphere in the best interests of children  
 1 involved in the juvenile court system. A prehearing conference may  
 2 be scheduled at any time during the child welfare or juvenile court  
 3 process, from initial removal through permanency, termination of  
 4 parental rights, and juvenile delinquency court processes. ; and

5 ~~(b) Family group conference means a facilitated~~  
 6 ~~collaborative process in which families work with extended family~~  
 7 ~~members and others to make decisions and develop plans for the best~~  
 8 ~~interests of children who are under the jurisdiction of the court.~~

9 Sec. 11. (1) It is the intent of the Legislature to  
 10 transfer four hundred fifty thousand dollars in General Funds from  
 11 the Department of Health and Human Services' 2014-15 budget to the  
 12 office of the State Court Administrator's budget for the purpose

13 of making the State Court Administrator directly responsible for  
14 contracting and paying for court-connected prehearing conferences,  
15 family group conferences, expedited family group conferences, child  
16 welfare mediation, permanency prehearing conferences, termination  
17 of parental rights prehearing conferences, juvenile victim-offender  
18 dialogue, and other related services. Such funds shall be  
19 transferred on or before October 15, 2014.

20 (2) The Department of Health and Human Services  
21 shall continue to be responsible for contracting with mediation  
22 centers approved by the Office of Dispute Resolution to provide  
23 family group conferences, mediation, and related services for  
24 non-court-involved and voluntary child welfare or juvenile cases  
25 through June 30, 2017, unless extended by the Legislature.

26 Sec. 33. Section 43-4203, Revised Statutes Supplement,  
27 2013, is amended to read:

1 43-4203 (1) The Nebraska Children's Commission shall work  
2 with administrators from each of the service areas designated  
3 pursuant to section 81-3116, the teams created pursuant to section  
4 28-728, local foster care review boards, child advocacy centers,  
5 the teams created pursuant to the Supreme Court's Through the Eyes  
6 of the Child Initiative, community stakeholders, and advocates for  
7 child welfare programs and services to establish networks in each  
8 of such service areas. Such networks shall permit collaboration  
9 to strengthen the continuum of services available to child welfare  
10 agencies and to provide resources for children and juveniles  
11 outside the child protection system. Each service area shall  
12 develop its own unique strategies to be included in the statewide  
13 strategic plan. The Department of Health and Human Services shall  
14 assist in identifying the needs of each service area.

15 (2)(a) The commission shall create a committee to examine  
16 state policy regarding the prescription of psychotropic drugs for  
17 children who are wards of the state and the administration of such  
18 drugs to such children. Such committee shall review the policy and  
19 procedures for prescribing and administering such drugs and make  
20 recommendations to the commission for changes in such policy and  
21 procedures.

22 (b) The commission shall create a committee to examine  
23 the structure and responsibilities of the Office of Juvenile  
24 Services as they exist on April 12, 2012. Such committee shall  
25 review the role and effectiveness of the youth rehabilitation  
26 and treatment centers in the juvenile justice system and make  
27 recommendations to the commission on the future role of the  
1 youth rehabilitation and treatment centers in the juvenile justice  
2 continuum of care, including what populations they should serve  
3 and what treatment services should be provided at the centers  
4 in order to appropriately serve those populations. Such committee  
5 shall also review how mental and behavioral health services are  
6 provided to juveniles in secure residential placements and the need  
7 for such services throughout Nebraska and make recommendations to



8 the commission relating to those systems of care in the juvenile  
9 justice system. The committee shall collaborate with the University  
10 of Nebraska at Omaha, Juvenile Justice Institute, the University of  
11 Nebraska Medical Center, Center for Health Policy, the behavioral  
12 health regions as established in section 71-807, and state and  
13 national juvenile justice experts to develop recommendations.  
14 If the committee's recommendations include maintaining the Youth  
15 Rehabilitation and Treatment Center-Kearney, the recommendation  
16 shall include a plan to implement a rehabilitation and treatment  
17 model by upgrading the center's physical structure, staff, and  
18 staff training and the incorporation of evidence-based treatments  
19 and programs. The recommendations shall be delivered to the  
20 commission and electronically to the Judiciary Committee of the  
21 Legislature by December 1, 2013.

22 (c) The commission may organize committees as it  
23 deems necessary. Members of the committees may be members of  
24 the commission or may be appointed, with the approval of the  
25 majority of the commission, from individuals with knowledge of  
26 the committee's subject matter, professional expertise to assist  
27 the committee in completing its assigned responsibilities, and the  
1 ability to collaborate within the committee and with the commission  
2 to carry out the powers and duties of the commission.

3 (d) The Title IV-E Demonstration Project Committee  
4 created pursuant to section 43-4208 and the Foster Care  
5 Reimbursement Rate Committee created pursuant to section 43-4212  
6 are under the jurisdiction of the commission.

7 (3) The commission shall work with the office of the  
8 State Court Administrator, as appropriate, and entities which  
9 coordinate facilitated conferencing as described in section  
10 ~~43-247.01-10 of this act.~~ Facilitated conferencing shall be  
11 included in statewide strategic plan discussions by the commission.  
12 Facilitated conferencing shall continue to be utilized and  
13 maximized, as determined by the court of jurisdiction, during  
14 the development of the statewide strategic plan. Funding and  
15 ~~contracting of with mediation centers approved by the Office of~~  
16 Dispute Resolution to provide facilitated conferencing entities  
17 shall continue to be provided by the ~~Department of Health and~~  
18 ~~Human Services to at least the same extent as such funding and~~  
19 ~~contracting are being provided on April 12, 2012.~~ office of the  
20 State Court Administrator at an amount of no less than the General  
21 Fund transfer under subsection (1) of section 11 of this act.

22 (4) The commission shall gather information and  
23 communicate with juvenile justice specialists of the Office of  
24 Probation Administration and county officials with respect to any  
25 county-operated practice model participating in the Crossover Youth  
26 Program of the Center for Juvenile Justice Reform at Georgetown  
27 University.

1 (5) The commission shall coordinate and gather  
2 information about the progress and outcomes of the Nebraska

- 3 Juvenile Service Delivery Project established pursuant to section  
4 43-4101.
- 5 2. On page 1, line 3, strike "43-295,"; and in line  
6 15 after the semicolon insert "to change provisions relating to  
7 juvenile facilitated conferencing and funding;".
- 8 3. On page 20, strike lines 19 through 21 and insert:  
9 "(a) Beginning January 1, 2015, any juvenile who is  
10 alleged to have committed an offense under subdivision (1) of  
11 section 43-247 and who was sixteen years of age at the time  
12 the alleged offense was committed, and beginning January 1, 2017,  
13 any juvenile who is alleged to have committed an offense under  
14 subdivision (1) of section 43-247 and who was sixteen years of  
15 age or seventeen years of age at the time the alleged offense was  
16 committed;".
- 17 4. On page 44, lines 14 and 15, reinstate the stricken  
18 matter; in line 15 strike "court"; in lines 16 through 18 reinstate  
19 the stricken matter; and in lines 21, 23, and 24 strike all  
20 occurrences of "release" and insert "discharge".
- 21 5. On page 45, strike beginning with "discharge" in line  
22 14 through the comma in line 15; in line 19 after the comma insert  
23 "and"; and strike beginning with the comma in line 20 through  
24 "juvenile" in line 21.
- 25 6. On page 46, strike lines 4 through 6.
- 26 7. On page 49, strike beginning with "(1)" in line 18  
27 through line 21 and insert "(1) Payment of costs for juveniles  
1 described in or alleged to be described in subdivision (1), (2),  
2 (3)(b), or (4) of section 43-247, except as ordered by the court  
3 pursuant to section 43-290, shall be paid by;".
- 4 8. On page 50, strike beginning with "the" in line 16  
5 through "court" in line 17 and insert "the juvenile is discharged  
6 by the Office of Juvenile Services".
- 7 9. On page 63, lines 19 through 23, strike the new matter  
8 and reinstate the stricken matter.
- 9 10. On page 69, line 2, strike the new matter and  
10 reinstate the stricken matter.
- 11 11. On page 83, line 7, after the underscored comma  
12 insert "or".
- 13 12. On page 86, line 24, after "attending" insert "a  
14 public".
- 15 13. On page 90, line 20, strike "43-295,".
- 16 14. Correct the operative date section so that the  
17 sections added by this amendment become operative three calendar  
18 months after the adjournment of this legislative session.
- 19 15. Renumber the remaining sections and correct the  
20 internal references and repealer accordingly.

The Krist motion to return prevailed with 41 ayes, 0 nays, and 8 present and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 464.** The Krist specific amendment, AM2687, found in this day's Journal, was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**SPEAKER ADAMS PRESIDING****MESSAGE FROM THE GOVERNOR**

March 31, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 661 and 661A were received in my office on March 27, 2014.

These bills were signed and delivered to the Secretary of State on March 31, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 603.** Introduced by Davis, 43.

WHEREAS, the Ainsworth High School boys' basketball team advanced to the 2014 Class C-2 Boys' State Basketball Tournament; and

WHEREAS, the Ainsworth High School boys' basketball team played in the championship game and finished in second place; and

WHEREAS, the Ainsworth High School boys' basketball team set an all-time, all-class, three-point shooting record for the 2013-14 season with 389 total three-pointers; 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 Ainsworth High School boys' basketball team on advancing to the 2014 Class C-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Ainsworth High School boys' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 604.** Introduced by Davis, 43.

WHEREAS, the Chadron High School girls' basketball team advanced to the 2014 Class C-1 Girls' State Basketball Tournament; 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 Chadron High School girls' basketball team on advancing to the 2014 Class C-1 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Chadron High School girls' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 605.** Introduced by Davis, 43.

WHEREAS, the Crawford High School girls' basketball team advanced to the 2014 Class D-2 Girls' State Basketball Tournament; 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 Crawford High School girls' basketball team on advancing to the 2014 Class D-2 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Crawford High School girls' basketball team.

Laid over.

**LEGISLATIVE RESOLUTION 606.** Introduced by Davis, 43.

WHEREAS, the Hyannis High School speech team placed first at their district speech meet and qualified a number of team members for the 2014 State Speech Contest; and

WHEREAS, the state qualifiers were Isabel Safarik and Brandi Bailey in Serious Interpretation of Prose Literature, Kaitlyn Ramsay in Entertainment Speaking, Brandi Bailey in Informative Public Speaking, Ashlee Nollette and Isabel Safarik in Duet Acting, and Gabe Haney, Hannah Haney, Sierra

Rediger, Kaitlyn Ramsay, and Frances Young in Oral Interpretation of Drama; 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 Hyannis High School speech team and those members advancing to the 2014 Class D-2 State Speech Contest.

2. That a copy of this resolution be sent to the Hyannis High School speech team.

Laid over.

**LEGISLATIVE RESOLUTION 607.** Introduced by Hadley, 37.

WHEREAS, Steve Barth and Brian Botsford are recipients of the 2014 Governor's Arts Award as emerging leaders in the Nebraska arts in recognition of their work with the Crane River Theater in Kearney, Nebraska; and

WHEREAS, Steve and Brian are childhood friends who co-founded the Crane River Theater Company in 2009; and

WHEREAS, the Crane River Theater Company's mission is to serve the community of Kearney and surrounding area to provide a home for the presentation, education, and promotion of the arts; and

WHEREAS, Steve and Brian are outstanding promoters of art and culture in Nebraska, and the Crane River Theater has become a popular destination for theater, music, and dance in central Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Steve Barth and Brian Botsford on receiving the 2014 Governor's Arts Award and recognizes their artistic and cultural contributions to their community.

2. That a copy of this resolution be sent to Steve Barth and Brian Botsford.

Laid over.

#### **AMENDMENTS - Print in Journal**

Senator Mello filed the following amendment to LB559:  
AM2668

(Amendments to E & R amendments, ER217)

- 1 1. On page 13, line 2, after "and" insert "electronically
- 2 to".

Senator Watermeier filed the following amendment to LB811:  
AM2648

(Amendments to Standing Committee amendments, AM2400)

1 1. Insert the following new sections:

2 Sec. 4. Section 71-2433, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 71-2433 (1) A property owner with knowledge of a  
5 clandestine drug lab on his or her property shall report such  
6 knowledge and location as soon as practicable to the local  
7 law enforcement agency or to the Nebraska State Patrol. A law  
8 enforcement agency that discovers a clandestine drug lab in the  
9 State of Nebraska shall report the location of such lab to  
10 the Nebraska State Patrol within thirty days after making such  
11 discovery. Such report shall include the date of discovery of such  
12 lab, the county where the property containing such lab is located,  
13 and a legal description of the property or other description  
14 or address of such property sufficient to clearly establish  
15 its location. As soon as practicable after such discovery, the  
16 appropriate law enforcement agency shall provide the Nebraska  
17 State Patrol with a complete list of the chemicals, including  
18 methamphetamine, its precursors, solvents, and related reagents,  
19 found at or removed from the location of such lab. Upon receipt,  
20 the Nebraska State Patrol shall promptly forward a copy of such  
21 report and list to the department, the Department of Environmental  
22 Quality, the municipality or county where the lab is located,  
1 the director of the local public health department serving such  
2 municipality or county, and the property owner or owners.

3 (2) It shall be prima facie evidence of contamination of  
4 the property if a clandestine drug lab has been reported under  
5 subsection (1) of this section.

6 (3) The owner or owners or alleged owner or owners of  
7 the property may request an administrative hearing pursuant to the  
8 Administrative Procedure Act before the department to dispute a  
9 mistake of fact. A mistake of fact is:

10 (a) An error in the report as to the ownership of the  
11 property;

12 (b) An error in the determination that the property was  
13 the site of a clandestine drug lab; or

14 (c) An error in the determination that the property needs  
15 rehabilitation.

16 (4) The owner or owners or alleged owner or owners of  
17 the property may send a written request for a hearing to the  
18 department. The request must be postmarked within fifteen calendar  
19 days after the mailing date of the report. If the request for a  
20 hearing is not postmarked within fifteen calendar days after the  
21 mailing date of the report, or the request is not based on a  
22 mistake of fact, the department shall deny the request. The hearing  
23 shall be held within fifteen calendar days after the date of the  
24 receipt of the hearing request. The department shall notify the

25 requesting party of the hearing results within fifteen calendar  
 26 days after the hearing.

27 (5) The owner or owners of contaminated property shall  
 1 not permit the human habitation or use of such property until the  
 2 rehabilitation of such property has been completed and the property  
 3 has been released for such habitation or use under this section or  
 4 section 71-2434. An owner who knowingly violates this subsection  
 5 may be subject to a civil penalty not to exceed one thousand  
 6 dollars.

7 Sec. 5. Section 71-2434, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 71-2434 (1) The local public health department serving  
 10 the municipality or county where a clandestine drug lab has been  
 11 discovered shall monitor the rehabilitation of any contaminated  
 12 property at such location in accordance with standards and  
 13 procedures established or approved by the department. The  
 14 department shall adopt and promulgate rules and regulations to  
 15 establish such standards and procedures, ~~no later than July 15,~~  
 16 ~~2007.~~ Such procedures shall include deadlines for completion of  
 17 the various stages of rehabilitation and proper disposal of the  
 18 contaminated property.

19 (2) A local public health department may charge and  
 20 collect fees from the owner or owners of contaminated property  
 21 to cover the costs directly associated with monitoring the  
 22 rehabilitation of such property under this section as provided  
 23 in rules and regulations of the department. A local public health  
 24 department may contract with other local public health departments  
 25 or other appropriate entities to assist in the monitoring of such  
 26 rehabilitation. Upon the completion of such rehabilitation, the  
 27 local public health department shall release the property for human  
 1 habitation and commercial or other use in a timely manner.

2 ~~(3) The owner or owners of contaminated property shall~~  
 3 ~~not permit the human habitation or use of such property until the~~  
 4 ~~rehabilitation of such property has been completed and the property~~  
 5 ~~has been released for such habitation or use under this section.~~  
 6 ~~An owner who knowingly violates this subsection may be subject to~~  
 7 ~~a civil penalty not to exceed one thousand dollars. The department~~  
 8 ~~shall enforce this subsection.~~

9 2. Renumber the remaining section and correct the  
 10 repealer accordingly.

Senator Nordquist filed the following amendment to LB191A:  
 AM2682

(Amendments to Final Reading copy)

1 1. Strike original section 2 and insert the following new  
 2 section:

3 Sec. 2. There is hereby appropriated (1) \$241,244 from  
 4 the General Fund for FY2014-15 and (2) \$122,100 from the General  
 5 Fund for FY2015-16 to the Department of Revenue, for Program 102.

6 to aid in carrying out the provisions of Legislative Bill 191, One  
7 Hundred Third Legislature, Second Session, 2014.  
8 Total expenditures for permanent and temporary salaries  
9 and per diems from funds appropriated in this section shall not  
10 exceed \$47,400 for FY2014-15 or \$85,400 for FY2015-16.

### COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: LB690 and LB690A.

(Signed) John Murante, Chairperson

### MOTION - Print in Journal

Senator Chambers filed the following motion to LB671:

MO161

Becomes law notwithstanding the objections of the Governor.

### MESSAGE FROM THE GOVERNOR

March 31, 2014

Mr. President, Speaker Adams  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Information Technology Commission:

Dr. Terry Haack, Bennington Public Schools, 11620 N. 156 Street,  
Bennington, NE, 68007

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures



**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 559A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 559, One Hundred Third Legislature, Second Session, 2014; and to provide duties.

**NOTICE OF COMMITTEE HEARING**

Education

Room 1525

Monday, April 7, 2014 9:00 a.m.

LR512

(Signed) Kate Sullivan, Chairperson

**MOTION - Print in Journal**

Senator Chambers filed the following motion to LR463:  
MO162  
Withdraw resolution.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 690, 690A, 744, 744A, 768, 867, 867A, 1087, and 1087A.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 509, 511, and 513 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 509, 511, and 513.

**VISITORS**

Visitors to the Chamber were 40 fourth- and sixth-grade students, teachers, and sponsors from St. Wenceslaus School, Wahoo; 40 high school students and teachers from Wilbur-Clatonia; 59 fourth-grade students and teachers from Birchcrest Elementary, Bellevue; and 50 fourth-grade students and teachers from Rockwell Elementary, Omaha.

**RECESS**

At 12:20 p.m., on a motion by Senator Harms, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Brasch, Carlson, Conrad, Dubas, K. Haar, Harms, Johnson, Kolowski, Larson, Lautenbaugh, Nordquist, Schilz, and Smith who were excused until they arrive.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 907.** Placed on Select File with amendment. ER228 is available in the Bill Room.

**LEGISLATIVE BILL 999.** Placed on Select File with amendment. ER225

- 1 1. On page 1, strike beginning with "criminal" in line
- 2 1 through line 16 and insert "the state correctional system; to
- 3 state findings; to provide powers and duties for the Division of
- 4 Behavioral Health of the Department of Health and Human Services;
- 5 and to require a program statement relating to the establishment
- 6 of a Hastings Correctional Behavioral Health Treatment Center as
- 7 prescribed."
- 8 2. On page 2, strike line 1.

**LEGISLATIVE BILL 1092.** Placed on Select File with amendment. ER224

- 1 1. In the Standing Committee amendments, AM2067:
- 2 a. On page 4, line 27; and page 8, lines 4 and 6, after
- 3 "or" insert "the"; and
- 4 b. On page 10, line 2, strike "advanced" and insert
- 5 "advance".
- 6 2. On page 1, strike lines 2 through 8 and insert
- 7 "39-2203, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2222,
- 8 39-2223, and 39-2224, Reissue Revised Statutes of Nebraska,
- 9 and sections 39-2216, 39-2704, and 66-4,100, Revised Statutes
- 10 Cumulative Supplement, 2012; to authorize issuance of highway
- 11 bonds; to change provisions of the Nebraska Highway Bond Act
- 12 and the Build Nebraska Act; to pledge revenue for the bonds; to

13 harmonize provisions; to repeal the original sections; and to  
14 declare an emergency."

**LEGISLATIVE BILL 526.** Placed on Select File with amendment.  
ER226

- 1 1. On page 1, strike lines 2 and 3 and insert "38-2601,
- 2 38-2604, 38-2610, 38-2614, 38-2615, and 38-2616, Reissue Revised
- 3 Statutes of Nebraska, and sections 38-2605 and 38-2617, Revised".

**LEGISLATIVE BILL 923A.** Placed on Select File.

(Signed) John Murante, Chairperson

**MOTION - Print in Journal**

Senator McCoy filed the following motion to LB485:  
MO163  
Indefinitely postpone.

**AMENDMENTS - Print in Journal**

Senator McCoy filed the following amendments to LB485:  
FA291  
Strike Section 5.

FA292  
Strike Section 6.

FA293  
Strike Section 7.

FA294  
Strike Section 8.

FA295  
Strike Section 1.

FA296  
Strike Section 2.

FA297  
Strike Section 3.

FA298  
Strike Section 4.

FA299  
Strike Section 9.

FA300

Strike Section 10.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 31, 2014, at 12:23 p.m. were the following: LBs 690, 690A, 744e, 744A, 768e, 867e, 867Ae, 1087, and 1087A.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Haack, Terry - Nebraska Information Technology Commission -  
Transportation and Telecommunications

(Signed) John Wightman, Chairperson  
Executive Board

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on final passage of LBs 96, 986e, and 987.

(Signed) Charlie Janssen

**SELECT FILE**

**LEGISLATIVE BILL 998.** ER185, found on page 1045, was adopted.

Senator B. Harr offered his amendment, AM2277, found on page 1054.

Senator B. Harr moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The B. Harr amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator McGill offered the following motion:

MO159

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2460.

Senator McGill moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator McGill requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 29:

Adams	Christensen	Gloor	Lathrop	Schumacher
Ashford	Coash	Hadley	Lautenbaugh	Seiler
Avery	Cook	Harr, B.	McGill	Sullivan
Bloomfield	Crawford	Howard	Murante	Wallman
Campbell	Davis	Karpisek	Pirsch	Watermeier
Chambers	Garrett	Krist	Scheer	

Voting in the negative, 1:

Hansen

Present and not voting, 2:

Janssen          McCoy

Excused and not voting, 17:

Bolz	Dubas	Kintner	Nelson	Wightman
Brasch	Haar, K.	Kolowski	Nordquist	
Carlson	Harms	Larson	Schilz	
Conrad	Johnson	Mello	Smith	

The McGill motion to suspend the rules failed with 29 ayes, 1 nay, 2 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Senator Janssen offered the following motion:

MO165

Reconsider the vote taken to suspend the germaneness rule to consider AM2460.

#### **PRESIDENT HEIDEMANN PRESIDING**

The Janssen motion to reconsider prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Senator McGill reconsidered her motion, MO159, found in this day's Journal, to suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2460.

The McGill motion to suspend the rules prevailed with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Senator McGill offered her amendment, AM2460, found on page 1106.

The McGill amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator McGill offered the following motion:

MO160

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2459.

The McGill motion to suspend the rules prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator McGill offered her amendment, AM2459, found on page 1110.

The McGill amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Seiler offered the following motion:

MO164

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2656.

The Seiler motion to suspend the rules prevailed with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Senator Seiler offered the following amendment:

AM2656 is available in the Bill Room.

The Seiler amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 800.** ER187, found on page 1046, was adopted.

Senator Mello offered his amendment, AM2584, found on page 1040.

The Mello amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1067.** ER186, found on page 1046, was adopted.

Senator Hadley offered his amendment, AM2540, found on page 1157.

The Hadley amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1115.** ER184, found on page 1046, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1115A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 908.** ER181, found on page 1077, was adopted.

Senator Coash offered his amendment, AM2571, found on page 1011.

**SENATOR KRIST PRESIDING**

The Coash amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 798.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 989.** ER202, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 792.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 816.** ER200, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 750.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 876.** ER199, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1039.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 701.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 765.** Senator Conrad offered her amendment, AM2272, found on page 1074.

The Conrad amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 780.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 693.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 828.** ER207, found on page 1160, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 937.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 735.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1050.** ER210, found on page 1161, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1072.** ER211, found on page 1161, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 930.** ER212, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 737.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1008.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 997.** ER213, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 964.** Senator Brasch offered the following amendment:

AM2636

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 40-105, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 40-105 When an execution for the enforcement of a
- 5 judgment obtained in a case not within the classes enumerated
- 6 in section 40-103 is levied upon the lands or tenements of a ~~head~~
- 7 ~~of a family or an unmarried person age sixty five or older, such~~
- 8 ~~person-claimant, the claimant~~ may at any time prior to confirmation
- 9 of sale apply to the district court in the county in which the
- 10 homestead is situated for an order to determine whether or not such
- 11 lands or tenements, or any part thereof, are exempt as a homestead
- 12 and, if so, the value thereof.
- 13 Sec. 4. The following section is outright repealed:
- 14 Section 40-115, Reissue Revised Statutes of Nebraska.
- 15 2. Renumber the remaining section accordingly.

The Brasch amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1089.** ER204, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 558.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1044.** ER205, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 1042.** Title read. Considered.

Committee AM2132, found on page 748, was offered.

Senator Nordquist offered his amendment, AM2596, found on page 1142, to the committee amendment.

The Nordquist amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, 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 1042A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARINGS**  
Transportation and Telecommunications

Room 1113

Monday, April 7, 2014 1:00 p.m.

Terry Haack - Nebraska Information Technology Commission

(Signed) Annette Dubas, Chairperson

Health and Human Services

Room 1510

Wednesday, April 9, 2014 12:45 p.m.

LR487

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 907A.** Placed on Select File with amendment.  
ER230

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "transfer" insert "of funds; and to declare an emergency".

**LEGISLATIVE BILL 999A.** Placed on Select File.

**LEGISLATIVE BILL 464A.** Placed on Select File.

(Signed) John Murante, Chairperson

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 683.** Placed on Final Reading.

**LEGISLATIVE BILL 697.** Placed on Final Reading.

**LEGISLATIVE BILL 698.** Placed on Final Reading.  
**LEGISLATIVE BILL 702.** Placed on Final Reading.  
**LEGISLATIVE BILL 736.** Placed on Final Reading.  
**LEGISLATIVE BILL 753.** Placed on Final Reading.

**LEGISLATIVE BILL 774.** Placed on Final Reading.  
 ST76

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 8, the matter beginning with "A" in line 11 through line 13 has been struck and shown as stricken.

**LEGISLATIVE BILL 781.** Placed on Final Reading.

(Signed) John Murante, Chairperson

#### AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB1092:  
 AM2678

1 1. Strike section 14 and insert the following new  
 2 sections:  
 3 Sec. 4. (1) The Build Nebraska Bond Fund is created.  
 4 The fund shall consist of money credited to the fund pursuant to  
 5 section 2 of this act and any other money as determined by the  
 6 Legislature.  
 7 (2) The fund shall be used as follows:  
 8 (a) At least twenty-five percent of the proceeds of the  
 9 bonds shall be used, as determined by the Department of Roads, for  
 10 construction of the expressway system and federally designated high  
 11 priority corridors; and  
 12 (b) The remaining proceeds shall be used to pay for  
 13 surface transportation projects of the highest priority as  
 14 determined by the department.  
 15 (3) Any money in the fund available for investment  
 16 shall be invested by the state investment officer pursuant to  
 17 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 18 Investment Act. Investment earnings from investment of money in the  
 19 fund shall be credited to the fund.  
 20 Sec. 15. Section 39-2704, Revised Statutes Cumulative  
 21 Supplement, 2012, is amended to read:  
 22 39-2704 The fund shall be used as follows:  
 23 (1) If directed by the State Highway Commission, money in  
 1 the fund shall be used for repayment of bonds issued pursuant to  
 2 subsection (3) of section 39-2223;  
 3 ~~(2)~~ (2) At least twenty-five percent of the money  
 4 credited to the fund pursuant to section 77-27,132 each fiscal year  
 5 shall be used, as determined by the department, for construction  
 6 of the expressway system and federally designated high priority

- 7 corridors; and  
 8 ~~(2)-(3)~~ The remaining money ~~credited to in~~ the fund  
 9 ~~pursuant to section 77-27,132 each fiscal year~~ shall be used to  
 10 pay for surface transportation projects of the highest priority as  
 11 determined by the department.  
 12 2. On page 1, strike beginning with the comma in line 14  
 13 through "Act" in line 16.  
 14 3. On page 2, strike beginning with "No" in line 3  
 15 through the period in line 5 and insert "No bonds shall be issued  
 16 with a fixed interest rate exceeding five percent or with a  
 17 variable interest rate."; in line 7 after the period insert "The  
 18 Highway Cash Fund may be pledged for repayment of such bonds."; and  
 19 strike beginning with line 10 through "Act" in line 11 and insert  
 20 "Build Nebraska Bond Fund for use as provided under the Build  
 21 Nebraska Act".  
 22 4. On page 3, line 10, strike the new matter and insert  
 23 "Build Nebraska Bond Fund".  
 24 5. On page 5, line 3; and page 6, line 11, after the  
 25 first comma insert "the Build Nebraska Bond Fund".  
 26 6. On page 8, line 11, strike "3" and insert "4".  
 27 7. On page 10, strike beginning with "No" in line 2  
 1 through the period in line 4 and all amendments thereto and insert  
 2 "No advance refunding bonds shall be issued with a fixed interest  
 3 rate exceeding five percent or with a variable interest rate."; and  
 4 strike beginning with "State" in line 25 through "Fund" in line 26  
 5 and insert "Build Nebraska Bond Fund".  
 6 8. On page 12, line 26, after "bonds" insert ", in  
 7 addition to annual principal and interest paid from the State  
 8 Highway Capital Improvement Fund".  
 9 9. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB1076:  
 AM2680

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 71-8503, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 71-8503 For purposes of the Nebraska Telehealth Act:  
 6 (1) Department means the Department of Health and Human  
 7 Services;  
 8 (2) Health care practitioner means a Nebraska  
 9 medicaid-enrolled provider who is licensed, registered, or  
 10 certified to practice in this state by the department;  
 11 (3) Telehealth means the use of ~~telecommunications~~  
 12 ~~technology by a health care practitioner to deliver health care~~  
 13 ~~services within his or her scope of practice at a site other than~~  
 14 ~~the site where the patient is located; and medical information~~  
 15 electronically exchanged from one site to another, whether

16 synchronously or asynchronously, to aid a health care practitioner  
17 in the diagnosis or treatment of a patient. Telehealth includes  
18 services originating from a patient's home or any other location  
19 where such patient is located, asynchronous services involving the  
20 acquisition and storage of medical information at one site that is  
21 then forwarded to or retrieved by a health care practitioner at  
22 another site for medical evaluation, and telemonitoring:

1 (4) Telehealth consultation means any contact between a  
2 patient and a health care practitioner relating to the health care  
3 diagnosis or treatment of such patient through telehealth; ~~and but~~  
4 ~~does not include a telephone conversation, electronic mail message,~~  
5 ~~or facsimile transmission between a health care practitioner and a~~  
6 ~~patient or a consultation between two health care practitioners.~~

7 (5) Telemonitoring means the remote monitoring of a  
8 patient's vital signs, biometric data, or subjective data by a  
9 monitoring device which transmits such data electronically to a  
10 health care practitioner for analysis and storage.

11 Sec. 2. Section 71-8506, Revised Statutes Supplement,  
12 2013, is amended to read:

13 71-8506 (1) In-person contact between a health care  
14 practitioner and a patient shall not be required under the  
15 medical assistance program established pursuant to the Medical  
16 Assistance Act and Title XXI of the federal Social Security Act,  
17 as amended, for health care services delivered through telehealth  
18 that are otherwise eligible for reimbursement under such program  
19 and federal act. Such services shall be subject to reimbursement  
20 policies developed pursuant to such program and federal act. This  
21 section also applies to managed care plans which contract with  
22 the department pursuant to the Medical Assistance Act only to the  
23 extent that:

24 (a) Health care services delivered through telehealth  
25 are covered by and reimbursed under the medicaid fee-for-service  
26 program; and

27 (b) Managed care contracts with managed care plans are  
1 amended to add coverage of health care services delivered through  
2 telehealth and any appropriate capitation rate adjustments are  
3 incorporated.

4 (2) The reimbursement rate for a telehealth consultation  
5 shall, as a minimum, be set at the same rate as the medical  
6 assistance program rate for a comparable in-person consultation,  
7 and the rate shall not depend on the distance between the health  
8 care practitioner and the patient.

9 (3) The department shall establish rates for transmission  
10 cost reimbursement for telehealth consultations, considering, to  
11 the extent applicable, reductions in travel costs by health care  
12 practitioners and patients to deliver or to access health care  
13 services and such other factors as the department deems relevant.  
14 Such rates shall include reimbursement for all two-way, real-time,  
15 interactive communications, unless provided by an Internet service

16 provider, between the patient and the physician or health care  
 17 practitioner at the distant site which comply with the federal  
 18 Health Insurance Portability and Accountability Act of 1996 and  
 19 rules and regulations adopted thereunder and with regulations  
 20 relating to encryption adopted by the federal Centers for Medicare  
 21 and Medicaid Services and which satisfy federal requirements  
 22 relating to efficiency, economy, and quality of care.

23 Sec. 3. Section 71-8508, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 71-8508 ~~By July 1, 2000, the~~ The department shall  
 26 adopt and promulgate rules and regulations to carry out the  
 27 Nebraska Telehealth Act, including, but not limited to, rules and  
 1 regulations to: (1) Ensure the provision of appropriate care to  
 2 patients; (2) prevent fraud and abuse; and (3) establish necessary  
 3 ~~methods and procedures, necessary to safeguard against unnecessary~~  
 4 ~~utilization of telehealth consultations.~~

5 Sec. 4. Original sections 71-8503 and 71-8508, Reissue  
 6 Revised Statutes of Nebraska, and section 71-8506, Revised Statutes  
 7 Supplement, 2013, are repealed.

8 2. On page 1, strike lines 2 through 10 and insert  
 9 "71-8503 and 71-8508, Reissue Revised Statutes of Nebraska, and  
 10 section 71-8506, Revised Statutes Supplement, 2013; to change  
 11 provisions relating to the Nebraska Telehealth Act; to define and  
 12 redefine terms; to change provisions relating to reimbursement  
 13 rates and rules and regulations; and to repeal the original  
 14 sections."

Senator Murante filed the following amendment to LB923:  
 AM2679

(Amendments to E & R amendments, ER221)

1 1. On page 2, line 11, strike "and"; and in line 13 after  
 2 "act" insert "and  
 3 (8) Establishing tornado preparedness standards which  
 4 shall include, but not be limited to, ensuring that every school  
 5 conduct at least two tornado drills per year".

Senator Wightman filed the following amendment to LB810:  
 AM2577

(Amendments to E & R amendments, ER180)

1 1. Insert the following new sections:  
 2 Section 1. Section 76-238.01, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 76-238.01 (1) Any interest in real property capable  
 5 of being transferred may be mortgaged to secure (a) existing  
 6 ~~debts or obligations, to secure (b) debts or obligations created~~  
 7 ~~simultaneously with the execution of the mortgage, to secure (c)~~  
 8 ~~future advances necessary to protect the security, and to secure~~  
 9 even though such future advances cause the total indebtedness to  
 10 exceed the maximum amount stated in the mortgage, or (d) any future

11 advances to be made at the option of the parties in any amount  
12 unless, except as otherwise provided under subsection (2) or (3)  
13 of this section, a maximum amount of total indebtedness to be  
14 secured is stated in the mortgage. At no time shall the secured  
15 principal future advances, not including sums advanced to protect  
16 the security, exceed a total amount or percentage of a total  
17 amount stated in the mortgage. If the mortgage authorizes advances  
18 by a percentage of the mortgage amount, such advances shall not  
19 exceed that authorized percentage. All such debts, obligations, and  
20 future advances shall, from the time the mortgage is filed for  
21 record as provided by law, be secured by such mortgage equally  
22 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 ~~(4)(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. 4. Original section 76-238.01, Reissue Revised  
21 Statutes of Nebraska, and section 76-1002, Revised Statutes  
22 Cumulative Supplement, 2012, are repealed.

23 2. Renumber the remaining sections accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 961.** Title read. Considered.

Committee AM2626, found on page 1175, was offered.

Senator Lathrop offered the following amendment to the committee amendment:

AM2692

(Amendments to Standing Committee amendments, AM2626)

- 1 1. On page 7, line 24, after the period insert "It shall
- 2 be conclusively presumed that a fee is nominal if the fee does
- 3 not exceed twenty percent of the amount that otherwise would be
- 4 required to hire a permanent employee for the same services.".
- 5 2. On page 11, line 16, strike "those claims set forth"
- 6 and insert "all rights waived"; in line 23 strike "such release
- 7 (i)" and insert "such release"; and in line 27 strike "(ii) shall
- 8 be considered" and insert "the court shall enter".
- 9 3. On page 12, strike lines 1 through 3, and insert "to
- 10 all rights waived in the release.".

The Lathrop amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 565.** Senator B. Harr withdrew his amendment, FA287, found on page 1225.

Committee AM810, found on page 875, First Session, 2013, considered on page 1223, and corrected on page 1233, was renewed.

Senator Nelson offered the following amendment to the committee amendment:

AM2671

(Amendments to Standing Committee amendments, AM810)

- 1 1. Strike sections 1 and 2 and insert the following new
- 2 sections:
- 3 Section 1. Section 32-942, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 32-942 ~~Any~~ (1) Except as otherwise provided in subsection
- 6 (2) of this section, a registered voter of this state who
- 7 anticipates being absent from the county of his or her residence on
- 8 the day of any election may appear in person before the election
- 9 commissioner or county clerk not more than thirty days prior to the

10 day of election and obtain his or her ballot. The registered voter  
 11 shall vote in the office of the election commissioner or county  
 12 clerk or shall return the ballot to the office not later than  
 13 the closing of the polls on the day of the election. A registered  
 14 voter who is present in the county on the day of the election and  
 15 who chooses to vote on the day of the election shall vote at the  
 16 polling place assigned to the precinct in which he or she resides  
 17 unless he or she is returning a ballot for early voting or voting  
 18 pursuant to section 32-943.

19 (2) If a person registers to vote and requests a ballot  
 20 at the same time, he or she shall vote a ballot which is placed in  
 21 an envelope with the voters name and address and other necessary  
 22 identifying information and kept securely for counting as provided  
 1 in this subsection. This subsection does not extend the deadline  
 2 for voter registration specified in section 32-302. A ballot  
 3 cast pursuant to this subsection shall be rejected and shall  
 4 not be counted if the acknowledgment of registration sent to the  
 5 registrant pursuant to section 32-322 is returned as undeliverable  
 6 for a reason other than clerical error within ten days after it is  
 7 mailed, otherwise after such ten-day period, the ballot shall be  
 8 counted.

9 Sec. 2. Original section 32-942, Revised Statutes  
 10 Supplement, 2013, is repealed.

The Nelson amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 935.** Title read. Considered.

**SENATOR WATERMEIER PRESIDING**

Committee AM2182, found on page 746, was offered.

Senator Bloomfield offered the following motion:

MO167

Bracket until April 17, 2014.

Senator Bloomfield moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Bloomfield requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

Adams	Conrad	Hansen	Lathrop	Smith
Bloomfield	Davis	Harms	McCoy	Watermeier
Brasch	Garrett	Johnson	Murante	
Coash	Hadley	Kintner	Schilz	

Voting in the negative, 12:

Bolz	Cook	Karpisek	Nordquist
Campbell	Dubas	Kolowski	Sullivan
Chambers	Gloor	Larson	Wallman

Present and not voting, 12:

Avery	Crawford	Krist	Pirsch
Carlson	Haar, K.	McGill	Schumacher
Christensen	Harr, B.	Nelson	Wightman

Absent and not voting, 2:

Lautenbaugh Scheer

Excused and not voting, 5:

Ashford	Howard	Janssen	Mello	Seiler
---------	--------	---------	-------	--------

The Bloomfield motion to bracket failed with 18 ayes, 12 nays, 12 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 30 ayes, 3 nays, 8 present and not voting, 2 absent and not voting, and 6 excused and not voting.

Senator Bloomfield offered the following amendment:

AM2704

1 1. On page 2, line 3, strike "fifteen" and insert "one".

Senator Bloomfield withdrew his amendment.

Senator Gloor moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Gloor requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 13:

Bolz	Dubas	Johnson	Nelson	Wallman
Campbell	Gloor	Karpisek	Nordquist	
Chambers	Harr, B.	Kolowski	Sullivan	

Voting in the negative, 17:

Adams	Coash	Hadley	McCoy	Wightman
Bloomfield	Conrad	Hansen	Murante	
Brasch	Davis	Harms	Schilz	
Christensen	Garrett	Kintner	Watermeier	

Present and not voting, 10:

Avery	Crawford	Krist	McGill	Schumacher
Cook	Haar, K.	Lathrop	Pirsch	Smith

Excused and not voting, 9:

Ashford	Howard	Larson	Mello	Seiler
Carlson	Janssen	Lautenbaugh	Scheer	

Failed to advance to Enrollment and Review Initial with 13 ayes, 17 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

#### AMENDMENTS - Print in Journal

Senator Davis filed the following amendment to LB1115A:  
AM2675

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated \$200,000 from the
- 3 General Fund FY2014-15 to the Nebraska Power Review Board, for
- 4 Program 72, to aid in carrying out the provisions of Legislative
- 5 Bill 1115, One Hundred Third Legislature, Second Session, 2014.
- 6 Total expenditures for permanent and temporary salaries
- 7 and per diems from funds appropriated in this section shall not
- 8 exceed \$2,000 for FY2014-15.

Senator Christensen filed the following amendments to LB485:  
FA301

Amend AM2111  
On page 14, strike Section 6.

FA302  
Amend AM2111  
On page 15, strike Section 7.

FA303  
Amend AM2111  
On page 16, strike Section 8.

FA304  
Amend AM2111  
On page 16, strike Section 9.

FA305  
Amend AM2111  
On page 17, strike Section 10.

FA306  
Amend AM2111  
On page 17, strike Section 11.

FA307  
Amend AM2111  
On page 1, strike Section 1.

FA308  
Amend AM2111  
On page 6, strike Section 2.

FA309  
Amend AM2111  
On page 8, strike Section 3.

FA310  
Amend AM2111  
On page 13, strike Section 4.

FA311  
Amend AM2111  
On page 13, strike Section 5.

#### **COMMITTEE REPORT**

##### Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Michael L. Kenney - Director, Department of Corrections

Aye: 7 Ashford, Christensen, Coash, Davis, Lathrop, McGill, Seiler. Nay: 0.  
Absent: 1 Chambers. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**MOTION - Print in Journal**

The Appropriations Committee filed the following motion to LB905:  
MO168

To override the Governor's line-item vetoes contained in the following sections of LB 905:

Section 7 Agency 03, Legislative Council, Program 501, Intergovernmental Cooperation,

Section 8 Agency 03, Legislative Council, Program 504, Office of Public Counsel,

Section 9 Agency 05, Supreme Court, Program 67, Probation Services

Section 10 Agency 05, Supreme Court, Program 420, State Specialized Court Operations,

Section 11 Agency 05, Supreme Court, Program 435, Probation Community Corrections,

Section 12 Agency 05, Supreme Court, Program 436, Juvenile Services Project Contingency,

Section 13 Agency 05, Supreme Court, Program 570, Court Automation,

Section 16, Agency 10, Auditor of Public Accounts, Program 506, State Agency and County Post Audits,

Section 25, Agency 24, Department of Motor Vehicles, Program 70, Enforcement of Standards,

Section 30, Agency 25 Department of Health and Human Services, Program 514, Health Aid,

Section 35, Agency 33, Game and Parks Commission, Program 549, Parks Administration and Operations,

Section 36, Agency 33, Game and Parks Commission, Program 901, State Parks Facilities Deferred Maintenance,

Section 44, Agency 65, Department of Administrative Services, Program 917, Capitol Courtyard Fountains,

Section 45, Agency 65, Department of Administrative Services, Program 922 Capitol Heating, Ventilation and Air Conditioning System,

Section 48, Agency 72, Department of Economic Development, Program 603, Industrial Recruitment,

Section 50, Agency 05, Supreme Court, Program 52, Operations,

Section 51, Agency 13, State Department of Education, Program 25, Education Administration and Support,

Section 55, Agency 17 Department of Aeronautics, Program 26, Administration and Services,

Section 58, Agency 25, Department of Health and Human Services, Program 38, Behavioral Health Aid,

Section 60, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance, of only the Federal Fund vetoes.

Section 63, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid,

Section 66, Agency 48, Coordinating Commission for Postsecondary Education, Program 640, Postsecondary Education Coordination,

Section 78, Agency 16, Department of Revenue, Program 164, Compulsive Gamblers Assistance,

Section 81, Fund Lapses and Transfers, for the transfer of \$10 million from the General Fund to the Job Training Cash Fund.

**MOTION - Print in Journal**

The Appropriations Committee filed the following motion to LB906:  
MO169  
Becomes law notwithstanding the objections of the Governor.

**MOTION - Print in Journal**

The Appropriations Committee filed the following motion to LB130:  
MO170  
Becomes law notwithstanding the objections of the Governor.

**GENERAL FILE**

**LEGISLATIVE BILL 943.** Title read. Considered.

Committee AM1922, found on page 602, was offered.

Senator Nordquist offered his amendment, AM2200, found on page 1126, to the committee amendment.

**SENATOR KRIST PRESIDING**



Senator Nordquist moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Nordquist requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Adams	Conrad	Harms	McGill	Wallman
Avery	Cook	Harr, B.	Mello	
Bolz	Crawford	Karpisek	Nordquist	
Campbell	Dubas	Kolowski	Schumacher	
Chambers	Haar, K.	Lathrop	Sullivan	

Voting in the negative, 16:

Brasch	Davis	Hansen	Murante
Carlson	Garrett	Kintner	Pirsch
Christensen	Gloor	Larson	Schilz
Coash	Hadley	McCoy	Smith

Present and not voting, 4:

Bloomfield	Krist	Nelson	Wightman
------------	-------	--------	----------

Excused and not voting, 8:

Ashford	Janssen	Lautenbaugh	Seiler
Howard	Johnson	Scheer	Watermeier

The Nordquist amendment lost with 21 ayes, 16 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following amendment to the committee amendment:

FA312

Amend AM1922

Insert after the word "employer" in line 6, page 1 the following: "with gross income in excess of ten million dollars per year"; and in line 7, page 1 after the word "employee" insert the following: "who has been in the employ of the employer for at least 24 consecutive months".

Senator Schumacher moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Adams	Coash	Haar, K.	Krist	Schumacher
Ashford	Conrad	Harms	Lathrop	Sullivan
Avery	Cook	Harr, B.	McGill	Wallman
Campbell	Crawford	Karpisek	Mello	Wightman
Chambers	Dubas	Kolowski	Nordquist	

Voting in the negative, 8:

Brasch	Kintner	McCoy	Schilz
Hansen	Larson	Nelson	Smith

Present and not voting, 11:

Bloomfield	Christensen	Gloor	Murante
Bolz	Davis	Hadley	Pirsch
Carlson	Garrett	Lautenbaugh	

Excused and not voting, 6:

Howard	Johnson	Seiler
Janssen	Scheer	Watermeier

The Schumacher amendment lost with 24 ayes, 8 nays, 11 present and not voting, and 6 excused and not voting.

Senator Lathrop requested a roll call vote on the committee amendment.

Voting in the affirmative, 24:

Adams	Chambers	Haar, K.	Krist	Schumacher
Ashford	Conrad	Harms	Lathrop	Sullivan
Avery	Cook	Harr, B.	McGill	Wallman
Bolz	Crawford	Karpisek	Mello	Wightman
Campbell	Dubas	Kolowski	Nordquist	

Voting in the negative, 11:

Brasch	Kintner	Murante	Schilz
Carlson	Larson	Nelson	Smith
Gloor	McCoy	Pirsch	

Present and not voting, 8:

Bloomfield	Coash	Garrett	Hansen
Christensen	Davis	Hadley	Lautenbaugh

Excused and not voting, 6:

Howard	Johnson	Seiler
Janssen	Scheer	Watermeier

The committee amendment lost with 24 ayes, 11 nays, 8 present and not voting, and 6 excused and not voting.

Senator Nordquist requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 20:

Ashford	Chambers	Dubas	Karpisek	Mello
Avery	Conrad	Haar, K.	Kolowski	Nordquist
Bolz	Cook	Harms	Lathrop	Sullivan
Campbell	Crawford	Harr, B.	McGill	Wallman

Voting in the negative, 20:

Bloomfield	Coash	Hadley	Lautenbaugh	Pirsch
Brasch	Davis	Hansen	McCoy	Schilz
Carlson	Garrett	Kintner	Murante	Schumacher
Christensen	Gloor	Larson	Nelson	Smith

Present and not voting, 3:

Adams	Krist	Wightman
-------	-------	----------

Excused and not voting, 6:

Howard	Johnson	Seiler
Janssen	Scheer	Watermeier

Failed to advance to Enrollment and Review Initial with 20 ayes, 20 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT

Judiciary

**LEGISLATIVE BILL 485.** Placed on General File with amendment.  
AM2111 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

**AMENDMENTS - Print in Journal**

Senator Janssen filed the following amendment to LB383:  
AM2661

(Amendments to Standing Committee amendments, AM1169)

- 1 1. On page 12, lines 25 and 27, after "emblem" insert " official seal, or other official image".
- 2
- 3 2. On page 13, line 23, strike "2015" and insert "2016".
- 4 3. On page 14, line 23; and page 15, line 2, strike
- 5 "Each" and insert "In addition to all other fees required for
- 6 registration under the Motor Vehicle Registration Act, each".

Senator Davis filed the following amendment to LB390:  
AM2663

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 81-829.42, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-829.42 (1) The Legislature recognizes that, while
- 5 appropriations are adequate to meet the normal needs, the necessity
- 6 exists for anticipating and making advance provision to care for
- 7 the unusual and extraordinary burdens imposed on the state and
- 8 its political subdivisions by disasters, emergencies, or civil
- 9 defense emergencies. To meet such situations, it is the intention
- 10 of the Legislature to confer emergency powers on the Governor,
- 11 acting through the Adjutant General and the Nebraska Emergency
- 12 Management Agency, and to vest him or her with adequate power and
- 13 authority within the limitation of available funds appropriated to
- 14 the Governor's Emergency Program to meet any disaster, emergency,
- 15 or civil defense emergency.
- 16 (2) There is hereby established the Governor's Emergency
- 17 Program. Funds appropriated to the program shall be expended, upon
- 18 direction of the Governor, for any state of emergency. The state
- 19 of emergency proclamation shall set forth the emergency and shall
- 20 state that it requires the expenditure of public funds to furnish
- 21 immediate aid and relief. The Adjutant General shall administer the
- 22 funds appropriated to the program.
- 23 (3) It is the intent of the Legislature that the first
- 1 recourse shall be to funds regularly appropriated to state and
- 2 local agencies. If the Governor finds that the demands placed
- 3 upon these funds are unreasonably great, he or she may make funds
- 4 available from the Governor's Emergency Program. Expenditures may
- 5 be made upon the direction of the Governor for any or all emergency
- 6 management functions or to meet the intent of the state emergency
- 7 operations plans as outlined in section 81-829.41. Expenditures may
- 8 also be made to state and federal agencies to meet the matching
- 9 requirement of any applicable assistance programs.
- 10 (4) Assistance shall be provided from the funds
- 11 appropriated to the Governor's Emergency Program to political
- 12 subdivisions of this state which have suffered from a disaster,

13 emergency, or civil defense emergency to such an extent as to  
14 impose a severe financial burden exceeding the ordinary capacity of  
15 the subdivision affected. Applications for aid under this section  
16 shall be made to the Nebraska Emergency Management Agency on such  
17 forms as shall be prescribed and furnished by the agency. The  
18 forms shall require the furnishing of sufficient information to  
19 determine eligibility for aid and the extent of the financial  
20 burden incurred. The agency may call upon other agencies of the  
21 state in evaluating such applications. The Adjutant General shall  
22 review each application for aid under this section and recommend  
23 its approval or disapproval, in whole or in part, to the Governor.  
24 If the Governor approves, he or she shall determine and certify  
25 to the Adjutant General the amount of aid to be furnished. The  
26 Adjutant General shall thereupon issue his or her voucher to the  
27 Director of Administrative Services who shall issue his or her  
1 warrants therefor to the applicant.

2 (5) When a state of emergency has been proclaimed by the  
3 Governor, the Adjutant General, upon order of the Governor, shall  
4 have authority to expend funds for purposes including, but not  
5 limited to:

6 (a) The purposes of the Emergency Management Act,  
7 including emergency management functions and the responsibilities  
8 of the Governor as outlined in the act;

9 (b) Employing for the duration of the state of emergency  
10 additional personnel and contracting or otherwise procuring all  
11 necessary appliances, supplies, and equipment;

12 (c) Performing services for and furnishing materials and  
13 supplies to state government agencies and local governments with  
14 respect to performance of any duties enjoined by law upon such  
15 agencies and local governments which they are unable to perform  
16 because of extreme climatic phenomena and receiving reimbursement  
17 in whole or in part from such agencies and local governments  
18 able to pay therefor under such terms and conditions as may be  
19 agreed upon by the Adjutant General and any such agency or local  
20 government;

21 (d) Performing services for and furnishing materials  
22 to any individual in connection with alleviating hardship and  
23 distress growing out of extreme climatic phenomena and receiving  
24 reimbursement in whole or in part from such individual under such  
25 terms as may be agreed upon by the Adjutant General and such  
26 individual;

27 (e) Opening up, repairing, and restoring roads and  
1 highways;

2 (f) Repairing and restoring bridges;

3 (g) Furnishing transportation for supplies to alleviate  
4 suffering and distress;

5 (h) Restoring means of communication;

6 (i) Furnishing medical services and supplies to prevent  
7 the spread of disease and epidemics;

8 (j) Quelling riots and civil disturbances;  
9 (k) Training individuals or governmental agencies for  
10 the purpose of perfecting the performance of emergency management  
11 duties as provided in the Nebraska emergency operations plans;

12 (l) Procurement and storage of special emergency supplies  
13 or equipment, determined by the Adjutant General to be required  
14 to provide rapid response by state government to assist local  
15 governments in impending or actual disasters, emergencies, or civil  
16 defense emergencies;

17 (m) Clearing or removing debris and wreckage which may  
18 threaten public health or safety from publicly owned or privately  
19 owned land or water; and

20 (n) Such other measures as are customarily necessary to  
21 furnish adequate relief in cases of disaster, emergency, or civil  
22 defense emergency.

23 (6) If aerial fire suppression or hazardous material  
24 response is immediately required, the Adjutant General may make  
25 expenditures of up to ~~ten~~ twenty-five thousand dollars per event  
26 without a state of emergency proclamation issued by the Governor.

27 (7) The Governor may receive such voluntary contributions  
1 as may be made from any nonfederal source to aid in carrying out  
2 the purposes of this section and shall credit the same to the  
3 Governor's Emergency Cash Fund.

4 (8) All obligations and expenses incurred by the Governor  
5 in the exercise of the powers and duties vested in the Governor by  
6 this section shall be paid by the State Treasurer out of available  
7 funds appropriated to the Governor's Emergency Program, and the  
8 Director of Administrative Services shall draw his or her warrants  
9 upon the State Treasurer for the payment of such sum, or so much  
10 thereof as may be required, upon receipt by him or her of proper  
11 vouchers duly approved by the Adjutant General.

12 (9) This section shall be liberally construed in order  
13 to accomplish the purposes of the Emergency Management Act and  
14 to permit the Governor to adequately cope with any disaster,  
15 emergency, or civil defense emergency which may arise, and the  
16 powers vested in the Governor by this section shall be construed as  
17 being in addition to all other powers presently vested in him or  
18 her and not in derogation of any existing powers.

19 (10) Such funds as may be made available by the  
20 government of the United States for the purpose of alleviating  
21 distress from disasters, emergencies, and civil defense emergencies  
22 may be accepted by the State Treasurer and shall be credited to a  
23 separate and distinct fund unless otherwise specifically provided  
24 in the act of Congress making such funds available or as otherwise  
25 allowed and provided by state law.

26 2. Renumber the remaining sections and correct the  
27 repealer accordingly.

Senator Schumacher filed the following amendment to LB810:  
AM2667

(Amendments to E & R amendments, ER180)

1 1. Insert the following new sections:

2 Section 1. Section 30-2201, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,  
5 and 30-4001 to 30-4045 and section 2 of this act shall be known and  
6 may be cited as the Nebraska Probate Code.

7 Sec. 2. (1) For purposes of this section:

8 (a) Custodian means a bank, savings and loan association,  
9 credit union, or other institution acting as a lessor of a safe  
10 deposit box; and

11 (b) Representative of a custodian means an authorized  
12 officer or employee of a custodian.

13 (2)(a) If a decedent at the time of his or her death  
14 was a sole or last surviving joint lessee of a safe deposit box,  
15 the custodian shall, prior to notice that a personal representative  
16 or special administrator has been appointed for such decedent's  
17 estate, allow access to the safe deposit box to determine whether  
18 the safe deposit box contains an instrument that appears to be an  
19 original will of the decedent, a deed to a burial plot, or burial  
20 instructions. The following persons may have such access:

21 (i) A person who presents an affidavit described in  
22 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. 4. The Revisor of Statutes shall assign section 2 of  
15 this act within Chapter 30, article 24, part 1.  
16 Sec. 5. Original section 30-2201, Revised Statutes  
17 Cumulative Supplement, 2012, is repealed.  
18 2. Renumber the remaining sections accordingly.

#### UNANIMOUS CONSENT - Add Cointroducers

Senator Howard asked unanimous consent to add her name as cointroducer to LR482. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB485. No objections. So ordered.

#### VISITORS

Visitors to the Chamber were 56 fourth-grade students and teachers from Grant Elementary, Norfolk; 5 high school students and teacher from Kimball; and 40 fourth-grade students and teachers from Johnson County Central, Cook.

#### ADJOURNMENT

At 8:45 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-THIRD DAY - APRIL 1, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 1, 2014

**PRAYER**

The prayer was offered by Pastor Shawn Linnell, Trinity Lutheran Church, Blair.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator Lautenbaugh who was excused; and Senators Adams, Carlson, Christensen, Lathrop, and Scheer who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 559A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**ANNOUNCEMENT**

The Chair announced today is Senator Lathrop's birthday.

**MOTION - Override Line-Item Vetoes on LB905**

Senator Mello offered the Appropriations Committee motion, MO168, found on page 1295, to override the Governor's line-item vetoes contained in the following sections of LB905:

Section 7 Agency 03, Legislative Council, Program 501, Intergovernmental Cooperation,

Section 8 Agency 03, Legislative Council, Program 504, Office of Public Counsel,

Section 9 Agency 05, Supreme Court, Program 67, Probation Services

Section 10 Agency 05, Supreme Court, Program 420, State Specialized Court Operations,

Section 11 Agency 05, Supreme Court, Program 435, Probation Community Corrections,

Section 12 Agency 05, Supreme Court, Program 436, Juvenile Services Project Contingency,

Section 13 Agency 05, Supreme Court, Program 570, Court Automation,

Section 16, Agency 10, Auditor of Public Accounts, Program 506, State Agency and County Post Audits,

Section 25, Agency 24, Department of Motor Vehicles, Program 70, Enforcement of Standards,

Section 30, Agency 25 Department of Health and Human Services, Program 514, Health Aid,

Section 35, Agency 33, Game and Parks Commission, Program 549, Parks Administration and Operations,

Section 36, Agency 33, Game and Parks Commission, Program 901, State Parks Facilities Deferred Maintenance,

Section 44, Agency 65, Department of Administrative Services, Program 917, Capitol Courtyard Fountains,

Section 45, Agency 65, Department of Administrative Services, Program 922 Capitol Heating, Ventilation and Air Conditioning System,

Section 48, Agency 72, Department of Economic Development, Program 603, Industrial Recruitment,

Section 50, Agency 05, Supreme Court, Program 52, Operations,

Section 51, Agency 13, State Department of Education, Program 25, Education Administration and Support,

Section 55, Agency 17 Department of Aeronautics, Program 26, Administration and Services,

Section 58, Agency 25, Department of Health and Human Services,

Program 38, Behavioral Health Aid,

Section 60, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance, of only the Federal Fund vetoes.

Section 63, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid,

Section 66, Agency 48, Coordinating Commission for Postsecondary Education, Program 640, Postsecondary Education Coordination,

Section 78, Agency 16, Department of Revenue, Program 164, Compulsive Gamblers Assistance,

Section 81, Fund Lapses and Transfers, for the transfer of \$10 million from the General Fund to the Job Training Cash Fund.

Senator McCoy offered the following amendment to the Appropriations Committee motion:

FA313

Strike Section 44 from the motion to override the Governor's line-item vetoes.

#### **SPEAKER ADAMS PRESIDING**

#### **SENATOR COASH PRESIDING**

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 6 nays, and 13 not voting.

The McCoy amendment lost with 10 ayes, 25 nays, 13 present and not voting, and 1 excused and not voting.

Senator McCoy offered the following amendment to the Appropriations Committee motion:

FA314

Strike Section 45 from the motion to override the Governor's line-item vetoes.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Senator McCoy requested a roll call vote, in reverse order, on his amendment.

The McCoy amendment lost with 8 ayes, 33 nays, 5 present and not voting, and 3 excused and not voting.

Senator McCoy offered the following amendment to the Appropriations Committee motion:

FA315

Strike Section 12 from MO168 to override the Governor's line-item vetoes.

Pending.

#### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 276A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 276, One Hundred Third Legislature, Second Session, 2014.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Lautenbaugh and Schilz asked unanimous consent to add their names as cointroducers to LB1058. No objections. So ordered.

#### **WITHDRAW - Cointroducer**

Senator Murante withdrew his name as cointroducer to LB797.

#### **VISITORS**

Visitors to the Chamber were group of pre-school students from Kelly's Kids, Lincoln; Logan and Audra Ostergard from Lincoln; 50 twelfth-grade students from Lincoln Northeast; 21 fourth-grade students and teachers from Seymour Elementary, Ralston; 9 twelfth-grade students and teacher from Sutherland; 33 fourth-grade students and teachers from Brownell-Talbot Elementary in Omaha, including, Senator Wightman's granddaughter, Meg; 21 fourth-grade students and teacher from Arapahoe; and 37 fourth-grade students and teachers from Wildwood Elementary, Ralston.

#### **RECESS**

At 11:56 a.m., on a motion by Senator Bloomfield, the Legislature recessed until 1:30 p.m.

#### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Lautenbaugh who was excused; and Senators Campbell, Carlson, Christensen, Davis, Gloor, Howard, Janssen, Karpisek, Pirsch, Schumacher, and Watermeier who were excused until they arrive.

**MOTION - Withdraw LR463**

Senator Chambers offered his motion, MO162, found on page 1273, to withdraw LR463.

The Chambers motion to withdraw the resolution prevailed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

**MOTION - Override Line-Item Vetoes on LB905**

The Appropriations Committee motion, MO168, found on page 1295 and considered in this day's Journal, to override the Governors line-item vetoes on LB905, was renewed.

Senator McCoy withdrew his amendment, FA315, found in this day's Journal.

**SENATOR COASH PRESIDING**

Senator Mello moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 37:

Adams	Conrad	Harms	Lathrop	Seiler
Ashford	Cook	Harr, B.	McGill	Sullivan
Avery	Crawford	Howard	Mello	Wallman
Bolz	Davis	Johnson	Nelson	Watermeier
Campbell	Dubas	Karpisek	Nordquist	Wightman
Carlson	Gloor	Kolowski	Scheer	
Chambers	Haar, K.	Krist	Schilz	
Coash	Hadley	Larson	Schumacher	

Voting in the negative, 11:

Bloomfield	Garrett	Kintner	Pirsch
Brasch	Hansen	McCoy	Smith
Christensen	Janssen	Murante	

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

**MOTION - Override Line-Item Vetoes on LB906**

Senator Mello offered the Appropriations Committee motion, MO169, found on page 1296, that LB906 becomes law notwithstanding the objections of the Governor.

Senator Mello moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 39:

Adams	Conrad	Hansen	Larson	Schilz
Ashford	Cook	Harms	Lathrop	Schumacher
Avery	Crawford	Harr, B.	McGill	Seiler
Bolz	Davis	Howard	Mello	Sullivan
Campbell	Dubas	Johnson	Murante	Wallman
Carlson	Gloor	Karpisek	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Coash	Hadley	Krist	Scheer	

Voting in the negative, 9:

Bloomfield	Christensen	Janssen	McCoy	Smith
Brasch	Garrett	Kintner	Pirsch	

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.



**MOTION - Override Line-Item Vetoes on LB130**

Senator Mello offered the Appropriations Committee motion, MO170, found on page 1296, that LB130 becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?'" "

Voting in the affirmative, 39:

Adams	Conrad	Hansen	Larson	Schilz
Ashford	Cook	Harms	Lathrop	Schumacher
Avery	Crawford	Harr, B.	McGill	Seiler
Bolz	Davis	Howard	Mello	Sullivan
Campbell	Dubas	Johnson	Murante	Wallman
Carlson	Gloor	Karpisek	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Coash	Hadley	Krist	Scheer	

Voting in the negative, 9:

Bloomfield	Christensen	Janssen	McCoy	Smith
Brasch	Garrett	Kintner	Pirsch	

Excused and not voting, 1:

Lautenbaugh

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

**SPEAKER ADAMS PRESIDING****COMMUNICATION**

April 1, 2014

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB905 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached

certificate, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

### **CERTIFICATE**

Legislative Bill 905, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes as follows, and having passed the Legislature by the constitutional majority the bill has become law this 1st day of April 2014.

Section 7 Agency 03, Legislative Council, Program 501, Intergovernmental Cooperation,

Section 8 Agency 03, Legislative Council, Program 504, Office of Public Counsel,

Section 9 Agency 05, Supreme Court, Program 67, Probation Services

Section 10 Agency 05, Supreme Court, Program 420, State Specialized Court Operations,

Section 11 Agency 05, Supreme Court, Program 435, Probation Community Corrections,

Section 12 Agency 05, Supreme Court, Program 436, Juvenile Services Project Contingency,

Section 13 Agency 05, Supreme Court, Program 570, Court Automation,

Section 16, Agency 10, Auditor of Public Accounts, Program 506, State Agency and County Post Audits,

Section 25, Agency 24, Department of Motor Vehicles, Program 70, Enforcement of Standards,

Section 30, Agency 25 Department of Health and Human Services, Program 514, Health Aid,

Section 35, Agency 33, Game and Parks Commission, Program 549, Parks Administration and Operations,

Section 36, Agency 33, Game and Parks Commission, Program 901, State Parks Facilities Deferred Maintenance,

Section 44, Agency 65, Department of Administrative Services, Program 917, Capitol Courtyard Fountains,

Section 45, Agency 65, Department of Administrative Services, Program 922 Capitol Heating, Ventilation and Air Conditioning System,

Section 48, Agency 72, Department of Economic Development, Program 603, Industrial Recruitment,

Section 50, Agency 05, Supreme Court, Program 52, Operations,

Section 51, Agency 13, State Department of Education, Program 25, Education Administration and Support,

Section 55, Agency 17 Department of Aeronautics, Program 26, Administration and Services,

Section 58, Agency 25, Department of Health and Human Services, Program 38, Behavioral Health Aid,

Section 60, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance, of only the Federal Fund vetoes.

Section 63, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid,

Section 66, Agency 48, Coordinating Commission for Postsecondary Education, Program 640, Postsecondary Education Coordination,

Section 78, Agency 16, Department of Revenue, Program 164, Compulsive Gamblers Assistance,

Section 81, Fund Lapses and Transfers, for the transfer of \$10 million from the General Fund to the Job Training Cash Fund.

(Signed) Greg Adams  
President of the Legislature

**COMMUNICATION**

April 1, 2014

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB906 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

**CERTIFICATE**

Legislative Bill 906, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes, and having passed the Legislature by the constitutional majority the bill has become law this 1st day of April 2014.

(Signed) Greg Adams  
President of the Legislature

**COMMUNICATION**

April 1, 2014

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB130 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

### **CERTIFICATE**

Legislative Bill 130, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority, has overridden said line-item vetoes, and having passed the Legislature by the constitutional majority the bill has become law this 1st day of April 2014.

(Signed) Greg Adams  
President of the Legislature

### **SENATOR KRIST PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 390.** Title read. Considered.

Committee AM507, found on page 945, First Session, 2013, was offered.

Senator Seiler offered the following amendment to the committee amendment:

AM2710

(Amendments to Standing Committee amendments, AM507)

- 1 1. Insert the following new section:
- 2 Section 1. Section 28-1204.04, Revised Statutes
- 3 Cumulative Supplement, 2012, is amended to read:
- 4 28-1204.04 (1) Any person who possesses a firearm in
- 5 a school, on school grounds, in a school-owned vehicle, or at
- 6 a school-sponsored activity or athletic event is guilty of the
- 7 offense of unlawful possession of a firearm at a school. Unlawful
- 8 possession of a firearm at a school is a Class IV felony. This
- 9 subsection shall not apply to (a) the issuance of firearms to
- 10 or possession by members of the armed forces of the United
- 11 States, active or reserve, National Guard of this state, or
- 12 Reserve Officers Training Corps or peace officers or other duly
- 13 authorized law enforcement officers when on duty or training,
- 14 (b) the possession of firearms by peace officers or other duly
- 15 authorized law enforcement officers when contracted by a school
- 16 to provide school security or school event control services, (c)
- 17 firearms which may lawfully be possessed by the person receiving
- 18 instruction, for instruction under the immediate supervision of an
- 19 adult instructor, (d) firearms which may lawfully be possessed by
- 20 a member of a college or university rifle team, within the scope

21 of such person's duties as a member of the team, (e) firearms  
22 which may lawfully be possessed by a person employed by a college  
1 or university in this state as part of an agriculture or a  
2 natural resources program of such college or university, within the  
3 scope of such person's employment, (f) firearms contained within  
4 a private vehicle operated by a nonstudent adult which are not  
5 loaded and (i) are encased or (ii) are in a locked firearm rack  
6 that is on a motor vehicle, (g) firearms which may lawfully be  
7 possessed by a person for the purpose of using them, with the  
8 approval of the school, in a historical reenactment, in a hunter  
9 education program, or as part of an honor guard, or ~~(g)~~(h) a  
10 handgun carried as a concealed handgun by a valid holder of a  
11 permit issued under the Concealed Handgun Permit Act in a vehicle  
12 or on his or her person while riding in or on a vehicle into or  
13 onto any parking area, which is open to the public and used by  
14 a school if, prior to exiting the vehicle, the handgun is locked  
15 inside the glove box, trunk, or other compartment of the vehicle,  
16 a storage box securely attached to the vehicle, or, if the vehicle  
17 is a motorcycle, a hardened compartment securely attached to the  
18 motorcycle while the vehicle is in or on such parking area, except  
19 as prohibited by federal law. For purposes of this subsection,  
20 encased means enclosed in a case that is expressly made for the  
21 purpose of containing a firearm and that is completely zipped,  
22 snapped, buckled, tied, or otherwise fastened with no part of the  
23 firearm exposed.

24 (2) Any firearm possessed in violation of subsection  
25 (1) of this section shall be confiscated without warrant by a  
26 peace officer or may be confiscated without warrant by school  
27 administrative or teaching personnel. Any firearm confiscated by  
1 school administrative or teaching personnel shall be delivered to a  
2 peace officer as soon as practicable.

3 (3) Any firearm confiscated by or given to a peace  
4 officer pursuant to subsection (2) of this section shall be  
5 declared a common nuisance and shall be held by the peace officer  
6 prior to his or her delivery of the firearm to the property  
7 division of the law enforcement agency which employs the peace  
8 officer. The property division of such law enforcement agency shall  
9 hold such firearm for as long as the firearm is needed as evidence.  
10 After the firearm is no longer needed as evidence, it shall be  
11 destroyed in such manner as the court may direct.

12 (4) Whenever a firearm is confiscated and held pursuant  
13 to this section or section 28-1204.02, the peace officer who  
14 received such firearm shall cause to be filed within ten days after  
15 the confiscation a petition for destruction of such firearm. The  
16 petition shall be filed in the district court of the county in  
17 which the confiscation is made. The petition shall describe the  
18 firearm held, state the name of the owner, if known, allege the  
19 essential elements of the violation which caused the confiscation,  
20 and conclude with a prayer for disposition and destruction in such

21 manner as the court may direct. At any time after the confiscation  
22 of the firearm and prior to court disposition, the owner of the  
23 firearm seized may petition the district court of the county in  
24 which the confiscation was made for possession of the firearm. The  
25 court shall release the firearm to such owner only if the claim  
26 of ownership can reasonably be shown to be true and either (a)  
27 the owner of the firearm can show that the firearm was taken from  
1 his or her property or place of business unlawfully or without  
2 the knowledge and consent of the owner and that such property or  
3 place of business is different from that of the person from whom  
4 the firearm was confiscated or (b) the owner of the firearm is  
5 acquitted of the charge of unlawful possession of a handgun in  
6 violation of section 28-1204, unlawful transfer of a firearm to  
7 a juvenile, or unlawful possession of a firearm at a school. No  
8 firearm having significant antique value or historical significance  
9 as determined by the Nebraska State Historical Society shall be  
10 destroyed. If a firearm has significant antique value or historical  
11 significance, it shall be sold at auction and the proceeds shall be  
12 remitted to the State Treasurer for distribution in accordance with  
13 Article VII, section 5, of the Constitution of Nebraska.  
14 2. Renumber the remaining sections and correct the  
15 repealer accordingly.

The Seiler amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Davis offered his amendment, AM2663, found on page 1300.

The Davis amendment was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 965.** Title read. Considered.

Committee AM2045, found on page 734, was offered.

Senator K. Haar asked unanimous consent to withdraw his amendment, AM2461, found on page 933, and replace it with his substitute amendment, AM2562, found on page 1073, to the committee amendment. No objections. So ordered.

**SENATOR GLOOR PRESIDING**

Senator Murante moved the previous question. The question is, "Shall the debate now close?"

Senator Hadley moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Carlson	Crawford	Howard	Mello
Avery	Chambers	Davis	Kolowski	Nordquist
Bolz	Conrad	Dubas	Lathrop	Sullivan
Brasch	Cook	Harms	McGill	Wallman

Voting in the negative, 19:

Adams	Garrett	Johnson	Murante	Smith
Bloomfield	Hadley	Kintner	Nelson	Watermeier
Campbell	Hansen	Larson	Schilz	Wightman
Coash	Janssen	McCoy	Seiler	

Present and not voting, 7:

Christensen	Haar, K.	Krist	Schumacher
Gloor	Harr, B.	Scheer	

Excused and not voting, 3:

Karpisek      Lautenbaugh      Pirsch

The K. Haar amendment lost with 20 ayes, 19 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

#### **AMENDMENTS - Print in Journal**

Senator Mello filed the following amendment to LB373:

AM2362

(Amendments to Standing Committee amendments, AM1550)

- 1 1. Insert the following section:
- 2 Sec. 6. Section 45-1205, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:



4 45-1205 Except as provided in section 45-1204, if a  
 5 periodic or final payment to (1) a contractor is delayed by more  
 6 than thirty days after receipt of a properly submitted periodic or  
 7 final payment request by the owner or owner's representative or (2)  
 8 a subcontractor is delayed by more than ten days after receipt of a  
 9 periodic or final payment by the contractor or subcontractor, then  
 10 the remitting ~~party~~ owner, contractor, or subcontractor shall pay  
 11 the contractor or subcontractor interest due until such amount is  
 12 paid, beginning on the day following the payment due date at the  
 13 rate of one percent per month or a pro rata fraction thereof on  
 14 the unpaid balance. Interest is due under this section only after  
 15 the person charged the interest has been notified of the provisions  
 16 of this section by the contractor or subcontractor. Acceptance of  
 17 progress payments or a final payment shall release all claims for  
 18 interest on such payments.

19 2. On page 2, line 3, after "person" insert ". Contractor  
 20 does not include an individual or an entity performing work on  
 21 a contract for the State of Nebraska or performing work on a  
 22 federal-aid or state-aid project of a political subdivision in  
 1 which the state makes payments to the contractor on behalf of the  
 2 political subdivision"; and in line 24 after "suppliers" insert  
 3 ". Subcontractor does not include an individual or an entity  
 4 performing work as a subcontractor on a contract for the State of  
 5 Nebraska or performing work on a federal-aid or state-aid project  
 6 of a political subdivision in which the state makes payments to the  
 7 contractor on behalf of the political subdivision".

8 3. On page 4, line 7, strike "a party", show as stricken,  
 9 and insert "an owner, a contractor, or a subcontractor"; and strike  
 10 beginning with "by" in line 11 through "subcontractor" in line 12.

11 4. Correct the repealer and renumber the remaining  
 12 section accordingly.

Senator Lathrop filed the following amendment to LB752:  
 AM2274

1 1. On page 6, lines 2 and 23, after "officer" insert ",  
 2 firefighter, out-of-hospital emergency care provider".

3 2. On page 6, line 6; and page 7, line 2, after "officer"  
 4 insert ", an emergency responder, a state correctional employee, a  
 5 Department of Health and Human Services employee".

6 3. On page 7, lines 8, 12, and 15; and page 8, line 6,  
 7 after "or" insert "a".

8 4. On page 7, line 20, strike "or" and show as stricken.

9 5. On page 11, line 7, after "officer" insert ", an  
 10 emergency responder, a state correctional employee, a Department of  
 11 Health and Human Services employee, or a health care professional".

Senator Seiler filed the following amendment to LB810:  
AM2729

(Amendments to E & R amendments, ER180)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 8-1401, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 8-1401 (1) No person organized under the Business
- 5 Corporation Act, the Credit Union Act, the Nebraska Banking Act,
- 6 the Nebraska Industrial Development Corporation Act, the Nebraska
- 7 Nonprofit Corporation Act, the Nebraska Professional Corporation
- 8 Act, the Nebraska Trust Company Act, or Chapter 8, article 3, or
- 9 otherwise authorized to conduct business in Nebraska or organized
- 10 under the laws of the United States, shall be required to disclose
- 11 any records or information, financial or otherwise, that it deems
- 12 confidential concerning its affairs or the affairs of any person
- 13 with which it is doing business to any person, party, agency, or
- 14 organization, unless:
- 15 (a) The disclosure relates to a lawyers trust account
- 16 and is required to be made to the Counsel for Discipline of the
- 17 Nebraska Supreme Court pursuant to a rule adopted by the Nebraska
- 18 Supreme Court;
- 19 (b) The disclosure is governed by rules for discovery
- 20 promulgated pursuant to section 25-1273.01;
- 21 (c) The disclosure is made pursuant to section 3 of this
- 22 act;
- 1 ~~(d)~~ (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 ~~(e)~~ (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 ~~(f)~~ (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 ~~(g)~~ (g) The production of records is pursuant to a
- 16 written demand of the Tax Commissioner under section 77-375;
- 17 ~~(h)~~ (h) There is first presented to such person a
- 18 subpoena, summons, or warrant issued by a court of competent
- 19 jurisdiction;
- 20 ~~(i)~~ (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 ~~(j)~~ (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)(e), (1)(g), (1)(h), and (1)(i) 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 safety deposit box rented by  
23 a 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 (A) an heir at law of the decedent, (B) a devisee of  
22 the decedent or a person nominated as a personal representative in  
23 a will of the decedent, or (C) an agent or attorney authorized in  
24 writing by any such person described in subdivision (A) or (B) 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 in  
3 an estate that is not subject to probate or to assist a conservator  
4 or guardian in the preparation of a final accounting subsequent to  
5 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. Section 30-2201, Revised Statutes Cumulative  
12 Supplement, 2012, is amended to read:

13 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,  
14 and 30-4001 to 30-4045 and section 6 of this act shall be known and  
15 may be cited as the Nebraska Probate Code.

16 Sec. 6. (1) For purposes of this section:

17 (a) Custodian means a bank, savings and loan association,  
18 credit union, or other institution acting as a lessor of a safe  
19 deposit box; and

20 (b) Representative of a custodian means an authorized  
21 officer or employee of a custodian.

22 (2)(a) If a decedent at the time of his or her death  
23 was a sole or last surviving joint lessee of a safe deposit box,  
24 the custodian shall, prior to notice that a personal representative  
25 or special administrator has been appointed for such decedent's  
26 estate, allow access to the safe deposit box to determine whether  
27 the safe deposit box contains an instrument that appears to be an  
1 original will of the decedent, a deed to a burial plot, or burial  
2 instructions. The following persons may have such access:

3 (i) A person who presents an affidavit described in  
4 subsection (4) of this section that affiant reasonably believes  
5 that he or she is either (A) an heir at law of the decedent,  
6 (B) a devisee of the decedent or a person nominated as a personal  
7 representative as shown in a photocopy of a will which is attached  
8 to such affidavit, or (C) the agent or attorney specifically  
9 authorized in writing by a person described in subdivision

10 (2)(a)(i)(A) or (B) of this section; or  
11 (ii) A person who, under the terms of the safe deposit  
12 box lease or a power of attorney at the time of the decedent's  
13 death, was legally permitted to enter the safe deposit box, unless  
14 otherwise provided by the lease or the power of attorney.  
15 (b) If a person described in subdivision (2)(a) of this  
16 section desires access to a safe deposit box but does not possess  
17 a key to the box, the custodian may open the safe deposit box  
18 by any means necessary at the person's request and expense or the  
19 custodian may require the person to obtain a court order for the  
20 custodian to open the safe deposit box at the requesting person's  
21 expense. The custodian shall retain, in a secure location at such  
22 person's expense, the contents of the box other than a purported  
23 will, deed to a burial plot, and burial instructions. A custodian  
24 shall deliver a purported will as described in subdivision (5)(b)  
25 of this section. A person described in subdivision (2)(a)(i) of  
26 this section may remove a deed to a burial plot and burial  
27 instructions that are not part of a purported will pursuant to  
1 subdivision (5)(d) of this section, and the custodian shall not  
2 prevent the removal. Expenses incurred by a custodian or by the  
3 person seeking the documents pursuant to this section shall be  
4 considered an estate administration expense.  
5 (3) A representative of the custodian shall be present  
6 during the entry of a safe deposit box pursuant to this section.  
7 (4) The affidavit referred to in subdivision (2)(a)(i) of  
8 this section shall state:  
9 (a) That the sole or last surviving lessor of a safe  
10 deposit box has died and the date of his or her death, and a copy  
11 of the death certificate shall be attached;  
12 (b) If the person submitting the affidavit is an attorney  
13 or agent of the affiant, that such appointment is for the purpose  
14 of accompanying the opening of the safe deposit box. In lieu of  
15 this statement, the appointment shall accompany the affidavit; and  
16 (c) That the affiant:  
17 (i)(A) Is an heir at law of the deceased lessor and a  
18 description of such person's relationship to the deceased lessor;  
19 (B) Is reasonably thought to be a devisee of the decedent  
20 based on the provisions of a will, a photocopy of which is  
21 submitted with the affidavit; or  
22 (C) Is reasonably thought to be nominated as personal  
23 representative pursuant to the terms of a will, a photocopy of  
24 which is submitted with the affidavit;  
25 (ii) Swears or affirms that all statements in the  
26 affidavit are true and material and further acknowledges that  
27 any false statement may subject the person to penalties relating to  
1 perjury under section 28-915; and  
2 (iii) Has no knowledge of an application or petition for  
3 the appointment of a personal representative pending or granted in  
4 any jurisdiction.

5 (5)(a) If an instrument purporting to be a will is found  
6 in a safe deposit box as the result of an entry pursuant to  
7 subsection (2) of this section, the representative of the custodian  
8 shall remove the purported will.

9 (b) The custodian shall mail the purported will by  
10 registered or certified mail or deliver the purported will in  
11 person to the clerk of the county court of the county in which the  
12 decedent was a resident. If the custodian is unable to determine  
13 the county of residence of the decedent, the custodian shall mail  
14 the purported will by registered or certified mail or deliver the  
15 purported will in person to the office of the clerk of the county  
16 court of the county in which the safe deposit box is located.

17 (c) At the request of the person or persons authorized  
18 to have access to the safe deposit box under subsection (2) of  
19 this section, the representative of the custodian shall copy each  
20 purported will of the decedent, at the expense of the requesting  
21 person, and shall deliver the copy of each purported will to the  
22 person, or if directed by the person, to the person's agent or  
23 attorney. In copying any purported will, the representative of the  
24 custodian shall not remove any staples or other fastening devices  
25 or disassemble the purported will in any way.

26 (d) If the safe deposit box contains a deed to a burial  
27 plot or burial instructions that are not a part of a purported  
1 will, the person or persons authorized to have access to the safe  
2 deposit box under subsection (2) of this section may remove these  
3 instruments or request that the representative of the custodian  
4 copy the deed to the burial plot or burial instructions at the  
5 expense of the requesting person.

6 (6) This section does not limit the right of a personal  
7 representative or a special administrator for the decedent, or a  
8 successor of the decedent pursuant to section 30-24,125, to have  
9 access to the safe deposit box as otherwise provided by law.

10 (7) Unless limited by the safe deposit box lease, a  
11 surviving co-lessee of the safe deposit box may continue to enter  
12 the safe deposit box notwithstanding the death of the decedent.

13 (8) A custodian shall not be liable to a person for an  
14 action taken pursuant to this section or for a failure to act in  
15 accordance with the requirements of this section unless the action  
16 or failure to act is shown to have resulted from the custodian's  
17 bad faith, gross negligence, or intentional misconduct.

18 Sec. 8. The Revisor of Statutes shall assign section 6 of  
19 this act within Chapter 30, article 24, part 1.

20 Sec. 9. Original sections 8-1401, 8-1402, and 8-1403,  
21 Reissue Revised Statutes of Nebraska, and section 30-2201, Revised  
22 Statutes Cumulative Supplement, 2012, are repealed.

23 2. Renumber the remaining sections accordingly.

Senator Nordquist filed the following amendment to LB276:

AM2726

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 43-2511, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 43-2511 There is hereby established a statewide billing  
 6 system for accessing federal medicaid funds for special education  
 7 and related services provided by school districts. The system  
 8 shall apply to all students verified with disabilities from date  
 9 of diagnosis to twenty-one years of age as allowed under the  
 10 federal Medicare Catastrophic Coverage Act of 1988. The system  
 11 shall be developed, implemented, and administered jointly by the  
 12 Department of Health and Human Services and the State Department  
 13 of Education. On or before October 1, 2015, the Department of  
 14 Health and Human Services and the State Department of Education  
 15 shall jointly revise the statewide billing system to streamline  
 16 and simplify the claims process, to update reimbursement rates,  
 17 and to incorporate services included in the state plan amendment  
 18 submitted pursuant to subsection (4) of section 68-911. After the  
 19 reimbursement rates have been updated pursuant to this section,  
 20 such rates shall be reviewed at least once every five years. School  
 21 districts, educational service units, or approved cooperatives  
 22 providing special education and related services shall be required  
 23 to participate in the statewide billing system. It is the intent  
 1 of this section that Eleven and fifty-four hundredths percent  
 2 of federal medicaid funds received by school districts pursuant  
 3 to such billing system shall be considered reimbursement for the  
 4 costs to school districts associated with the implementation and  
 5 administration of such a system, and such costs shall be included  
 6 in shall be eligible for payment through the medicaid reimbursement  
 7 rates to be established for each therapy service. From the amount  
 8 provided pursuant to section 43-2515 to aid in carrying out the  
 9 Early Intervention Act, the Department of Health and Human Services  
 10 shall retain, for the purposes of implementing and administering  
 11 the statewide billing system and early intervention services  
 12 coordination services, an amount equal to the lesser of the  
 13 actual cost of implementing and administering the statewide billing  
 14 system and early intervention services coordination services or (1)  
 15 for fiscal year 2014-15, two hundred forty-two thousand dollars,  
 16 (2) for fiscal year 2015-16, three hundred thousand dollars, or (3)  
 17 for fiscal year 2016-17 and each fiscal year thereafter, the amount  
 18 retained for such purposes for the prior year increased by five  
 19 percent.  
 20 Sec. 2. Section 43-2513, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:  
 22 43-2513 For purposes of the general fund budget of  
 23 expenditures as defined in section 79-1003, funds received to carry  
 24 out the services coordination functions ~~and the administration~~



25 ~~of the billing system or designated as reimbursement for costs~~  
 26 ~~associated with the implementation and administration of the~~  
 27 ~~billing system pursuant to section 43-2511 shall be considered~~  
 1 special grant funds.

2 Sec. 3. Section 43-2515, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 ~~43-2515 On For years 1993 through 2015, on or before~~  
 5 ~~October 1, 1993, and for each year thereafter,~~ the Department of  
 6 Health and Human Services and the State Department of Education  
 7 shall jointly certify to the budget administrator of the budget  
 8 division of the Department of Administrative Services the amount  
 9 of federal medicaid funds paid to school districts pursuant to the  
 10 Early Intervention Act for special education services for children  
 11 five years of age and older for the immediately preceding fiscal  
 12 year. The General Fund appropriation to the State Department of  
 13 Education for state special education aid for the then-current  
 14 fiscal year shall be decreased by an amount equal to the amount  
 15 that would have been reimbursed with state general funds to  
 16 the school districts through the special education reimbursement  
 17 process for special education services for children five years  
 18 of age and older that was paid to school districts or approved  
 19 cooperatives with federal medicaid funds.

20 ~~It~~ For fiscal years through fiscal year 2015-16, it  
 21 is the intent of the Legislature that an amount equal to the  
 22 amount that would have been reimbursed with state general funds  
 23 to the school districts, certified to the budget administrator,  
 24 be appropriated from the General Fund to aid in carrying out the  
 25 provisions of the Early Intervention Act and other related early  
 26 intervention services.

27 For 2015 and each year thereafter, on or before  
 1 December 1, the Department of Health and Human Services and  
 2 the State Department of Education shall jointly certify to the  
 3 budget administrator of the budget division of the Department of  
 4 Administrative Services the aggregate amount to be included in the  
 5 local system formula resources pursuant to subdivision (16) of  
 6 section 79-1018.01 for all local systems for aid to be calculated  
 7 pursuant to the Tax Equity and Educational Opportunities Support  
 8 Act for the next school fiscal year.

9 For fiscal year 2016-17 and each fiscal year thereafter,  
 10 it is the intent of the Legislature that, in addition to other  
 11 state and federal funds used to carry out the Early Intervention  
 12 Act, funds equal to the lesser of the amount certified to the  
 13 budget administrator or the amount appropriated for such purposes  
 14 pursuant to this section for the immediately preceding fiscal year  
 15 increased by five percent be appropriated from the General Fund to  
 16 aid in carrying out the provisions of the Early Intervention Act  
 17 and other related early intervention services.

18 Sec. 4. Section 68-911, Revised Statutes Supplement,  
 19 2013, is amended to read:

- 20 68-911 (1) Medical assistance shall include coverage for  
21 health care and related services as required under Title XIX of the  
22 federal Social Security Act, including, but not limited to:
- 23 (a) Inpatient and outpatient hospital services;
  - 24 (b) Laboratory and X-ray services;
  - 25 (c) Nursing facility services;
  - 26 (d) Home health services;
  - 27 (e) Nursing services;
  - 1 (f) Clinic services;
  - 2 (g) Physician services;
  - 3 (h) Medical and surgical services of a dentist;
  - 4 (i) Nurse practitioner services;
  - 5 (j) Nurse midwife services;
  - 6 (k) Pregnancy-related services;
  - 7 (l) Medical supplies;
  - 8 (m) Mental health and substance abuse services; and
  - 9 (n) Early and periodic screening and diagnosis and
- 10 treatment services for children which shall include both physical  
11 and behavioral health screening, diagnosis, and treatment services.
- 12 (2) In addition to coverage otherwise required under this  
13 section, medical assistance may include coverage for health care  
14 and related services as permitted but not required under Title XIX  
15 of the federal Social Security Act, including, but not limited to:
- 16 (a) Prescribed drugs;
  - 17 (b) Intermediate care facilities for persons with
  - 18 developmental disabilities;
  - 19 (c) Home and community-based services for aged persons
  - 20 and persons with disabilities;
  - 21 (d) Dental services;
  - 22 (e) Rehabilitation services;
  - 23 (f) Personal care services;
  - 24 (g) Durable medical equipment;
  - 25 (h) Medical transportation services;
  - 26 (i) Vision-related services;
  - 27 (j) Speech therapy services;
  - 1 (k) Physical therapy services;
  - 2 (l) Chiropractic services;
  - 3 (m) Occupational therapy services;
  - 4 (n) Optometric services;
  - 5 (o) Podiatric services;
  - 6 (p) Hospice services;
  - 7 (q) Mental health and substance abuse services;
  - 8 (r) Hearing screening services for newborn and infant
  - 9 children; and
  - 10 (s) Administrative expenses related to administrative
  - 11 activities, including outreach services, provided by school
  - 12 districts and educational service units to students who are
  - 13 eligible or potentially eligible for medical assistance.
- 14 (3) No later than July 1, 2009, the department

15 shall submit a state plan amendment or waiver to the federal  
16 Centers for Medicare and Medicaid Services to provide coverage  
17 under the medical assistance program for community-based secure  
18 residential and subacute behavioral health services for all  
19 eligible recipients, without regard to whether the recipient has  
20 been ordered by a mental health board under the Nebraska Mental  
21 Health Commitment Act to receive such services.

22 (4) On or before October 1, 2014, the department, after  
23 consultation with the State Department of Education, shall submit  
24 a state plan amendment to the federal Centers for Medicare and  
25 Medicaid Services, as necessary, to provide that the following are  
26 direct reimbursable services when provided by school districts as  
27 part of an individualized education program or an individualized  
1 family service plan: Early and periodic screening, diagnosis, and  
2 treatment services for children; medical transportation services;  
3 mental health services; nursing services; occupational therapy  
4 services; personal care services; physical therapy services;  
5 rehabilitation services; speech therapy and other services for  
6 individuals with speech, hearing, or language disorders; and  
7 vision-related services.

8 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:

10 79-1018.01 Except as otherwise provided in this section,  
11 local system formula resources include other actual receipts  
12 available for the funding of general fund operating expenditures  
13 as determined by the department for the second school fiscal year  
14 immediately preceding the school fiscal year in which aid is to be  
15 paid. Other actual receipts include:

- 16 (1) Public power district sales tax revenue;
- 17 (2) Fines and license fees;
- 18 (3) Tuition receipts from individuals, other districts,  
19 or any other source except receipts derived from adult education,  
20 receipts derived from summer school tuition, receipts derived  
21 from early childhood education tuition, tuition receipts from  
22 converted contracts beginning with the calculation of state aid to  
23 be distributed in school fiscal year 2011-12, and receipts from  
24 educational entities as defined in section 79-1201.01 for providing  
25 distance education courses through the Educational Service Unit  
26 Coordinating Council to such educational entities;
- 27 (4) Transportation receipts;
- 1 (5) Interest on investments;
- 2 (6) Other miscellaneous noncategorical local receipts,  
3 not including receipts from private foundations, individuals,  
4 associations, or charitable organizations;
- 5 (7) Special education receipts;
- 6 (8) Special education receipts and non-special education  
7 receipts from the state for wards of the court and wards of the  
8 state;
- 9 (9) All receipts from the temporary school fund. Receipts

10 from the temporary school fund shall only include (a) receipts  
 11 pursuant to section 79-1035, to the extent that such receipts for  
 12 the calculation of aid for school fiscal year 2018-19 and each  
 13 school fiscal year thereafter are not returned to the temporary  
 14 school fund pursuant to section 79-309.01, and (b) the receipt of  
 15 funds pursuant to section 79-1036 for property leased for a public  
 16 purpose as set forth in subdivision (1)(a) of section 77-202;

17 (10) Motor vehicle tax receipts received;

18 (11) Pro rata motor vehicle license fee receipts;

19 (12) Other miscellaneous state receipts excluding revenue  
 20 from the textbook loan program authorized by section 79-734;

21 (13) Impact aid entitlements for the school fiscal year  
 22 which have actually been received by the district to the extent  
 23 allowed by federal law;

24 (14) All other noncategorical federal receipts;

25 (15) All receipts pursuant to the enrollment option  
 26 program under sections 79-232 to 79-246;

27 (16) Receipts under the federal Medicare Catastrophic  
 1 Coverage Act of 1988, as such act existed on ~~May 8, 2001, January~~  
 2 ~~1, 2014~~, as authorized pursuant to sections 43-2510 and 43-2511  
 3 ~~but only to the extent of the amount the local system would~~  
 4 ~~have otherwise received pursuant to the Special Education Act for~~  
 5 ~~services to school-age children, excluding amounts designated as~~  
 6 ~~reimbursement for costs associated with the implementation and~~  
 7 ~~administration of the billing system pursuant to section 43-2511;~~

8 (17) Receipts for accelerated or differentiated  
 9 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and

10 (18) Revenue received from the nameplate capacity tax  
 11 distributed pursuant to section 77-6204.

12 Sec. 6. Section 79-1119, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 79-1119 ~~Excess~~ For aid distributed in school fiscal years  
 15 prior to 2015-16, excess cost means the difference between the  
 16 total cost of the special education program excluding residential  
 17 care and the number of students in the special education program  
 18 multiplied by the adjusted average per pupil cost of the preceding  
 19 year for the school district of residence of each child. ~~For aid~~  
 20 distributed in school fiscal year 2015-16 and each school fiscal  
 21 year thereafter, excess cost means the difference between the total  
 22 cost of the special education program excluding residential care  
 23 minus federal medicaid funds received pursuant to section 43-2511  
 24 for services to school-age children excluding amounts designated  
 25 as reimbursement for costs associated with the implementation and  
 26 administration of the billing system pursuant to section 43-2511  
 27 and minus the product of the number of students in the special  
 1 education program multiplied by the adjusted average per pupil cost  
 2 of the preceding year for the school district of residence of each  
 3 child.

4 Sec. 7. Section 79-1145, Reissue Revised Statutes of

5 Nebraska, is amended to read:

6 79-1145 For each fiscal year, the aggregate amount of  
 7 General Funds appropriated for special education programs and  
 8 support services pursuant to sections 79-1129, 79-1132, and 79-1144  
 9 shall not exceed the aggregate amount of General Funds appropriated  
 10 pursuant to such sections for the previous fiscal year, multiplied  
 11 by one plus a rate of five percent. For purposes of this section,  
 12 for fiscal year 2016-17 the aggregate amount of General Funds  
 13 appropriated for special education programs and support services  
 14 pursuant to sections 79-1129, 79-1132, and 79-1144 for the previous  
 15 fiscal year shall be the net amount after any decrease required  
 16 pursuant to section 43-2515.

17 Sec. 8. Original sections 43-2511, 43-2513, 43-2515,  
 18 79-1119, and 79-1145, Reissue Revised Statutes of Nebraska, section  
 19 79-1018.01, Revised Statutes Cumulative Supplement, 2012, and  
 20 section 68-911, Revised Statutes Supplement, 2013, are repealed.

Senator Coash filed the following amendment to LB799:  
 AM2538

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new section:

2 Sec. 2. (1) For purposes of this section:

3 (a) Applied behavior analysis means the design,  
 4 implementation, and evaluation of environmental modifications,  
 5 using behavioral stimuli and consequences, to produce socially  
 6 significant improvement in human behavior, including the use of  
 7 direct observation, measurement, and functional analysis of the  
 8 relationship between environment and behavior;

9 (b) Autism spectrum disorder means any of the pervasive  
 10 developmental disorders or autism spectrum disorder as defined by  
 11 the Diagnostic and Statistical Manual of Mental Disorders, as the  
 12 most recent edition of such manual existed on the effective date of  
 13 this act;

14 (c) Behavioral health treatment means counseling and  
 15 treatment programs, including applied behavior analysis, that are:  
 16 (i) Necessary to develop, maintain, or restore, to the maximum  
 17 extent practicable, the functioning of an individual; and (ii)  
 18 provided or supervised, either in person or by telehealth, by a  
 19 behavior analyst certified by a national certifying organization or  
 20 a licensed psychologist if the services performed are within the  
 21 boundaries of the psychologist's competency;

22 (d) Diagnosis means a medically necessary assessment,  
 1 evaluation, or test to diagnose if an individual has an autism  
 2 spectrum disorder;

3 (e) Pharmacy care means a medication that is prescribed  
 4 by a licensed physician and any health-related service deemed  
 5 medically necessary to determine the need or effectiveness of the  
 6 medication;

7 (f) Psychiatric care means a direct or consultative

8 service provided by a psychiatrist licensed in the state in which  
9 he or she practices;  
10 (g) Psychological care means a direct or consultative  
11 service provided by a psychologist licensed in the state in which  
12 he or she practices;  
13 (h) Therapeutic care means a service provided by a  
14 licensed speech-language pathologist, occupational therapist, or  
15 physical therapist; and  
16 (i) Treatment means evidence-based care, including  
17 related equipment, that is prescribed or ordered for an individual  
18 diagnosed with an autism spectrum disorder by a licensed physician  
19 or a licensed psychologist, including:  
20 (i) Behavioral health treatment;  
21 (ii) Pharmacy care;  
22 (iii) Psychiatric care;  
23 (iv) Psychological care; and  
24 (v) Therapeutic care.  
25 (2) Notwithstanding section 44-3,131, (a) any individual  
26 or group sickness and accident insurance policy or subscriber  
27 contract delivered, issued for delivery, or renewed in this state  
1 and any hospital, medical, or surgical expense-incurred policy,  
2 except for policies that provide coverage for a specified disease  
3 or other limited-benefit coverage, and (b) any self-funded employee  
4 benefit plan to the extent not preempted by federal law, including  
5 any such plan provided for employees of the State of Nebraska,  
6 shall provide coverage for the screening, diagnosis, and treatment  
7 of an autism spectrum disorder in an individual under twenty-one  
8 years of age. To the extent that the screening, diagnosis, and  
9 treatment of autism spectrum disorder are not already covered by  
10 such policy or contract, coverage under this section shall be  
11 included in such policies or contracts that are delivered, issued  
12 for delivery, amended, or renewed in this state or outside this  
13 state if the policy or contract insures a resident of Nebraska on  
14 or after January 1, 2015. No insurer shall terminate coverage or  
15 refuse to deliver, issue for delivery, amend, or renew coverage of  
16 the insured as a result of an autism spectrum disorder diagnosis or  
17 treatment. Nothing in this subsection applies to non-grandfathered  
18 plans in the individual and small group markets that are required  
19 to include essential health benefits under the federal Patient  
20 Protection and Affordable Care Act or to medicare supplement,  
21 accident-only, specified disease, hospital indemnity, disability  
22 income, long-term care, or other limited benefit hospital insurance  
23 policies.  
24 (3) Except as provided in subsection (4) of this section,  
25 coverage for an autism spectrum disorder shall not be subject  
26 to any limits on the number of visits an individual may make  
27 for treatment of an autism spectrum disorder, nor shall such  
1 coverage be subject to dollar limits, deductibles, copayments, or  
2 coinsurance provisions that are less favorable to an insured than

3 the equivalent provisions that apply to a general physical illness  
 4 under the policy.

5 (4) Coverage for behavioral health treatment, including  
 6 applied behavior analysis, shall be subject to a maximum benefit  
 7 of twenty-five hours per week until the insured reaches twenty-one  
 8 years of age. Payments made by an insurer on behalf of a covered  
 9 individual for treatment other than behavioral health treatment,  
 10 including applied behavior analysis, shall not be applied to any  
 11 maximum benefit established under this section.

12 (5) Except in the case of inpatient service, if an  
 13 individual is receiving treatment for an autism spectrum disorder,  
 14 an insurer shall have the right to request a review of that  
 15 treatment not more than once every six months unless the insurer  
 16 and the individual's licensed physician or licensed psychologist  
 17 execute an agreement that a more frequent review is necessary.  
 18 Any such agreement regarding the right to review a treatment plan  
 19 more frequently shall apply only to a particular individual being  
 20 treated for an autism spectrum disorder and shall not apply to  
 21 all individuals being treated for autism spectrum disorder by a  
 22 licensed physician or licensed psychologist. The cost of obtaining  
 23 a review under this subsection shall be borne by the insurer.

24 (6) This section shall not be construed as limiting  
 25 any benefit that is otherwise available to an individual under  
 26 a hospital, surgical, or medical expense-incurred policy or  
 27 health maintenance organization contract. This section shall not  
 1 be construed as affecting any obligation to provide services  
 2 to an individual under an individualized family service plan,  
 3 individualized education program, or individualized service plan.  
 4 2. Renumber the remaining section accordingly.

#### GENERAL FILE

**LEGISLATIVE BILL 965.** Senator K. Haar offered the following motion:  
 MO171  
 Reconsider the vote taken on AM2562.

#### SENATOR KRIST PRESIDING

Senator K. Haar offered the following motion:  
 MO172  
 Unanimous consent to bracket until April 17, 2014.

No objections. So ordered.

**LEGISLATIVE BILL 752.** Senator Chambers renewed his amendment,  
 FA204, found on page 735 and considered on pages 754 and 760.

Senator Chambers moved for a call of the house. The motion prevailed with  
 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Avery	Karpisek	Schumacher	Wallman
Coash	Nelson	Sullivan	

Voting in the negative, 15:

Bloomfield	Campbell	Garrett	Larson	McGill
Bolz	Conrad	Gloor	Lathrop	Murante
Brasch	Crawford	Kintner	McCoy	Seiler

Present and not voting, 21:

Carlson	Dubas	Howard	Mello	Wightman
Chambers	Haar, K.	Janssen	Nordquist	
Christensen	Hadley	Johnson	Schilz	
Cook	Hansen	Kolowski	Smith	
Davis	Harms	Krist	Watermeier	

Excused and not voting, 6:

Adams	Harr, B.	Pirsch
Ashford	Lautenbaugh	Scheer

The Chambers amendment lost with 7 ayes, 15 nays, 21 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO173

Reconsider the vote taken on FA204.

**SENATOR GLOOR PRESIDING**

**SENATOR KRIST PRESIDING**

**SENATOR GLOOR PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers motion to reconsider failed with 8 ayes, 25 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.



Senator Chambers offered his amendment, FA205, found on page 735.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chambers amendment lost with 8 ayes, 25 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA206, found on page 735.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chambers amendment lost with 8 ayes, 24 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 485A.** Introduced by Conrad, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, One Hundred Third Legislature, Second Session, 2014.

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 464.** Placed on Final Reading Second.

ST77

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 25, line 2; page 49, line 13; page 67, line 10; and page 78, line 13, "20" has been struck and "21" inserted.
2. On page 46, line 3, the period has been struck and "; or" inserted.
3. On page 60, line 15, "13, 20, and 22" has been struck and "14, 21, and 23" inserted.
4. On page 90, line 11, "15, 16" has been struck and "16, 17" inserted.

**LEGISLATIVE BILL 800.** Placed on Final Reading.

**LEGISLATIVE BILL 908.** Placed on Final Reading.

**LEGISLATIVE BILL 998.** Placed on Final Reading.

ST78

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Seiler amendment, AM2656:
  - a. Sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 have been renumbered as sections 7, 8, 9, 10, 11, 14, 15, 16, and 17, respectively;
  - b. On page 1, line 15; page 2, line 12; page 3, line 4; page 12, line 13; page 13, line 16; page 14, line 18; page 18, line 1; page 19, line 19; page 21, line 24; and page 22, line 12, "3" has been struck and "8" inserted;
  - c. On page 8, lines 2 and 19; and page 9, line 13, the semicolon has been struck and an underscored period inserted;
  - d. On page 12, the matter beginning with "subsection" in line 22 through line 23 has been struck, shown as stricken, and "section 8 of this act." inserted; and
  - e. On page 14, line 18; and page 18, line 1, the underscored comma has been struck.
2. In the McGill amendment, AM2459:
  - a. Sections 1 and 2 have been renumbered as sections 4 and 5, respectively; and
  - b. On page 1, line 20, the period has been struck and an underscored semicolon inserted.
3. In the Standing Committee amendments, AM2079, section 3 has been struck and the following new section inserted:

Sec. 19. Original sections 12-1208, 38-1426, 38-1427, 60-6,209, 71-1356, 71-1373, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-311.08, 28-367.01, 29-4003, 30-2201, 60-6,211.11, 71-605, and 71-4813, Revised Statutes Cumulative Supplement, 2012, and sections 28-830, 28-831, and 38-1425, Revised Statutes Supplement, 2013, are repealed.
4. On page 1, the matter beginning with the first "the" in line 1 through line 6 and all amendments thereto have been struck and "public health and safety; to amend sections 12-1208, 38-1426, 38-1427, 60-6,209, 71-1356, 71-1373, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-311.08, 28-367.01, 29-4003, 30-2201, 60-6,211.11, 71-605, and 71-4813, Revised Statutes Cumulative Supplement, 2012, and sections 28-830, 28-831, and 38-1425, Revised Statutes Supplement, 2013; to change provisions relating to disposition of human remains, offenses related to the person, sexual exploitation, labor trafficking, and sex trafficking, the Sex Offender Registration Act, and enforcement provisions regarding driving under the influence; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1067.** Placed on Final Reading.

ST79

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Hadley amendment, AM2540:

a. Sections 4, 5, 6, 7, 8, 9, 10, and 11 have been renumbered as sections 5, 6, 7, 8, 9, 10, 11, and 12, respectively; and

b. On page 11, line 24, "4, 5, 6, 7, 8, 9, and 11" has been struck and "5, 6, 7, 8, 9, 10, and 12" inserted.

2. On page 1, lines 3 through 8 and all amendments thereto have been struck and "Nebraska, sections 77-27,144, 77-6302, 77-6304, 77-6305, 77-6306, 77-6307, and 77-6309, Revised Statutes Cumulative Supplement, 2012, and section 77-5725, Revised Statutes Supplement, 2013; to change provisions relating to sales and use tax refunds; to extend sunset dates for tax incentives under the Nebraska Advantage Act, the Nebraska Advantage Research and Development Act, and the Nebraska Advantage Microenterprise Tax Credit Act; to change provisions of the Angel Investment Tax Credit Act; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1115.** Placed on Final Reading.

**LEGISLATIVE BILL 1115A.** Placed on Final Reading.

(Signed) John Murante, Chairperson

#### **AMENDMENT - Print in Journal**

Senator Karpisek filed the following amendment to LB976:  
AM2745 is available in the Bill Room.

#### **GENERAL FILE**

**LEGISLATIVE BILL 752.** Senator Chambers offered his amendment, FA207, found on page 735.

#### **SENATOR KRIST PRESIDING**

#### **SENATOR GLOOR PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

The Chambers amendment lost with 11 ayes, 24 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

#### **VISITORS**

Visitor to the Chamber was Tim Rinne.

The Doctor of the Day was Dr. David Hoelting from Pender.

**ADJOURNMENT**

At 8:32 p.m., on a motion by Senator Dubas, the Legislature adjourned until 9:00 a.m., Wednesday, April 2, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FOURTH DAY - APRIL 2, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 2, 2014

**PRAYER**

The prayer was offered by Pastor Coral Parmenter, Wisner United Methodist Church of Christ, Wisner.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Coash, Conrad, Davis, Lautenbaugh, and Pirsch who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 558.** Placed on Final Reading.  
**LEGISLATIVE BILL 693.** Placed on Final Reading.  
**LEGISLATIVE BILL 701.** Placed on Final Reading.  
**LEGISLATIVE BILL 735.** Placed on Final Reading.  
**LEGISLATIVE BILL 737.** Placed on Final Reading.  
**LEGISLATIVE BILL 750.** Placed on Final Reading.  
**LEGISLATIVE BILL 765.** Placed on Final Reading.  
**LEGISLATIVE BILL 780.** Placed on Final Reading.  
**LEGISLATIVE BILL 792.** Placed on Final Reading.  
**LEGISLATIVE BILL 798.** Placed on Final Reading.  
**LEGISLATIVE BILL 816.** Placed on Final Reading.  
**LEGISLATIVE BILL 828.** Placed on Final Reading.

**LEGISLATIVE BILL 876.** Placed on Final Reading.  
ST81

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER199, on page 1, line 3, "a property insurance policy" has been struck and "certain insurance policies" inserted.

**LEGISLATIVE BILL 930.** Placed on Final Reading.

**LEGISLATIVE BILL 937.** Placed on Final Reading.

**LEGISLATIVE BILL 964.** Placed on Final Reading.

ST80

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "section" in line 1 through line 5 has been struck and "sections 40-102 and 40-105, Revised Statutes Cumulative Supplement, 2012; to provide a homestead exemption for claimants under sixty-five years of age and not married; to change and eliminate provisions relating to homestead exemptions; to repeal the original sections; and to outright repeal section 40-115, Reissue Revised Statutes of Nebraska." inserted.

2. On page 2, line 11, "section 40-102" has been struck and "sections 40-102 and 40-105" inserted; and in line 12 "is" has been struck and "are" inserted.

**LEGISLATIVE BILL 989.** Placed on Final Reading.

**LEGISLATIVE BILL 997.** Placed on Final Reading.

**LEGISLATIVE BILL 1008.** Placed on Final Reading.

**LEGISLATIVE BILL 1039.** Placed on Final Reading.

**LEGISLATIVE BILL 1044.** Placed on Final Reading.

**LEGISLATIVE BILL 1050.** Placed on Final Reading.

**LEGISLATIVE BILL 1072.** Placed on Final Reading.

**LEGISLATIVE BILL 1089.** Placed on Final Reading.

(Signed) John Murante, Chairperson

#### COMMITTEE REPORTS

Banking, Commerce and Insurance

**LEGISLATIVE BILL 505.** Placed on General File with amendment.

AM2094

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 Section 1. (1) For purposes of this section:
- 4 (a) Applied behavior analysis means the design,
- 5 implementation, and evaluation of environmental modifications,
- 6 using behavioral stimuli and consequences, to produce socially
- 7 significant improvement in human behavior, including the use of
- 8 direct observation, measurement, and functional analysis of the
- 9 relationship between environment and behavior;
- 10 (b) Autism spectrum disorder means any of the pervasive
- 11 developmental disorders or autism spectrum disorder as defined by
- 12 the Diagnostic and Statistical Manual of Mental Disorders, as the

13 most recent edition of such manual existed on the effective date of  
14 this act;

15 (c) Behavioral health treatment means counseling and  
16 treatment programs, including applied behavior analysis, that are:

17 (i) Necessary to develop, maintain, or restore, to the maximum  
18 extent practicable, the functioning of an individual; and (ii)  
19 provided or supervised, either in person or by telehealth, by a  
20 behavior analyst certified by a national certifying organization or  
21 a licensed psychologist if the services performed are within the  
22 boundaries of the psychologist's competency;

23 (d) Diagnosis means a medically necessary assessment,  
1 evaluation, or test to diagnose if an individual has an autism  
2 spectrum disorder;

3 (e) Pharmacy care means a medication that is prescribed  
4 by a licensed physician and any health-related service deemed  
5 medically necessary to determine the need or effectiveness of the  
6 medication;

7 (f) Psychiatric care means a direct or consultative  
8 service provided by a psychiatrist licensed in the state in which  
9 he or she practices;

10 (g) Psychological care means a direct or consultative  
11 service provided by a psychologist licensed in the state in which  
12 he or she practices;

13 (h) Therapeutic care means a service provided by a  
14 licensed speech-language pathologist, occupational therapist, or  
15 physical therapist; and

16 (i) Treatment means evidence-based care, including  
17 related equipment, that is prescribed or ordered for an individual  
18 diagnosed with an autism spectrum disorder by a licensed physician  
19 or a licensed psychologist, including:

20 (i) Behavioral health treatment;

21 (ii) Pharmacy care;

22 (iii) Psychiatric care;

23 (iv) Psychological care; and

24 (v) Therapeutic care.

25 (2) Notwithstanding section 44-3,131, (a) any individual  
26 or group sickness and accident insurance policy or subscriber  
27 contract delivered, issued for delivery, or renewed in this state  
1 and any hospital, medical, or surgical expense-incurred policy,  
2 except for policies that provide coverage for a specified disease  
3 or other limited-benefit coverage, and (b) any self-funded employee  
4 benefit plan to the extent not preempted by federal law, including  
5 any such plan provided for employees of the State of Nebraska,  
6 shall provide coverage for the screening, diagnosis, and treatment  
7 of an autism spectrum disorder in an individual under twenty-one  
8 years of age. To the extent that the screening, diagnosis, and  
9 treatment of autism spectrum disorder are not already covered by  
10 such policy or contract, coverage under this section shall be  
11 included in such policies or contracts that are delivered, issued

12 for delivery, amended, or renewed in this state or outside this  
13 state if the policy or contract insures a resident of Nebraska on  
14 or after January 1, 2015. No insurer shall terminate coverage or  
15 refuse to deliver, issue for delivery, amend, or renew coverage of  
16 the insured as a result of an autism spectrum disorder diagnosis or  
17 treatment. Nothing in this subsection applies to non-grandfathered  
18 plans in the individual and small group markets that are required  
19 to include essential health benefits under the federal Patient  
20 Protection and Affordable Care Act or to medicare supplement,  
21 accident-only, specified disease, hospital indemnity, disability  
22 income, long-term care, or other limited benefit hospital insurance  
23 policies.

24 (3) Except as provided in subsection (4) of this section,  
25 coverage for an autism spectrum disorder shall not be subject  
26 to any limits on the number of visits an individual may make  
27 for treatment of an autism spectrum disorder, nor shall such  
1 coverage be subject to dollar limits, deductibles, copayments, or  
2 coinsurance provisions that are less favorable to an insured than  
3 the equivalent provisions that apply to a general physical illness  
4 under the policy.

5 (4) Coverage for behavioral health treatment, including  
6 applied behavior analysis, shall be subject to a maximum benefit  
7 of twenty-five hours per week until the insured reaches twenty-one  
8 years of age. Payments made by an insurer on behalf of a covered  
9 individual for treatment other than behavioral health treatment,  
10 including applied behavior analysis, shall not be applied to any  
11 maximum benefit established under this section.

12 (5) Except in the case of inpatient service, if an  
13 individual is receiving treatment for an autism spectrum disorder,  
14 an insurer shall have the right to request a review of that  
15 treatment not more than once every six months unless the insurer  
16 and the individual's licensed physician or licensed psychologist  
17 execute an agreement that a more frequent review is necessary.  
18 Any such agreement regarding the right to review a treatment plan  
19 more frequently shall apply only to a particular individual being  
20 treated for an autism spectrum disorder and shall not apply to  
21 all individuals being treated for autism spectrum disorder by a  
22 licensed physician or licensed psychologist. The cost of obtaining  
23 a review under this subsection shall be borne by the insurer.

24 (6) This section shall not be construed as limiting  
25 any benefit that is otherwise available to an individual under  
26 a hospital, surgical, or medical expense-incurred policy or  
27 health maintenance organization contract. This section shall not  
1 be construed as affecting any obligation to provide services  
2 to an individual under an individualized family service plan,  
3 individualized education program, or individualized service plan.

**LEGISLATIVE RESOLUTION 440.** Reported to the Legislature for further consideration.



(Signed) Mike Gloor, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 276A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**MOTION - Override Veto on LB671**

Senator Chambers offered his motion, MO161, found on page 1272, that LB671 becomes law notwithstanding the objections of the Governor.

**SPEAKER ADAMS PRESIDING**

**SENATOR GLOOR PRESIDING**

Senator Lathrop moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 24:

Adams	Christensen	Haar, K.	Krist	Schumacher
Ashford	Conrad	Hadley	Lathrop	Smith
Avery	Cook	Harr, B.	McGill	Wallman
Bloomfield	Crawford	Howard	Mello	Wightman
Campbell	Dubas	Kolowski	Nordquist	

Voting in the negative, 21:

Brasch	Hansen	Kintner	Pirsch	Watermeier
Carlson	Harms	Larson	Scheer	
Davis	Janssen	McCoy	Schilz	
Garrett	Johnson	Murante	Seiler	
Gloor	Karpisek	Nelson	Sullivan	

Present and not voting, 2:

Bolz Chambers

Excused and not voting, 2:

Coash Lautenbaugh

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 1042.** Placed on Select File with amendment. ER231 is available in the Bill Room.

**LEGISLATIVE BILL 1042A.** Placed on Select File.

**LEGISLATIVE BILL 961.** Placed on Select File with amendment. ER232 is available in the Bill Room.

**LEGISLATIVE BILL 565.** Placed on Select File with amendment. ER233

- 1 1. On page 1, strike beginning with "32-938" in line 1
- 2 through line 6 and insert "32-942, Revised Statutes Supplement,
- 3 2013; to change provisions relating to registering to vote and
- 4 requesting a ballot for early voting at the same time; and to
- 5 repeal the original section."

**LEGISLATIVE BILL 559A.** Placed on Select File.

(Signed) John Murante, Chairperson

#### AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB464A:  
AM2709

- 1 1. Strike original section 2 and insert the following new
- 2 sections:
- 3 Sec. 4. There is hereby appropriated (1) \$25,000 from
- 4 the Nebraska Health Care Cash Fund for FY2013-14 and (2) \$25,000
- 5 from the Nebraska Health Care Cash Fund for FY2014-15 to the
- 6 Department of Revenue, for Program 164, Nebraska Commission on
- 7 Problem Gambling.
- 8 There is included in the appropriation to this program

9 for FY2013-14 \$25,000 Cash Funds from the Nebraska Health Care  
 10 Cash Fund for administration of compulsive gamblers assistance  
 11 programs. There is included in the appropriation to this program  
 12 for FY2014-15 \$25,000 Cash Funds from the Nebraska Health Care Cash  
 13 Fund for administration of compulsive gamblers assistance programs.

14 Sec. 5. There is hereby appropriated (1) \$225,000 from  
 15 the Nebraska Health Care Cash Fund for FY2013-14 and (2) \$225,000  
 16 from the Nebraska Health Care Cash Fund for FY2014-15 to the  
 17 Department of Revenue, for Program 164, Nebraska Commission on  
 18 Problem Gambling.

19 There is included in the appropriation to this program  
 20 for FY2013-14 \$225,000 Cash Funds from the Nebraska Health Care  
 21 Cash Fund for compulsive gamblers assistance aid programs. There  
 22 is included in the appropriation to this program for FY2014-15  
 23 \$225,000 Cash Funds from the Nebraska Health Care Cash Fund for  
 1 compulsive gamblers assistance aid programs.

2 Sec. 6. Laws 2013, LB195, section 18, as amended  
 3 by Legislative Bill 905, One Hundred Third Legislature, Second  
 4 Session, 2014, section 50, is amended to read:

5 Sec. 18. AGENCY NO. 5 - SUPREME COURT  
 6 Program No. 52 - Operations

	FY2013-14	FY2014-15
8 <del>GENERAL FUND</del>	<del>28,346,445</del>	<del>28,986,003</del>
9 <u>GENERAL FUND</u>	<u>28,346,445</u>	<u>29,436,003</u>
10 CASH FUND est.	2,462,030	2,475,998
11 <del>FEDERAL FUND est.</del>	<del>771,132</del>	<del>773,202</del>
12 <u>PROGRAM TOTAL</u>	<u>31,579,607</u>	<u>32,235,203</u>
13 <u>FEDERAL FUND est.</u>	<u>771,132</u>	<u>538,202</u>
14 <u>PROGRAM TOTAL</u>	<u>31,579,607</u>	<u>32,450,203</u>
15 SALARY LIMIT	20,236,624	21,336,472

16 The Department of Administrative Services shall monitor  
 17 the appropriations and expenditures for this program according to  
 18 the following program classifications:

- 19 No. 34 - Court Administration
- 20 No. 40 - State Law Library
- 21 No. 396 - County Court System
- 22 No. 399 - District Court Reporters
- 23 No. 405 - Court of Appeals

24 The unexpended General Fund appropriation balance  
 25 existing on June 30, 2013, is hereby reappropriated.

26 The budget division of the Department of Administrative  
 27 Services shall administratively transfer General Fund  
 1 appropriations between Programs 52, 67, 420, and 435, within Agency  
 2 5, upon written certification by the State Court Administrator that  
 3 the Supreme Court has determined that such transfer is necessary  
 4 for the efficient functioning of statewide court operations and the  
 5 proper administration of justice. The Salary Limit for Agency 5,  
 6 Programs 52, 67, 420, and 435, may be administratively increased  
 7 for any transfers made to Programs 52, 67, 420, and 435, pursuant

8 to this section.

9 There is included in the appropriation to this program  
 10 for FY2013-14 \$270,000 Cash Funds for dispute resolution state aid,  
 11 which shall only be used for such purpose. There is included in  
 12 the appropriation to this program for FY2014-15 \$270,000 Cash Funds  
 13 for dispute resolution state aid, which shall only be used for such  
 14 purpose.

15 There is included in the appropriation to this program  
 16 for FY2013-14 \$550,000 Cash Funds for parenting plan mediation for  
 17 indigent and lower-income persons involved in Parenting Act cases,  
 18 as state aid, which shall only be used for such purpose. There  
 19 is included in the appropriation to this program for FY2014-15  
 20 \$550,000 Cash Funds for parenting plan mediation for indigent and  
 21 lower-income persons involved in Parenting Act cases, as state aid,  
 22 which shall only be used for such purpose.

23 There is included in the appropriation to this program  
 24 for FY2013-14 \$125,000 General Funds and for FY2014-15 \$258,273  
 25 General Funds for a one percent salary increase for county court  
 26 employees in Program 396, which shall only be used for such  
 27 purpose. Total expenditures for permanent and temporary salaries  
 1 and per diems from funds appropriated for this salary increase  
 2 shall not exceed \$109,000 for FY2013-14 or \$224,293 for FY2014-15.  
 3 The appropriation made pursuant to this provision is in addition  
 4 to any appropriated salary increase for county court employees  
 5 effective on July 1, 2013, and July 1, 2014.

6 There is included in the appropriation to this program  
 7 for FY2013-14 \$200,000 General Funds for court appointed special  
 8 advocate state aid, which shall only be used for such purpose.

9 There is included in the appropriation to this program for  
 10 FY2014-15 \$200,000 General Funds for court appointed special  
 11 advocate state aid, which shall only be used for such purpose.

12 Cash Fund expenditures for this program shall not be  
 13 limited to the amounts shown.

14 Sec. 7. Laws 2013, LB216A, section 1, is amended to read:

15 Section 1. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN  
 16 SERVICES

17 Program No. 354 - Child Welfare Aid

	FY2013-14	FY2014-15
18 <del>GENERAL FUND</del>	<del>160,481,535</del>	<del>160,389,712</del>
19 <u>GENERAL FUND</u>	<u>160,481,535</u>	<u>159,939,712</u>
20 CASH FUND	2,734,444	2,734,444
21 FEDERAL FUND est.	30,763,503	30,391,976
22 <u>PROGRAM TOTAL</u>	<u>193,979,482</u>	<u>193,516,132</u>
23 <u>PROGRAM TOTAL</u>	<u>193,979,482</u>	<u>193,066,132</u>

24 There is included in the appropriation to this program  
 25 for FY2013-14 \$160,481,535 General Funds, \$2,734,444 Cash Funds,  
 26 and \$30,763,503 Federal Funds estimate for state aid, which  
 27 shall only be used for such purpose. There is included in  
 28 the appropriation to this program for FY2014-15 ~~\$160,389,712~~  
 1

2 \$159,939,712 General Funds, \$2,734,444 Cash Funds, and \$30,391,976  
 3 Federal Funds estimate for state aid, which shall only be used for  
 4 such purpose.

5 There is included in the appropriation to this program  
 6 for FY2013-14 \$2,734,444 Cash Funds from the Nebraska Health  
 7 Care Cash Fund for state aid for the continuation of the  
 8 behavioral health provider rate increase. There is included in  
 9 the appropriation to this program for FY2014-15 \$2,734,444 Cash  
 10 Funds from the Nebraska Health Care Cash Fund for state aid for the  
 11 continuation of the behavioral health provider rate increase.

12 Sec. 8. Original Laws 2013, LB216A, section 1, and Laws  
 13 2013, LB195, section 18, as amended by Legislative Bill 905, One  
 14 Hundred Third Legislature, Second Session, 2014, section 50, are  
 15 repealed.

16 Sec. 9. Since an emergency exists, this act takes effect  
 17 when passed and approved according to law.

18 2. On page 2, strike line 8 and insert "exceed \$316,150  
 19 for FY2014-15 or \$1,695,650 for FY2015-16.".

20 3. On page 3, line 6, strike "\$1,384,150" and insert  
 21 "\$252,534"; and in line 7 strike "\$1,702,683" and insert  
 22 "\$505,067".

### GENERAL FILE

**LEGISLATIVE BILL 1098.** Title read. Considered.

Committee AM2594, found on page 1063, was offered.

Senator Chambers offered the following motion:

MO174

Bracket until April 17, 2014.

Pending.

### MOTION - Print in Journal

Senator Chambers filed the following motion to LB671:

MO175

Reconsider the vote that the bill becomes law notwithstanding the objections of the Governor.

### VISITORS

Visitors to the Chamber were Robert Zahradnik from Pew Charitable Trust, Washington, D.C.; Dillon Walsh from Ralston; 14 twelfth-grade students and teachers from Lyons-Decatur Northeast, Lyons; 30 fourth- and fifth-grade students, teachers, and sponsors from Falls City Sacred Heart, Falls City; Louisville/Weeping Water Junior Legion State Championship baseball team; 105 fourth-grade students, teachers, and sponsors from Thomas

Elementary, Gretna; and members of the Nebraska Federation of Women's Clubs.

### RECESS

At 12:03 p.m., on a motion by Senator Pirsch, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

### ROLL CALL

The roll was called and all members were present except Senators Ashford, Campbell, Coash, Lautenbaugh, and Watermeier who were excused until they arrive.

### MESSAGE FROM THE GOVERNOR

April 2, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 96, 251, 359, 359A, 402, 560, 560A, 660e, 660Ae, 699e, 725e, 725Ae, 751, 751A, 814, 814A, 836, 853, 853A, 901, 901A, 920, 920A, 946, 967e, 967Ae, 974e, 974A, 986e, 986Ae, 987, 987A, 1001, 1012e, 1103e, 1114, and 1114A were received in my office on March 27, 2014.

Engrossed Legislative Bills 867e, 867Ae, 1087, and 1087A were received in my office on March 31, 2014.

These bills were signed and delivered to the Secretary of State on April 2, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

**REFERENCE COMMITTEE REPORT**

## 2014 Resolutions calling for an Interim Study

LR433	Interim study to examine issues relating to production, possession, and use of hemp oil for the purposes of treating epileptic seizures	Judiciary
LR491	Interim study to examine the need to clarify and expand application of LB985 (2014), which provided standing to natural resources districts and requirements for water appropriations	Natural Resources
LR497	Interim study to examine whether Nebraska should amend its insurance statutes to authorize property and casualty to provide electronic delivery of insurance notices and documents and Internet posting of certain insurance policies	Banking, Commerce and Insurance
LR498	Interim study to further examine the updating of Nebraska's business entity statutes	Banking, Commerce and Insurance
LR499	Interim study to examine whether Nebraska's Real Property Appraiser Act should be updated	Banking, Commerce and Insurance
LR501	Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated	Banking, Commerce and Insurance
LR506	Interim study to examine whether changes in the electronic payments market have rendered section 8-157.01 unworkable and inapplicable to financial institutions	Banking, Commerce and Insurance
LR508	Interim study to examine issues surrounding the Nebraska P-16 Initiative organized and managed by the University of Nebraska	Education
LR510	Interim study to examine issues surrounding offshore tax shelters	Revenue
LR517	Interim study to examine ways to improve the quality and availability of interpreter services for Nebraskans who are deaf or hard of hearing	Health and Human Services
LR518	Interim study to examine the need to craft a policy to ensure that women who choose to give birth at home are adequately supported by trained health care professionals	Health and Human Services

LR519	Interim study to evaluate current course offering for high school students in Nebraska	Education
LR520	Interim study to examine the problems that law enforcement is encountering since the State of Colorado legalized the sale and recreational use of marijuana	Judiciary
LR521	Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR522	Interim study to examine the U.S Dept. of Transportation's Maritime Administration's designation of the Missouri River from South Sioux City, Nebraska, south to Kansas City, Missouri, as the M-29 Marine Highway Connector	Transportation and Telecommunications
LR523	Interim study to examine alternative transportation options and recommend potential changes to Nebraska's statutes	Transportation and Telecommunications
LR525	Interim study to examine the skills gap in Nebraska's workforce and to identify options for workforce education	Education
LR526	Interim study to examine options to provide incentives for professional growth and development of teachers as the means to increased student achievement and success in Nebraska public schools	Education
LR527	Interim study to examine the reasons why emergency disaster payments made by or through the Nebraska Emergency Management Agency and the Federal Emergency Management Agency are not made in a timely manner once awarded	Government, Military and Veterans Affairs
LR528	Interim study to examine issues surrounding financing the maintenance and replacement of county bridges	Transportation and Telecommunications
LR529	Interim study to examine the adequacy of provider rates to meet the needs of Nebraskans with disabilities and the providers of services	Appropriations
LR530	Interim study to examine existing and proposed programs, policies, administrative rules, and statutes that impact the financial stability of working families in Nebraska	Health and Human Services



LR531	Interim study to examine Department of Agriculture regulation of nonprofit nursery stock distributors under the Plant Protection and Plant Pest Act	Agriculture
LR532	Interim study to examine utilization of federal school breakfast and lunch programs and the impact of new federal options on Nebraska	Education
LR533	Interim study to assess the enrollment of former foster youth in the new medicaid category for youth formerly in foster care up to age 26 in Nebraska under the new federal Patient Protection and Affordable Care Act	Health and Human Services
LR534	Interim study to examine issues surrounding patent assertion entities, commonly referred to as "patent trolls"	Judiciary
LR535	Interim study to conduct a comprehensive review of the structure of health and human services functions currently administered by the Department of Health and Human Services	Appropriations
LR536	Interim study to examine the process of creating legislative task forces, committees, and commissions	Executive Board
LR537	Interim study to examine implementation, management, operation, and ongoing development of Next Generation 911 service in Nebraska	Transportation and Telecommunications
LR538	Interim study to examine issues surrounding the implementation of an electronic notary system in Nebraska	Government, Military and Veterans Affairs
LR539	Interim study to examine whether the maximum payment rate in the Aid to Dependent Children program, is adequate to meet the goals of the Temporary Assistance for Needy Families program, including keeping children in their own home	Health and Human Services
LR540	Interim study to examine the treatment and services for people dually diagnosed with I/DD and MI or I/DD and behavioral health problems	Health and Human Services

LR541	Interim study to examine the implementation of educational stability plans for children in foster care under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008	Health and Human Services
LR542	Interim study to examine issues regarding the current guardian ad litem system	Judiciary
LR543	Interim study to examine issues under the jurisdiction of the Judiciary Committee	Judiciary
LR544	Interim study to examine the fiscal impacts of unfunded mandates	Appropriations
LR545	Interim study to examine state-wide efforts that can be taken to improve Nebraska's access to local food supply and distribution networks	Agriculture
LR546	Interim study to review existing state and local programs and policies on expanded learning opportunities	Education
LR547	Interim study to examine issues surrounding labor shortage areas in the state and opportunities available to Nebraska's future workforce	Business and Labor
LR548	Interim study to assess how the State of Nebraska can improve the coordination and provision of child welfare services for Native American children and families	Judiciary
LR549	Interim study to examine issues relating to Game and Parks Commission funding	Appropriations
LR551	Interim study to examine enforcement under the Employee Classification Act and the effect misclassification has on facets of business and labor in Nebraska	Business and Labor
LR552	Interim study to examine Nebraska's juvenile courts, especially juvenile courts within Douglas County	Judiciary
LR553	Interim study to examine the issue of drivers' licenses for young Nebraskans who have been granted Deferred Action for Childhood Arrivals by the Department of Homeland Security	Judiciary
LR554	Interim study to gather information and study the possible existence and extent of labor trafficking in the State of Nebraska	Business and Labor

LR555	Interim study to examine how cities and villages provide services to residents located in the extraterritorial jurisdiction or sanitary improvement districts of such cities and villages	Urban Affairs
LR556	Interim study to examine local use of property taxes to study the fiscal relationship between state and local governments and the impact on our schools and justice system	Revenue
LR557	Interim study to examine the need to appropriate funds to Memorial Park in Omaha, Nebraska, for improvements to the park and to examine ways to honor our veterans	Government, Military and Veterans Affairs
LR558	Interim study to examine ways the state and municipalities can encourage the development of community gardens, including providing spaces for gardening on public lands	Agriculture
LR559	Interim study to examine issues surrounding the Medicaid Reform Council	Health and Human Services
LR560	Interim study to provide a forum for receiving the dairy industry report authorized pursuant to LB941, which was enacted during the 2014 legislative session	Agriculture
LR561	Interim study to examine the role and value of private veterinarians in assisting law enforcement in carrying out duties under the Livestock Animal Welfare Act	Agriculture
LR562	Interim study to examine the adequacy of revenue supporting the licensure and enforcement of the Commercial Dog and Cat Operator Inspection Act	Agriculture
LR563	Interim study to examine vertical coordination in the pork industry	Agriculture
LR564	Interim study to examine regulatory and statutory provisions governing packer procurement of swine through marketing or production contracting under the federal Packers and Stockyards Act	Agriculture

LR565	Interim study to examine whether adding antidepressant, antipsychotic, and anticonvulsant drugs to the medicaid preferred drug list would be of benefit to Nebraska medicaid or Nebraska medicaid clients	Health and Human Services
LR566	Interim study to examine methods used by other states to determine the taxable value of agricultural land	Revenue
LR567	Interim study to examine potential funding sources for the Great Plains Black History Museum, Science and Technology Center in Omaha, Nebraska	Appropriations
LR568	Interim study to examine options for the creation of a Nebraska educational trust fund for the purpose of stabilizing the availability of state aid to education when there is a significant decline in state sales and income tax revenue	Education
LR569	Interim study to examine the professional development of forensic science in Nebraska	Judiciary
LR570	Interim study to examine the compliance and enforcement issues relative to Nebraska's tax incentive programs	Revenue
LR571	Interim study to examine Nebraska's individual and corporate income tax systems	Revenue
LR572	Interim study to examine Nebraska's sales and use tax base	Revenue
LR573	Interim study to examine Nebraska's state aid programs to cities, counties, and other political subdivisions	Revenue
LR574	Interim study to explore the need for fully integrated residential services for people who are deaf or hard of hearing	Health and Human Services
LR575	Interim study to examine issues surrounding in-home personal services	Health and Human Services
LR576	Interim study to examine the current status of the sharing of electronic health records and health information exchanges in Nebraska	Health and Human Services
LR577	Interim study to examine issues under the jurisdiction of the General Affairs Committee	General Affairs

LR578	Interim study to examine the various Nebraska agricultural products used in the production of craft beer and distilled spirits	General Affairs
LR579	Interim study to examine the need-based financial aid program, the Nebraska Opportunity Grant Act, to determine whether the program is sufficient to meet the needs of students	Education
LR580	Interim study to examine the reform effort of Nebraska's behavioral health system	Health and Human Services
LR581	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee	Government, Military and Veterans Affairs
LR582	Interim study to review the work of the Task Force on Unfunded Mandates created in 1996 and to study the impacts of unfunded and underfunded mandates on counties and county governments	Government, Military and Veterans Affairs
LR583	Interim study to assess the behavioral health and mental health needs of Nebraska's K-12 students and available resources to meet those needs	Health and Human Services
LR584	Interim study to examine issues relating to changing recreational liability provisions	Judiciary
LR585	Interim study to examine the Nebraska statutes relating to cities of the first class	Urban Affairs
LR586	Interim study to gather information and make recommendations to craft policy to support and continue electronic health records exchanges and health information initiatives	Health and Human Services
LR587	Interim study to gather information and make recommendations to craft policy to support the creation of a sustainable community health workforce in Nebraska	Health and Human Services
LR588	Interim study to examine the establishment of an early childhood data governance entity	Education
LR589	Interim study to evaluate the local and statewide health impacts of burning coal	Natural Resources
LR590	Interim study to examine the organizational structure of public power	Natural Resources
LR591	Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce	Judiciary

LR592	Interim study to examine various methods of behavioral health workforce development	Health and Human Services
LR593	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee	Urban Affairs
LR594	Interim study to examine Nebraska constitutional provisions which enable or limit the Legislature's power to provide for property tax policies and relief programs	Revenue
LR595	Interim study to examine the impact of Nebraska changing to a home rule state in matters of local concern	Urban Affairs
LR596	Interim study to evaluate the potential uses of Physician Orders for Life-Sustaining Treatment and out-of-hospital Do Not Resuscitate protocols	Health and Human Services
LR597	Interim study to examine methods by which to find balance between water resources and water uses in areas under interstate compacts, cooperative agreements, or decrees	Natural Resources
LR598	Interim study to examine issues surrounding the potential impact of federal legislation that would require remote retailers with no physical presence in Nebraska to collect and remit sales and use tax	Revenue
LR599	Interim study to examine issues surrounding the use of tax increment financing under the Community Development Law in Nebraska	Urban Affairs
LR600	Interim study to examine issues surrounding the use of a foundation formula per student in the calculation of need for a school district and use of an income factor in the calculation of resources for state aid purposes	Education
LR601	Interim study to examine the impact of implementing, and the impact of failing to implement, medicaid expansion in Nebraska	Health and Human Services

(Signed) John Wightman, Chairperson  
Executive Board

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 390.** Placed on Select File with amendment.  
ER234 is available in the Bill Room.

**LEGISLATIVE BILL 276A.** Placed on Select File.

(Signed) John Murante, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1098.** Senator Chambers renewed his motion, MO174, found in this day's Journal, to bracket until April 17, 2014.

Senator Chambers withdrew his motion to bracket.

Senator Lathrop asked unanimous consent to withdraw his amendment, FA272, found on page 1064, and replace it with his substitute amendment, AM2753, to the committee amendment. No objections. So ordered. AM2753 is available in the Bill Room.

**SENATOR GLOOR PRESIDING**

Senator Lathrop withdrew and refiled his amendment, AM2753, found in this day's Journal.

Senator Lathrop withdrew and refiled his amendment, FA273, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA274, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA275, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA276, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA277, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA278, found on page 1064.

Senator Lathrop withdrew and refiled his amendment, FA279, found on page 1064.

Senator Carlson withdrew and refiled his amendment, AM2600, found on page 1165.

Senator Davis offered the following amendment to the committee amendment:

AM2693

(Amendments to Standing Committee amendments, AM2594)

1 1. Insert the following new section:

2 Sec. 7. Section 46-241, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 46-241 (1) Every person intending to construct and

5 operate a storage reservoir for irrigation or any other beneficial

6 purpose or intending to construct and operate a facility for

7 intentional underground water storage and recovery shall, except as

8 provided in subsections (2) and (3) of this section and section

9 46-243, make an application to the department upon the prescribed

10 form and provide such plans, drawings, and specifications as are

11 necessary to comply with the Safety of Dams and Reservoirs Act.

12 Such application shall be filed and proceedings had thereunder

13 in the same manner and under the same rules and regulations as

14 other applications. Upon the approval of such application under

15 this section and any approval required by the act, the applicant

16 shall have the right to construct and impound in such reservoir, or

17 store in and recover from such underground water storage facility,

18 all water not otherwise appropriated and any appropriated water

19 not needed for immediate use, to construct and operate necessary

20 ditches for the purpose of conducting water to such storage

21 reservoir or facility, and to condemn land for such reservoir,

22 ditches, or other facility. The procedure to condemn property shall

1 be exercised in the manner set forth in sections 76-704 to 76-724.

2 (2) Any person intending to construct an on-channel

3 reservoir with a water storage impounding capacity of less than

4 fifteen acre-feet measured below the crest of the lowest open

5 outlet or overflow shall be exempt from subsection (1) of this

6 section as long as there will be (a) no diversion or withdrawal of

7 water from the reservoir for any purpose other than for watering

8 range livestock and (b) no release from the reservoir to provide

9 water for a downstream diversion or withdrawal for any purpose

10 other than for watering range livestock. This subsection does not

11 exempt any person from the requirements of the Safety of Dams and

12 Reservoirs Act or section 54-2425.

13 (3) Any person intending to construct a reservoir,

14 holding pond, or lagoon for the sole purpose of holding, managing,

15 or disposing of animal or human waste shall be exempt from

16 subsection (1) of this section. This subsection does not exempt any

17 person from any requirements of the Safety of Dams and Reservoirs

18 Act or section 46-233 or 54-2425.

19 (4) Every person intending to modify or rehabilitate an

20 existing storage reservoir so that its impounding capacity is to be

21 increased shall comply with subsection (1) of this section.

22 (5) The owner of a storage reservoir or facility shall

23 be liable for all damages arising from leakage or overflow of the



24 water therefrom or from the breaking of the embankment of such  
 25 reservoir. The owner or possessor of a reservoir or intentional  
 26 underground water storage facility does not have the right to  
 27 store water in such reservoir or facility during the time that  
 1 such water is required downstream in ditches for direct irrigation  
 2 or for any reservoir or facility holding a senior right. Every  
 3 person who owns, controls, or operates a reservoir or intentional  
 4 underground water storage facility, except political subdivisions  
 5 of this state, shall be required to pass through the outlets of  
 6 such reservoir or facility, whether presently existing or hereafter  
 7 constructed, a portion of the measured inflows to furnish water  
 8 for livestock in such amounts and at such times as directed by the  
 9 department to meet the requirements for such purposes as determined  
 10 by the department, except that a reservoir or facility owner shall  
 11 not be required to release water for this purpose which has been  
 12 legally stored. Any dam shall be constructed in accordance with  
 13 the Safety of Dams and Reservoirs Act, and the outlet works shall  
 14 be installed so that water may be released in compliance with  
 15 this section. The requirement for outlet works may be waived by  
 16 the department upon a showing of good cause. Whenever any person  
 17 diverts water from a public stream and returns it into the same  
 18 stream, he or she may take out the same amount of water, less a  
 19 reasonable deduction for losses in transit, to be determined by  
 20 the department, if no prior appropriator for beneficial use is  
 21 prejudiced by such diversion.

22 (6) An application for storage and recovery of  
 23 water intentionally stored underground may be made only by  
 24 an appropriator of record who shows, by documentary evidence,  
 25 sufficient interest in the underground water storage facility to  
 26 entitle the applicant to the water requested.

27 2. Renumber the remaining sections and correct the  
 1 repealer accordingly.

Senator Davis withdrew and refiled his amendment, AM2693.

Senator Carlson offered the following amendment to the committee  
 amendment:

AM2684 is available in the Bill Room.

Senator Carlson withdrew and refiled his amendment, AM2684.

Senator Christensen offered the following amendment to the committee  
 amendment:

AM2580

(Amendments to Standing Committee amendments, AM2594)

- 1 1. Insert the following new sections:
- 2 Sec. 7. Section 2-3226.05, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3226.05 (1) A district with an integrated management

5 plan as described in subsection (1) of section 2-3226.01 may levy  
6 an occupation tax upon the activity of irrigation of agricultural  
7 lands within such district on an annual basis, not to exceed ten  
8 dollars per irrigated acre, the proceeds of which may be used  
9 for (a) repaying principal and interest on any bonds or refunding  
10 bonds issued pursuant to section 2-3226.01 for one or more projects  
11 under section 2-3226.04, (b) the repayment of financial assistance  
12 received by the district pursuant to section 2-3226.07, or (c)  
13 payment of all or any part of the costs and expenses of one or more  
14 qualified projects described in section 2-3226.04. If such district  
15 has more than one river basin as described in section 2-1504 within  
16 its jurisdiction, such district shall confine such occupation tax  
17 authorized in this section to the geographic area affected by  
18 an integrated management plan adopted in accordance with section  
19 46-715.

20 (2)(a) Acres classified by the county assessor as  
21 irrigated shall be subject to such district's occupation tax unless  
22 on or before ~~March-June~~ June 1 in each calendar year the record owner  
1 certifies to the district the nonirrigation status of such acres  
2 for the same calendar year.

3 (b) A district may exempt from the occupation tax acres  
4 that are enrolled in local, state, or federal temporary irrigation  
5 retirement programs that prohibit the application of irrigation  
6 water in the year for which the tax is levied.

7 (c) Except as provided in subdivisions (2)(a) and (b) of  
8 this section, a district is prohibited from providing an exemption  
9 from, or allowing a request for a local refund of, an occupation  
10 tax on irrigated acres regardless of the irrigation source while  
11 the record owner maintains irrigated status on such acres in the  
12 year for which the tax is levied.

13 ~~(d) Notwithstanding subdivisions (2)(b) and (c) of this  
14 section, the record owner may present evidence of the nonirrigation  
15 status of the acres subject to the tax within twelve months after  
16 the date the tax was levied and the district may refund amounts  
17 collected upon such acres if an occupation tax was not levied by  
18 the district the previous year and the district had not adopted  
19 an integrated management plan as described in subsection (1) of  
20 section 2-3226.01 by March 1 in the current year. Subdivision  
21 (2)(d) of this section terminates on October 1, 2012.~~

22 (3) Any such occupation tax shall remain in effect so  
23 long as the natural resources district has bonds outstanding which  
24 have been issued stating such occupation tax as an available source  
25 for payment and for the purpose of paying all or any part of the  
26 costs and expenses of one or more projects authorized pursuant to  
27 section 2-3226.04.

1 (4) Such occupation taxes shall be certified to,  
2 collected by, and accounted for by the county treasurer at the  
3 same time and in the same manner as general real estate taxes,  
4 and such occupation taxes shall be and remain a perpetual lien

5 against such real estate until paid. Such occupation taxes shall  
 6 become delinquent at the same time and in the same manner as  
 7 general real property taxes. The county treasurer shall publish and  
 8 post a list of delinquent occupation taxes with the list of real  
 9 property subject to sale for delinquent property taxes provided  
 10 for in section 77-1804. In addition, the list shall be provided to  
 11 natural resources districts which levied the delinquent occupation  
 12 taxes. The list shall include the record owner's name, the parcel  
 13 identification number, and the amount of delinquent occupation tax.  
 14 For services rendered in the collection of the occupation tax, the  
 15 county treasurer shall receive the fee provided for collection of  
 16 general natural resources district money under section 33-114.

17 (5) Such lien shall be inferior only to general taxes  
 18 levied by political subdivisions of the state. When such occupation  
 19 taxes have become delinquent and the real property on which the  
 20 irrigation took place has not been offered at any tax sale, the  
 21 district may proceed in district court in the county in which the  
 22 real estate is situated to foreclose in its own name the lien  
 23 in the same manner and with like effect as a foreclosure of a  
 24 real estate mortgage, except that sections 77-1903 to 77-1917 shall  
 25 govern when applicable.

26 Sec. 8. Section 46-701, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 46-701 Sections 46-701 to 46-754 and section 9 of this  
 2 act shall be known and may be cited as the Nebraska Ground Water  
 3 Management and Protection Act.

4 Sec. 9. On and after the effective date of this act,  
 5 a board shall not vote to enter into a ground water augmentation  
 6 project without conducting a public hearing on the project, with  
 7 notice of the hearing given as provided in section 46-743.

8 2. Renumber the remaining sections and amend the repealer  
 9 accordingly.

Senator Christensen withdrew and refiled his amendment, AM2580.

Senator Mello offered the following amendment to the committee  
 amendment:

AM2758

(Amendments to AM2684)

1 1. On page 2, line 14, after "term" insert "and give  
 2 priority funding status to projects which are the result of federal  
 3 mandates".

Senator Mello withdrew and refiled his amendment, AM2758.

Committee AM2594, found on page 1063 and considered in this day's  
 Journal, was renewed.

The committee amendment was adopted with 31 ayes, 1 nay, 13 present and

not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1098A.** Title read. Considered.

Senator Watermeier offered the following amendment:

AM2747

1 1. On page 3, after line 5 insert:  
 2 "With the exception of funding provided to municipalities  
 3 to replace and redevelop sewer infrastructure facilities, the state  
 4 aid appropriation to the Water Sustainability Fund shall first  
 5 be utilized for projects which have been allocated funds but  
 6 for which only a portion of the allocation has been actually  
 7 obligated. The total amount of funds allocated for projects  
 8 less the amounts obligated for such projects shall not exceed  
 9 \$90,000,000. The definitions of the terms allocated and obligated  
 10 shall be based upon the terminology utilized by the Department of  
 11 Natural Resources in the Nebraska Resources Development Fund Status  
 12 Report."

The Watermeier amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 976.** Senator Karpisek offered his amendment, AM2745, found on page 1339.

#### **SENATOR KRIST PRESIDING**

Senator Dubas moved the previous question. The question is, "Shall the debate now close?"

Senator Dubas moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Karpisek requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Adams	Conrad	Gloor	Kolowski	Nordquist
Ashford	Cook	Haar, K.	Krist	Schumacher
Avery	Crawford	Harms	Lathrop	Seiler
Campbell	Davis	Howard	McGill	Sullivan
Chambers	Dubas	Karpisek	Mello	Wallman

Voting in the negative, 19:

Bloomfield	Garrett	Johnson	Murante	Smith
Brasch	Hadley	Kintner	Nelson	Watermeier
Carlson	Hansen	Larson	Pirsch	Wightman
Christensen	Janssen	McCoy	Scheer	

Present and not voting, 2:

Harr, B.      Schilz

Excused and not voting, 3:

Bolz              Coash              Lautenbaugh

The motion to cease debate prevailed with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

Senator Karpisek requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Adams	Cook	Harms	Lathrop	Sullivan
Ashford	Crawford	Harr, B.	McGill	Wallman
Avery	Dubas	Howard	Mello	
Campbell	Gloor	Karpisek	Nordquist	
Chambers	Haar, K.	Kolowski	Schumacher	
Conrad	Hansen	Krist	Seiler	

Voting in the negative, 8:

Brasch	Johnson	McCoy	Scheer
Janssen	Kintner	Pirsch	Watermeier

Present and not voting, 12:

Bloomfield	Davis	Larson	Schilz
Carlson	Garrett	Murante	Smith
Christensen	Hadley	Nelson	Wightman

Excused and not voting, 3:

Bolz              Coash              Lautenbaugh

The Karpisek amendment was adopted with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**SENATOR GLOOR PRESIDING**

Pending.

**AMENDMENT - Print in Journal**

Senator B. Harr filed the following amendment to LB390:  
AM2750

(Amendments to E & R amendments, ER234)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 28-1205, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 28-1205 (1)(a) Any person who uses a firearm, a knife,
- 5 brass or iron knuckles, ~~or~~ any other deadly weapon, a facsimile
- 6 firearm, or a nonfunctioning firearm to commit any felony which may
- 7 be prosecuted in a court of this state commits the offense of use
- 8 of a deadly weapon to commit a felony.
- 9 (b) Use of a deadly weapon, other than a firearm, to
- 10 commit a felony is a Class II felony.
- 11 (c) Use of a deadly weapon, which is a firearm, to commit
- 12 a felony is a Class IC felony.
- 13 (d) Use of a facsimile firearm or nonfunctioning firearm
- 14 to commit a felony is a Class III felony.
- 15 (2)(a) Any person who possesses a firearm, a knife, brass
- 16 or iron knuckles, or a destructive device during the commission of
- 17 any felony which may be prosecuted in a court of this state commits
- 18 the offense of possession of a deadly weapon during the commission
- 19 of a felony.
- 20 (b) Possession of a deadly weapon, other than a firearm,
- 21 during the commission of a felony is a Class III felony.
- 22 (c) Possession of a deadly weapon, which is a firearm,
- 1 during the commission of a felony is a Class II felony.
- 2 (3) The crimes defined in this section shall be treated
- 3 as separate and distinct offenses from the felony being committed,
- 4 and sentences imposed under this section shall be consecutive to
- 5 any other sentence imposed.
- 6 (4) Possession of a deadly weapon may be proved through
- 7 evidence demonstrating either actual or constructive possession of
- 8 a firearm, a knife, brass or iron knuckles, or a destructive device
- 9 during, immediately prior to, or immediately after the commission
- 10 of a felony.
- 11 (5) For purposes of this section:
- 12 (a) Destructive device has the same meaning as in section
- 13 28-1213; ~~and~~
- 14 (b) A facsimile firearm means an instrument which was
- 15 reasonably perceived by the victim to be a real firearm; and
- 16 ~~(b)~~ (c) Use of a deadly weapon includes the discharge,
- 17 employment, or visible display of any part of a firearm, a knife,
- 18 brass or iron knuckles, a facsimile firearm, a nonfunctioning

19 firearm, any other deadly weapon, or a destructive device during,  
 20 immediately prior to, or immediately after the commission of a  
 21 felony or communication to another indicating the presence of a  
 22 firearm, a knife, brass or iron knuckles, a facsimile firearm, a  
 23 nonfunctioning firearm, any other deadly weapon, or a destructive  
 24 device during, immediately prior to, or immediately after the  
 25 commission of a felony, regardless of whether such firearm, knife,  
 26 brass or iron knuckles, facsimile firearm, nonfunctioning firearm,  
 27 deadly weapon, or destructive device was discharged, actively  
 1 employed, or displayed.  
 2 2. Renumber the remaining sections and correct the  
 3 repealer accordingly.

## RESOLUTION

**LEGISLATIVE RESOLUTION 608.** Introduced by Schilz, 47; Bloomfield, 17; Brasch, 16; Carlson, 38; Christensen, 44; Davis, 43; Dubas, 34; Hansen, 42; Harms, 48; B. Harr, 8; Janssen, 15; Johnson, 23; Larson, 40; Murante, 49; Wallman, 30; Watermeier, 1.

WHEREAS, Nebraska native Robin Coulter Lapaseotes was born on July 31, 1957, in Bridgeport, Nebraska, to Calvin and Virginia Coulter; and

WHEREAS, Robin graduated from Bridgeport Public Schools in 1975 and also graduated from the University of Nebraska-Lincoln (UNL) and Chadron State College; and

WHEREAS, Robin married Peter Lapaseotes of Bridgeport on June 24, 1984, and they had three children, Constantine, Nicole, and Cassandra, and two grandchildren, Waylon Dean and Claycen Dean; and

WHEREAS, Robin was an active supporter of the Nebraska farm and ranch economy and owned and operated Coulter Ranch in Redington and Coulter Feedlot, was the chair of the tax committee for the Nebraska Cattlemen, was a member of the executive committee of the Morrill County Cattlemen, was a board member for the Engler Agribusiness Entrepreneurship Program at UNL, and was an avid mentor for young people seeking opportunities in agriculture; and

WHEREAS, Robin was a member of the Assumption Orthodox Church in Bayard and sang in the choir, was a past member of the Bridgeport Public School Board, was a member of the High Plains Weed Management Association, and established and directed her own girls camping group; and

WHEREAS, Robin passed away on February 4, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its condolences to the family of Robin Coulter Lapaseotes and recognizes Robin for her commitment to her family, to the State of Nebraska, and to the agriculture industry.

2. That a copy of this resolution be sent to the family of Robin Coulter Lapaseotes.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 976.** Senator Murante offered the following motion:  
MO176

Recommit to Executive Board.

**SENATOR KRIST PRESIDING****SENATOR GLOOR PRESIDING**

Senator Murante withdrew his motion to recommit to committee.

Senator Karpisek moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Karpisek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Adams	Conrad	Haar, K.	Kolowski	Nordquist
Ashford	Cook	Harms	Krist	Schumacher
Avery	Crawford	Harr, B.	Lathrop	Seiler
Campbell	Davis	Howard	McGill	Sullivan
Chambers	Dubas	Karpisek	Mello	Wallman

Voting in the negative, 12:

Brasch	Johnson	Murante	Scheer
Hansen	Kintner	Nelson	Schilz
Janssen	McCoy	Pirsch	Watermeier

Present and not voting, 10:

Bloomfield	Christensen	Garrett	Hadley	Smith
Carlson	Coash	Gloor	Larson	Wightman

Excused and not voting, 2:

Bolz	Lautenbaugh
------	-------------

Advanced to Enrollment and Review Initial with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.



**AMENDMENTS - Print in Journal**

Senator Lathrop filed the following amendment to LB961:  
AM2685

(Amendments to E & R amendments, ER232)

1 1. Insert the following new section:

2 Sec. 3. Section 44-2825, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 44-2825 (1) The total amount recoverable under the  
5 Nebraska Hospital-Medical Liability Act from any and all health  
6 care providers and the Excess Liability Fund for any occurrence  
7 resulting in any injury or death of a patient may not exceed  
8 (a) five hundred thousand dollars for any occurrence on or before  
9 December 31, 1984, (b) one million dollars for any occurrence after  
10 December 31, 1984, and on or before December 31, 1992, (c) one  
11 million two hundred fifty thousand dollars for any occurrence after  
12 December 31, 1992, and on or before December 31, 2003, ~~and~~(d)  
13 one million seven hundred fifty thousand dollars for any occurrence  
14 after December 31, 2003, and on or before December 31, 2014,  
15 and (e) two million two hundred fifty thousand dollars for any  
16 occurrence after December 31, 2014.

17 (2) A health care provider qualified under the act shall  
18 not be liable to any patient or his or her representative who  
19 is covered by the act for an amount in excess of five hundred  
20 thousand dollars for all claims or causes of action arising from  
21 any occurrence during the period that the act is effective with  
22 reference to such patient.

1 (3) Subject to the overall limits from all sources as  
2 provided in subsection (1) of this section, any amount due from a  
3 judgment or settlement which is in excess of the total liability  
4 of all liable health care providers shall be paid from the Excess  
5 Liability Fund pursuant to sections 44-2831 to 44-2833.

6 2. Renumber the remaining sections and correct the  
7 repealer accordingly.

Senator Christensen filed the following amendment to LB700:  
AM2720

1 1. Insert the following new sections:

2 Sec. 12. Section 44-3524, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 44-3524 (1) The director may issue an order ~~and notice~~  
5 ~~of hearing~~ instructing a motor vehicle service contract provider  
6 to cease and desist from selling or offering for sale motor  
7 vehicle service contracts if the director determines that the  
8 provider has failed to comply with the Motor Vehicle Service  
9 Contract Reimbursement Insurance Act. At the same time the order  
10 is issued, the director shall serve notice to the motor vehicle  
11 service provider of the reasons for such order and that the  
12 motor vehicle service provider may request a hearing in writing

13 within ten business days after receipt of the order. If a hearing  
 14 is requested, the director shall schedule a hearing within ten  
 15 business days after receipt of the request. The hearing shall be  
 16 conducted in accordance with the Administrative Procedure Act. If  
 17 a hearing is not requested and none is ordered by the director,  
 18 the order shall remain in effect until modified or vacated by the  
 19 director.

20 (2) Upon the failure of a motor vehicle service contract  
 21 provider to obey a cease and desist order issued by the director,  
 22 the director may give notice in writing of the failure to the  
 23 Attorney General who may commence an action against the provider to  
 1 enjoin the provider from selling or offering for sale motor vehicle  
 2 service contracts until the provider complies with the act. The  
 3 district court may issue the injunction.

4 Sec. 14. Original section 44-3524, Reissue Revised  
 5 Statutes of Nebraska, is repealed.

6 2. Renumber the remaining section accordingly.

7 3. Correct the operative date section so that the  
 8 sections added by this amendment becomes operative three calendar  
 9 months after adjournment of this legislative session.

Senator Christensen filed the following amendment to LB700:  
 AM2721

1 1. Insert the following new section:  
 2 Sec. 12. (1) A health care sharing ministry shall not be  
 3 considered to be engaging in the business of insurance for purposes  
 4 of the insurance laws of this state.

5 (2) For purposes of this section, health care sharing  
 6 ministry means a faith-based, nonprofit organization that is  
 7 tax-exempt under the Internal Revenue Code which:

8 (a) Limits its participants to those who are of a similar  
 9 faith;

10 (b) Acts as a facilitator among participants who have  
 11 financial or medical needs and matches those participants with  
 12 other participants with the present ability to assist those with  
 13 financial or medical needs in accordance with criteria established  
 14 by the health care sharing ministry;

15 (c) Provides for the financial or medical needs of a  
 16 participant through contributions from one participant to another;

17 (d) Provides amounts that participants may contribute  
 18 with no assumption of risk or promise to pay among the participants  
 19 and no assumption of risk or promise to pay by the health care  
 20 sharing ministry to the participants;

21 (e) Provides a written monthly statement to all  
 22 participants that lists the total dollar amount of qualified needs  
 23 submitted to the health care sharing ministry, as well as the  
 1 amount actually published or assigned to participants for their  
 2 contribution;

3 (f) Provides a written disclaimer on or accompanying all

4 applications and guideline materials distributed by or on behalf of  
 5 the organization that reads, in substance:

6 IMPORTANT NOTICE. This organization is not an insurance  
 7 company, and its product should never be considered insurance.  
 8 If you join this organization instead of purchasing health  
 9 insurance, you will be considered uninsured. By the terms of  
 10 this agreement, whether anyone chooses to assist you with your  
 11 medical bills as a participant of this organization will be totally  
 12 voluntary, and neither the organization nor any participant can  
 13 be compelled by law to contribute toward your medical bills.  
 14 Regardless of whether you receive payment for medical expenses  
 15 or whether this organization continues to operate, you are always  
 16 personally responsible for the payment of your own medical bills.  
 17 This organization is not regulated by the Nebraska Department  
 18 of Insurance. You should review this organization's guidelines  
 19 carefully to be sure you understand any limitations that may affect  
 20 your personal medical and financial needs;

21 (g) Has participants which retain participation even  
 22 after they develop a medical condition; and

23 (h) Conducts an annual audit which is performed by  
 24 an independent certified public accounting firm in accordance  
 25 with generally accepted accounting principles and which is made  
 26 available to the public upon request.

27 2. Renumber the remaining section accordingly.

1 3. Correct the operative date section so that the section  
 2 added by this amendment becomes operative three calendar months  
 3 after the adjournment of this legislative session.

Senator Christensen filed the following amendment to LB1098:  
 AM2657

(Amendments to Standing Committee amendments, AM2594)

1 1. Insert the following new sections:

2 Sec. 7. Section 77-1371, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:

4 77-1371 Comparable sales are recent sales of properties  
 5 that are similar to the property being assessed in significant  
 6 physical, functional, and location characteristics and in their  
 7 contribution to value. When using comparable sales in determining  
 8 actual value of an individual property under the sales comparison  
 9 approach provided in section 77-112, the following guidelines shall  
 10 be considered in determining what constitutes a comparable sale:

11 (1) Whether the sale was financed by the seller and  
 12 included any special financing considerations or the value of  
 13 improvements;

14 (2) Whether zoning affected the sale price of the  
 15 property;

16 (3) For sales of agricultural land or horticultural land  
 17 as defined in section 77-1359, whether a premium was paid to  
 18 acquire property. A premium may be paid when proximity or tax

19 consequences cause the buyer to pay more than actual value for  
20 agricultural land or horticultural land;

21 (4) Whether sales or transfers made in connection with  
22 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,  
1 or in consideration of other legal actions should be excluded from  
2 comparable sales analysis as not reflecting current market value;

3 (5) Whether sales between family members within the third  
4 degree of consanguinity include considerations that fail to reflect  
5 current market value;

6 (6) Whether sales to or from federal or state agencies or  
7 local political subdivisions reflect current market value;

8 (7) Whether sales of undivided interests in real property  
9 or parcels less than forty acres or sales conveying only a portion  
10 of the unit assessed reflect current market value;

11 (8) Whether sales or transfers of property in exchange  
12 for other real estate, stocks, bonds, or other personal property  
13 reflect current market value;

14 (9) Whether deeds recorded for transfers of convenience,  
15 transfers of title to cemetery lots, mineral rights, and rights of  
16 easement reflect current market value;

17 (10) Whether sales or transfers of property involving  
18 railroads or other public utility corporations reflect current  
19 market value;

20 (11) Whether sales of property substantially improved  
21 subsequent to assessment and prior to sale should be adjusted to  
22 reflect current market value or eliminated from such analysis;

23 (12) For agricultural land or horticultural land as  
24 defined in section 77-1359 which is or has been receiving the  
25 special valuation pursuant to sections 77-1343 to 77-1347.01,  
26 whether the sale price reflects a value which the land has for  
27 purposes or uses other than as agricultural land or horticultural  
1 land and therefor does not reflect current market value of other  
2 agricultural land or horticultural land; ~~and~~

3 (13) Whether sales or transfers of property are in  
4 a similar market area and have similar characteristics to the  
5 property being assessed; ~~and~~

6 (14) For agricultural land and horticultural land as  
7 defined in section 77-1359 which is within a class or subclass  
8 of irrigated cropland pursuant to section 77-1363, whether the  
9 difference in well capacity or in water availability due to  
10 federal, state, or local regulatory actions or limited source  
11 affected the sale price of the property. If data on current well  
12 capacity or current water availability is not available from a  
13 federal, state, or local government entity, this subdivision shall  
14 not be used to determine what constitutes a comparable sale.

15 The Property Tax Administrator may issue guidelines for  
16 assessing officials for use in determining what constitutes a  
17 comparable sale. Guidelines shall take into account the factors  
18 listed in this section and other relevant factors as prescribed by

- 19 the Property Tax Administrator.  
 20 Sec. 8. Sections 7 and 9 of this act become operative  
 21 three calendar months after the adjournment of this legislative  
 22 session. The other sections of this act become operative on their  
 23 effective date.  
 24 Sec. 9. Original section 77-1371, Revised Statutes  
 25 Cumulative Supplement, 2012, is repealed.  
 26 2. Renumber the remaining sections accordingly.

Senator B. Harr filed the following amendment to LB191:  
 AM2767

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:  
 2 Sec. 23. If any section in this act or any part of any  
 3 section is declared invalid or unconstitutional, the declaration  
 4 shall not affect the validity or constitutionality of the remaining  
 5 portions.  
 6 2. On page 1, line 10, after the semicolon insert "to  
 7 provide severability;".  
 8 3. Renumber the remaining section accordingly.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 609.** Introduced by Christensen, 44.

WHEREAS, Landon Jutten, a student at Wauneta-Palisade High School, was recognized as a "Student Spotlight" by Nebraskans for the Arts; and

WHEREAS, Landon earned this recognition through his participation and success in one-act plays, high school musicals, and the Class D All-State Band; 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 Landon Jutten on his "Student Spotlight" recognition by Nebraskans for the Arts and recognizes his stage and musical achievements.

2. That a copy of this resolution be sent to Landon Jutten.

Laid over.

**LEGISLATIVE RESOLUTION 610.** Introduced by Christensen, 44.

WHEREAS, Christian Hughes of Benkelman, 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, Christian 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, Christian, 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 Christian Hughes on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Christian Hughes.

Laid over.

**LEGISLATIVE RESOLUTION 611.** Introduced by Christensen, 44.

WHEREAS, Danial Best, Alex Broadfoot, William Burkert, and Jonathon Spilinek of Troop 132 have 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 their scouting experience, Danial, Alex, William, and Jonathon have 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, Danial, Alex, William, and Jonathon, through their hard work and perseverance, have 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 Danial Best, Alex Broadfoot, William Burkert, and Jonathon Spilinek on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Danial Best, Alex Broadfoot, William Burkert, and Jonathon Spilinek of Troop 132.

Laid over.

**LEGISLATIVE RESOLUTION 612.** Introduced by Christensen, 44.

WHEREAS, Jordan Crosley, Chandler Hambidge, Derek Monie, Garret Monie, Calvin Wineland, Bryce Wessels, and Griffin York of Troop 236 have 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 their scouting experience, Jordan, Chandler, Derek, Garret, Calvin, Bryce, and Griffin have 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, Jordan, Chandler, Derek, Garret, Calvin, Bryce, and Griffin, through their hard work and perseverance, have 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 Jordan Crosley, Chandler Hambidge, Derek Monie, Garret Monie, Calvin Wineland, Bryce Wessels, and Griffin York on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jordan Crosley, Chandler Hambidge, Derek Monie, Garret Monie, Calvin Wineland, Bryce Wessels, and Griffin York of Troop 236.

Laid over.

**LEGISLATIVE RESOLUTION 613.** Introduced by Christensen, 44.

WHEREAS, Luke Davis of Alma, 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, Luke 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, Luke, 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 Luke Davis on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Luke Davis.

Laid over.

**LEGISLATIVE RESOLUTION 614.** Introduced by Adams, 24.

WHEREAS, the Nebraska Hall of Fame Commission was established in 1961 to officially recognize and honor prominent Nebraskans, including people who were born in Nebraska, who gained prominence while living in Nebraska, or who lived in Nebraska and whose residence in Nebraska was an important influence on their lives and contributed to their greatness; and

WHEREAS, on May 30, 2014, the Nebraska Hall of Fame Commission will assemble in the Warner Chamber of the State Capitol together with guests and dignitaries to induct Alvin Saunders Johnson into the Nebraska Hall of Fame; and

WHEREAS, Johnson, a Nebraska native, gained national and international recognition as an economist, educator, humanitarian, social activist, writer, and editor; and

WHEREAS, Johnson was born in 1874 on a farm near Homer, Nebraska, and grew up embracing the values and work ethic of farm life. At age 18 he enrolled at the University of Nebraska where he received both his bachelor and master's degrees in the classics, and pursued graduate work in economics at Columbia University where he received his Ph.D. in 1902; and

WHEREAS, Johnson co-founded and for 22 years led the New School for Social Research, which is today recognized as the model for adult education in America. Within the New School, Johnson founded the University in Exile as a haven for refugee European intellectuals fleeing Nazi persecution; and

WHEREAS, Johnson served as editor of the initial "Encyclopedia of the Social Sciences," was a leader in framing our nation's first nondiscrimination legislation, was an editor of "The New Republic," and



was also a prolific writer, authoring two novels, three collections of short stories, and an autobiography in addition to his influential academic writing; and

WHEREAS, Johnson credited the values instilled in him to living and studying in Nebraska, to his father and mother being strong believers in racial and social equality, and to his mother having a deep appreciation of classical literature. These traits were passed on to Johnson from early childhood and became the foundation for his intellectual fabric, his work ethic, and his extraordinary influence on American culture and intellectual life; and

WHEREAS, each of Johnson's career highlights could be independently judged as exemplary. Collectively, they reflect the life of a remarkable individual of whom Nebraskans can be justifiably proud.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature posthumously honors and recognizes Alvin Saunders Johnson for his induction into the Nebraska Hall of Fame.
2. That a copy of this resolution be sent to the Nebraska Hall of Fame Commission.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 383.** Title read. Considered.

Committee AM1169, found on page 1750, First Session, 2013, was offered.

Senator Janssen withdrew his amendment, AM2635, found on page 1164.

Senator Janssen offered his amendment, AM2661, found on page 1300, to the committee amendment.

Senator Mello moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Janssen amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Dubas offered the following amendment to the committee amendment:

AM2757

(Amendments to Standing Committee amendments, AM1169)

- 1 1. Strike section 11 and insert the following new
- 2 section:
- 3 Sec. 11. Section 80-414, Revised Statutes Supplement,
- 4 2013, is amended to read:

- 5 80-414 (1) The Department of Veterans' Affairs shall  
6 create and maintain a registry of residents of Nebraska who meet  
7 the requirements of subdivision (1)(a) or (b) of section 10 of  
8 this act or subsection (1) of section 60-4,189. The Department of  
9 Veterans' Affairs may adopt and promulgate rules and regulations  
10 governing the establishment and maintenance of the registry. The  
11 registry may be used to assist the department in carrying out  
12 the duties of the department and shall provide for the collection  
13 of sufficient information to identify an individual who qualifies  
14 for Military Honor Plates or a notation of "veteran" on his or  
15 her operator's license or state identification card issued by the  
16 Department of Motor Vehicles. The registry may include information  
17 such as identifying information on an individual, an individual's  
18 records on active duty in the armed forces of the United States,  
19 or an individual's status of active duty, retired, discharged, or  
20 other.
- 21 (2) Any resident of Nebraska who meets the requirements  
22 of subdivision (1)(a) or (b) of section 10 of this act or  
1 subsection (1) of section 60-4,189 shall register with the  
2 Department of Veterans' Affairs using the registry created by  
3 this section before being eligible for Military Honor Plates or a  
4 notation of "veteran" on his or her operator's license or state  
5 identification card issued by the Department of Motor Vehicles. No  
6 person shall be deemed eligible until his or her status has been  
7 verified on the registry.
- 8 (3) The Department of Motor Vehicles may adopt and  
9 promulgate rules and regulations governing use of the registry  
10 of the Department of Veterans' Affairs for determination of  
11 eligibility for the issuance of Military Honor Plates or  
12 the notation of "veteran" on operators' licenses and state  
13 identification cards.
- 14 2. On page 13, lines 2 and 3; and page 14, lines 9 and  
15 10, strike "11 of this act" and insert "80-414".
- 16 3. Correct the repealer accordingly.

The Dubas amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 383A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**SENATOR COASH PRESIDING**

**LEGISLATIVE BILL 788.** Title read. Considered.

Senator Schumacher offered the following amendment:  
AM2739

- 1 1. Insert the following new section:
- 2 Sec. 7. Section 13-402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-402 Any county, city other than a city of the
- 5 metropolitan or primary class, village, school district, agency of
- 6 the state government, drainage district, sanitary and improvement
- 7 district, or other political subdivision of the State of Nebraska
- 8 is hereby permitted, authorized, and given the power to file a
- 9 petition in the United States Bankruptcy Court under 11 U.S.C.
- 10 chapter 9 and any acts amendatory thereto and supplementary thereof
- 11 and to incur and pay the expenses incident to the consummation of a
- 12 plan of adjustment of debts as contemplated by such petition.
- 13 2. Renumber the remaining sections and correct the
- 14 repealer accordingly.

Senator Schumacher withdrew his amendment.

Senator Nordquist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Schumacher requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 25:

Bloomfield	Coash	Harms	McCoy	Seiler
Brasch	Garrett	Johnson	Nelson	Smith
Carlson	Gloor	Karpisek	Pirsch	Sullivan
Chambers	Hadley	Kintner	Scheer	Watermeier
Christensen	Hansen	Larson	Schumacher	Wightman

Voting in the negative, 16:

Adams	Conrad	Haar, K.	Lathrop
Ashford	Cook	Harr, B.	McGill
Avery	Crawford	Howard	Mello
Campbell	Dubas	Kolowski	Nordquist

Present and not voting, 2:

Davis Murante

Excused and not voting, 6:

Bolz Krist Schilz  
Janssen Lautenbaugh Wallman

Advanced to Enrollment and Review Initial with 25 ayes, 16 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

#### AMENDMENTS - Print in Journal

Senator Nordquist filed the following amendment to LB276:

AM2742

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 Section 1. Section 43-2511, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 43-2511 There is hereby established a statewide billing  
6 system for accessing federal medicaid funds for special education  
7 and related services provided by school districts. The system  
8 shall apply to all students verified with disabilities from date  
9 of diagnosis to twenty-one years of age as allowed under the  
10 federal Medicare Catastrophic Coverage Act of 1988. The system  
11 shall be developed, implemented, and administered jointly by the  
12 Department of Health and Human Services and the State Department  
13 of Education. On or before October 1, 2015, the Department of  
14 Health and Human Services and the State Department of Education  
15 shall jointly revise the statewide billing system to streamline  
16 and simplify the claims process, to update reimbursement rates,  
17 and to incorporate services included in the state plan amendment  
18 submitted pursuant to subsection (4) of section 68-911. After the  
19 reimbursement rates have been updated pursuant to this section,  
20 such rates shall be reviewed at least once every five years. School  
21 districts, educational service units, or approved cooperatives  
22 providing special education and related services shall be required  
23 to participate in the statewide billing system. ~~It is the intent~~  
1 of this section that Eleven and fifty-four hundredths percent  
2 of federal medicaid funds received by school districts pursuant  
3 to such billing system shall be considered reimbursement for the  
4 costs to school districts associated with the implementation and  
5 administration of such a system, and such costs shall be included  
6 in shall be eligible for payment through the medicaid reimbursement  
7 rates to be established for each ~~therapy~~ service. From the amount  
8 provided pursuant to section 43-2515 to aid in carrying out the  
9 Early Intervention Act, the Department of Health and Human Services

10 shall retain, for the purposes of implementing and administering  
 11 the statewide billing system and early intervention services  
 12 coordination services, an amount equal to the lesser of the  
 13 actual cost of implementing and administering the statewide billing  
 14 system and early intervention services coordination services or (1)  
 15 for fiscal year 2014-15, two hundred forty-two thousand dollars,  
 16 (2) for fiscal year 2015-16, three hundred thousand dollars, or (3)  
 17 for fiscal year 2016-17 and each fiscal year thereafter, the amount  
 18 retained for such purposes for the prior year increased by five  
 19 percent.

20 Sec. 2. Section 43-2513, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 43-2513 For purposes of the general fund budget of  
 23 expenditures as defined in section 79-1003, funds received to carry  
 24 out the services coordination functions ~~and the administration~~  
 25 ~~of the billing system~~ or designated as reimbursement for costs  
 26 associated with the implementation and administration of the  
 27 billing system pursuant to section 43-2511 shall be considered  
 1 special grant funds.

2 Sec. 3. Section 43-2515, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 43-2515 ~~On~~ For years 1993 through 2015, ~~on~~ or before  
 5 October 1, 1993, ~~and for each year thereafter,~~ the Department of  
 6 Health and Human Services and the State Department of Education  
 7 shall jointly certify to the budget administrator of the budget  
 8 division of the Department of Administrative Services the amount  
 9 of federal medicaid funds paid to school districts pursuant to the  
 10 Early Intervention Act for special education services for children  
 11 five years of age and older for the immediately preceding fiscal  
 12 year. The General Fund appropriation to the State Department of  
 13 Education for state special education aid for the then-current  
 14 fiscal year shall be decreased by an amount equal to the amount  
 15 that would have been reimbursed with state general funds to  
 16 the school districts through the special education reimbursement  
 17 process for special education services for children five years  
 18 of age and older that was paid to school districts or approved  
 19 cooperatives with federal medicaid funds.

20 ~~It~~ For fiscal years through fiscal year 2015-16, it  
 21 is the intent of the Legislature that an amount equal to the  
 22 amount that would have been reimbursed with state general funds  
 23 to the school districts, certified to the budget administrator,  
 24 be appropriated from the General Fund to aid in carrying out the  
 25 provisions of the Early Intervention Act and other related early  
 26 intervention services.

27 For 2015 and each year thereafter, on or before  
 1 December 1, the Department of Health and Human Services and  
 2 the State Department of Education shall jointly certify to the  
 3 budget administrator of the budget division of the Department of  
 4 Administrative Services the aggregate amount to be included in the

5 local system formula resources pursuant to subdivision (16) of  
6 section 79-1018.01 for all local systems for aid to be calculated  
7 pursuant to the Tax Equity and Educational Opportunities Support  
8 Act for the next school fiscal year.

9 For fiscal year 2016-17 and each fiscal year thereafter,  
10 it is the intent of the Legislature that, in addition to other  
11 state and federal funds used to carry out the Early Intervention  
12 Act, funds equal to the lesser of the amount certified to the  
13 budget administrator or the amount appropriated or transferred  
14 for such purposes pursuant to this section for the immediately  
15 preceding fiscal year increased by five percent be appropriated  
16 from the General Fund to aid in carrying out the provisions of  
17 the Early Intervention Act and other related early intervention  
18 services.

19 Sec. 4. Section 68-911, Revised Statutes Supplement,  
20 2013, is amended to read:

21 68-911 (1) Medical assistance shall include coverage for  
22 health care and related services as required under Title XIX of the  
23 federal Social Security Act, including, but not limited to:

- 24 (a) Inpatient and outpatient hospital services;
- 25 (b) Laboratory and X-ray services;
- 26 (c) Nursing facility services;
- 27 (d) Home health services;
- 1 (e) Nursing services;
- 2 (f) Clinic services;
- 3 (g) Physician services;
- 4 (h) Medical and surgical services of a dentist;
- 5 (i) Nurse practitioner services;
- 6 (j) Nurse midwife services;
- 7 (k) Pregnancy-related services;
- 8 (l) Medical supplies;
- 9 (m) Mental health and substance abuse services; and
- 10 (n) Early and periodic screening and diagnosis and  
11 treatment services for children which shall include both physical  
12 and behavioral health screening, diagnosis, and treatment services.

13 (2) In addition to coverage otherwise required under this  
14 section, medical assistance may include coverage for health care  
15 and related services as permitted but not required under Title XIX  
16 of the federal Social Security Act, including, but not limited to:

- 17 (a) Prescribed drugs;
- 18 (b) Intermediate care facilities for persons with  
19 developmental disabilities;
- 20 (c) Home and community-based services for aged persons  
21 and persons with disabilities;
- 22 (d) Dental services;
- 23 (e) Rehabilitation services;
- 24 (f) Personal care services;
- 25 (g) Durable medical equipment;
- 26 (h) Medical transportation services;

- 27 (i) Vision-related services;  
 1 (j) Speech therapy services;  
 2 (k) Physical therapy services;  
 3 (l) Chiropractic services;  
 4 (m) Occupational therapy services;  
 5 (n) Optometric services;  
 6 (o) Podiatric services;  
 7 (p) Hospice services;  
 8 (q) Mental health and substance abuse services;  
 9 (r) Hearing screening services for newborn and infant  
 10 children; and  
 11 (s) Administrative expenses related to administrative  
 12 activities, including outreach services, provided by school  
 13 districts and educational service units to students who are  
 14 eligible or potentially eligible for medical assistance.

15 (3) No later than July 1, 2009, the department  
 16 shall submit a state plan amendment or waiver to the federal  
 17 Centers for Medicare and Medicaid Services to provide coverage  
 18 under the medical assistance program for community-based secure  
 19 residential and subacute behavioral health services for all  
 20 eligible recipients, without regard to whether the recipient has  
 21 been ordered by a mental health board under the Nebraska Mental  
 22 Health Commitment Act to receive such services.

23 (4) On or before October 1, 2014, the department, after  
 24 consultation with the State Department of Education, shall submit  
 25 a state plan amendment to the federal Centers for Medicare and  
 26 Medicaid Services, as necessary, to provide that the following are  
 27 direct reimbursable services when provided by school districts as  
 1 part of an individualized education program or an individualized  
 2 family service plan: Early and periodic screening, diagnosis, and  
 3 treatment services for children; medical transportation services;  
 4 mental health services; nursing services; occupational therapy  
 5 services; personal care services; physical therapy services;  
 6 rehabilitation services; speech therapy and other services for  
 7 individuals with speech, hearing, or language disorders; and  
 8 vision-related services.

9 Sec. 5. Section 79-1018.01, Revised Statutes Cumulative  
 10 Supplement, 2012, is amended to read:

11 79-1018.01 Except as otherwise provided in this section,  
 12 local system formula resources include other actual receipts  
 13 available for the funding of general fund operating expenditures  
 14 as determined by the department for the second school fiscal year  
 15 immediately preceding the school fiscal year in which aid is to be  
 16 paid. Other actual receipts include:

- 17 (1) Public power district sales tax revenue;  
 18 (2) Fines and license fees;  
 19 (3) Tuition receipts from individuals, other districts,  
 20 or any other source except receipts derived from adult education,  
 21 receipts derived from summer school tuition, receipts derived

22 from early childhood education tuition, tuition receipts from  
 23 converted contracts beginning with the calculation of state aid to  
 24 be distributed in school fiscal year 2011-12, and receipts from  
 25 educational entities as defined in section 79-1201.01 for providing  
 26 distance education courses through the Educational Service Unit  
 27 Coordinating Council to such educational entities;

1 (4) Transportation receipts;

2 (5) Interest on investments;

3 (6) Other miscellaneous noncategorical local receipts,

4 not including receipts from private foundations, individuals,  
 5 associations, or charitable organizations;

6 (7) Special education receipts;

7 (8) Special education receipts and non-special education  
 8 receipts from the state for wards of the court and wards of the  
 9 state;

10 (9) All receipts from the temporary school fund. Receipts  
 11 from the temporary school fund shall only include (a) receipts  
 12 pursuant to section 79-1035, to the extent that such receipts for  
 13 the calculation of aid for school fiscal year 2018-19 and each  
 14 school fiscal year thereafter are not returned to the temporary  
 15 school fund pursuant to section 79-309.01, and (b) the receipt of  
 16 funds pursuant to section 79-1036 for property leased for a public  
 17 purpose as set forth in subdivision (1)(a) of section 77-202;

18 (10) Motor vehicle tax receipts received;

19 (11) Pro rata motor vehicle license fee receipts;

20 (12) Other miscellaneous state receipts excluding revenue  
 21 from the textbook loan program authorized by section 79-734;

22 (13) Impact aid entitlements for the school fiscal year  
 23 which have actually been received by the district to the extent  
 24 allowed by federal law;

25 (14) All other noncategorical federal receipts;

26 (15) All receipts pursuant to the enrollment option  
 27 program under sections 79-232 to 79-246;

1 (16) Receipts under the federal Medicare Catastrophic  
 2 Coverage Act of 1988, as such act existed on ~~May 8, 2001~~, January  
 3 1, 2014, as authorized pursuant to sections 43-2510 and 43-2511  
 4 ~~but only to the extent of the amount the local system would~~  
 5 ~~have otherwise received pursuant to the Special Education Act for~~  
 6 services to school-age children, excluding amounts designated as  
 7 reimbursement for costs associated with the implementation and  
 8 administration of the billing system pursuant to section 43-2511;

9 (17) Receipts for accelerated or differentiated  
 10 curriculum programs pursuant to sections 79-1106 to 79-1108.03; and

11 (18) Revenue received from the nameplate capacity tax  
 12 distributed pursuant to section 77-6204.

13 Sec. 6. Section 79-1119, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 79-1119 ~~Excess~~ For aid distributed in school fiscal years  
 16 prior to 2015-16, excess cost means the difference between the



17 total cost of the special education program excluding residential  
 18 care and the number of students in the special education program  
 19 multiplied by the adjusted average per pupil cost of the preceding  
 20 year for the school district of residence of each child. For aid  
 21 distributed in school fiscal year 2015-16 and each school fiscal  
 22 year thereafter, excess cost means the difference between the total  
 23 cost of the special education program excluding residential care  
 24 minus federal medicaid funds received pursuant to section 43-2511  
 25 for services to school-age children excluding amounts designated  
 26 as reimbursement for costs associated with the implementation and  
 27 administration of the billing system pursuant to section 43-2511  
 1 and minus the product of the number of students in the special  
 2 education program multiplied by the adjusted average per pupil cost  
 3 of the preceding year for the school district of residence of each  
 4 child.

5 Sec. 7. Section 79-1145, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:

7 79-1145 (1) For each fiscal year prior to fiscal  
 8 year 2014-15, the aggregate amount of General Funds appropriated  
 9 for special education programs and support services pursuant to  
 10 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
 11 aggregate amount of General Funds appropriated pursuant to such  
 12 sections for the previous fiscal year, ~~multiplied by one plus a~~  
 13 ~~rate of increased by~~ five percent.

14 (2) For fiscal year 2014-15 and each fiscal year  
 15 thereafter, the aggregate amount of General Funds appropriated  
 16 for special education programs and support services pursuant to  
 17 sections 79-1129, 79-1132, and 79-1144 shall not exceed the  
 18 aggregate amount of General Funds appropriated pursuant to such  
 19 sections for the previous fiscal year, increased by ten percent.  
 20 For purposes of this section, for fiscal year 2016-17 the aggregate  
 21 amount of General Funds appropriated for special education programs  
 22 and support services pursuant to sections 79-1129, 79-1132, and  
 23 79-1144 for the previous fiscal year shall be the net amount after  
 24 any decrease required pursuant to section 43-2515.

25 Sec. 8. Original sections 43-2511, 43-2513, 43-2515,  
 26 79-1119, and 79-1145, Reissue Revised Statutes of Nebraska, section  
 27 79-1018.01, Revised Statutes Cumulative Supplement, 2012, and  
 1 section 68-911, Revised Statutes Supplement, 2013, are repealed.

Senator Nordquist filed the following amendment to LB799:  
 AM2691

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new section:

2 Sec. 2. Section 44-7,104, Revised Statutes Cumulative  
 3 Supplement, 2012, is amended to read:

4 44-7,104 (1) Notwithstanding section 44-3,131, (a) any  
 5 individual or group sickness and accident insurance policy,  
 6 certificate, or subscriber contract delivered, issued for delivery,

7 or renewed in this state and any hospital, medical, or surgical  
 8 expense-incurred policy, except for policies that provide coverage  
 9 for a specified disease or other limited-benefit coverage, and (b)  
 10 any self-funded employee benefit plan to the extent not preempted  
 11 by federal law that provides coverage for cancer treatment shall  
 12 provide coverage for a prescribed, orally administered anticancer  
 13 medication that is used to kill or slow the growth of cancerous  
 14 cells on a basis no less favorable than intravenously administered  
 15 or injected anticancer medications that are covered as medical  
 16 benefits by the policy, certificate, contract, or plan.

17 (2) This section does not prohibit such policy,  
 18 certificate, contract, or plan from requiring prior authorization  
 19 for a prescribed, orally administered anticancer medication. If  
 20 such medication is authorized, the cost to the covered individual  
 21 shall not exceed the coinsurance or copayment that would be applied  
 22 to any other cancer treatment involving intravenously administered  
 1 or injected anticancer medications.

2 (3) A policy, certificate, contract, or plan provider  
 3 shall not reclassify any anticancer medication or increase a  
 4 coinsurance, copayment, deductible, or other out-of-pocket expense  
 5 imposed on any anticancer medication to achieve compliance with  
 6 this section. Any change that otherwise increases an out-of-pocket  
 7 expense applied to any anticancer medication shall also be applied  
 8 to the majority of comparable medical or pharmaceutical benefits  
 9 under the policy, certificate, contract, or plan.

10 (4) This section does not prohibit a policy, certificate,  
 11 contract, or plan provider from increasing cost-sharing for all  
 12 benefits, including cancer treatments.

13 (5) This section shall apply to any policy, certificate,  
 14 contract, or plan that is delivered, issued for delivery, or  
 15 renewed in this state on or after October 1, 2012.

16 ~~(6) This section terminates on December 31, 2015.~~

17 2. On page 4, line 4, strike "is" and insert "and section  
 18 44-7,104, Revised Statutes Cumulative Supplement, 2012, are".

19 3. Renumber the remaining section accordingly.

Senator Scheer filed the following amendment to LB916:

AM2601

(Amendments to Standing Committee amendments, AM1916)

- 1 1. On page 6, strike line 27.
- 2 2. On page 7, strike lines 1 through 8; in line 10 strike
- 3 the comma and insert "or"; and in line 11 strike ", or nurse
- 4 practitioner".

### VISITORS

Visitors to the Chamber were Emilee Shostron and Abbie Fahleson from Lincoln; and 41 fourth-grade students, teachers, and sponsors from Centura Public School, Cairo.

The Doctor of the Day was Dr. Pat Hotovy from York.

**ADJOURNMENT**

At 9:13 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Thursday, April 3, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIFTH DAY - APRIL 3, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**  
**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 3, 2014

**PRAYER**

The prayer was offered by Father Lloyd Gnirk, St. John the Evangelist Catholic Church, Valley.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Conrad and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 2, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Bredenkamp, Troy  
Nebraska Rural Electric Association  
O'Hara Lindsay & Associates, Inc.  
Mueller Robak, LLC

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**WITHDRAW - Amendments to LR41CA**

Senator Chambers withdrew his amendments, FA234, FA235, FA236, FA237, and FA238, found on pages 759 and 760, to LR41CA.

Senator McCoy withdrew his amendment, AM2378, found on page 1068, to LR41CA.

**MOTION - Return LR41CA to Select File**

Senator Karpisek moved to return LR41CA to Select File for the following specific amendment:

FA316

Page 2, line 9 strike "500" and insert "250."

Senator Karpisek withdrew his motion to return.

**RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

**LEGISLATIVE RESOLUTION 41CA.**

THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2014 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4)(a) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of live or replayed horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure. The state's proceeds from a tax placed on wagering by the parimutuel method shall be appropriated by the Legislature for the costs of regulating wagering by the parimutuel method and for the following purposes:

(i) Forty-nine percent of the money remaining after the payment of regulatory expenses shall be used for elementary and secondary education statewide;

(ii) Forty-nine percent of the money remaining after the payment of regulatory expenses shall be used to reduce property taxes statewide; and

(iii) Two percent of the money remaining after the payment of regulatory expenses shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) Nothing in this section shall be construed to prohibit or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for enactment of laws providing for licensing and regulation of wagering on live or replayed horseraces, wherever run, either within or outside of the state, by the parimutuel

method, when such wagering is conducted by licensees within a licensed racetrack enclosure, and to require appropriation of certain parimutuel taxes for regulation of parimutuel wagering, for education, for property tax relief, and for the Compulsive Gamblers Assistance Fund.

For

Against.

Senator Lautenbaugh requested a roll call vote, in reverse order.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 28:

Ashford	Dubas	Howard	McGill	Seiler
Bolz	Gloor	Janssen	Mello	Sullivan
Campbell	Haar, K.	Johnson	Murante	Wallman
Conrad	Hadley	Karpisek	Nordquist	Wightman
Cook	Hansen	Larson	Schilz	
Davis	Harr, B.	Lathrop	Schumacher	

Voting in the negative, 19:

Adams	Carlson	Crawford	Kolowski	Scheer
Avery	Chambers	Garrett	McCoy	Smith
Bloomfield	Christensen	Harms	Nelson	Watermeier
Brasch	Coash	Kintner	Pirsch	

Present and not voting, 2:

Krist	Lautenbaugh
-------	-------------

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the resolution failed to pass for the general election.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 615.** Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School speech team tied for second place in the 2014 Class D-1 State Speech Tournament; and

WHEREAS, the Bancroft-Rosalie Panthers earned their second place finish with a score of 78 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 Bancroft-Rosalie High School speech team on their second place finish in the 2014 Class D-1 State Speech Tournament.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School speech team and their coach, Ronda Ras.

Laid over.

**LEGISLATIVE RESOLUTION 616.** Introduced by Brasch, 16.

WHEREAS, the Guardian Angels Central Catholic High School speech team won the 2014 Class C-2 State Speech Championship; and

WHEREAS, the Guardian Angels Central Catholic Bluejays defeated Hartington High School by a score of 88-58 to win the school's first 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 Guardian Angels Central Catholic High School speech team on winning the 2014 Class C-2 State Speech Championship.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic High School speech team and their coach, Lynda Doernemann.

Laid over.

**COMMITTEE REPORTS**

Judiciary

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Rosalyn Cotton - Nebraska Board of Parole

Aye: 6 Ashford, Christensen, Davis, Lathrop, McGill, Seiler. Nay: 0.  
Absent: 2 Chambers, Coash. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Denise Pecha - Nebraska Child Abuse Prevention Fund Board

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Martin Fattig - Nebraska Rural Health Advisory Commission

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Richard Lee Robinson - State Board of Health  
Joshua M. Vest - State Board of Health

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Sandra Kruback - Foster Care Advisory Committee  
Elizabeth Neeley - Foster Care Advisory Committee

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Rebecca Jane Morris - Stem Cell Research Advisory Committee  
Dennis Roop - Stem Cell Research Advisory Committee  
Gerald Spangrude - Stem Cell Research Advisory Committee

Aye: 7 Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 877.** Placed on General File with amendment.

AM2751

- 1 1. Strike original section 1 and insert the following new  
2 section:  
3 Section 1. Section 28-1205, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:  
5 28-1205 (1)(a) Any person who uses a firearm, a knife,  
6 brass or iron knuckles, ~~or~~ any other deadly weapon, a facsimile  
7 firearm, or a nonfunctioning firearm to commit any felony which may  
8 be prosecuted in a court of this state commits the offense of use  
9 of a deadly weapon to commit a felony.  
10 (b) Use of a deadly weapon, other than a firearm, to  
11 commit a felony is a Class II felony.  
12 (c) Use of a deadly weapon, which is a firearm, to commit  
13 a felony is a Class IC felony.  
14 (d) Use of a facsimile firearm or nonfunctioning firearm  
15 to commit a felony is a Class III felony.  
16 (2)(a) Any person who possesses a firearm, a knife, brass  
17 or iron knuckles, or a destructive device during the commission of  
18 any felony which may be prosecuted in a court of this state commits  
19 the offense of possession of a deadly weapon during the commission  
20 of a felony.  
21 (b) Possession of a deadly weapon, other than a firearm,  
22 during the commission of a felony is a Class III felony.  
23 (c) Possession of a deadly weapon, which is a firearm,  
1 during the commission of a felony is a Class II felony.  
2 (3) The crimes defined in this section shall be treated  
3 as separate and distinct offenses from the felony being committed,  
4 and sentences imposed under this section shall be consecutive to  
5 any other sentence imposed.  
6 (4) Possession of a deadly weapon may be proved through  
7 evidence demonstrating either actual or constructive possession of  
8 a firearm, a knife, brass or iron knuckles, or a destructive device  
9 during, immediately prior to, or immediately after the commission  
10 of a felony.  
11 (5) For purposes of this section:  
12 (a) Destructive device has the same meaning as in section  
13 28-1213; ~~and~~  
14 (b) A facsimile firearm means an instrument which was  
15 reasonably perceived by the victim to be a real firearm; and  
16 ~~(b)~~(c) Use of a deadly weapon includes the discharge,  
17 employment, or visible display of any part of a firearm, a knife,  
18 brass or iron knuckles, a facsimile firearm, a nonfunctioning  
19 firearm, any other deadly weapon, or a destructive device during,  
20 immediately prior to, or immediately after the commission of a  
21 felony or communication to another indicating the presence of a

22 firearm, a knife, brass or iron knuckles, a facsimile firearm, a  
 23 nonfunctioning firearm, any other deadly weapon, or a destructive  
 24 device during, immediately prior to, or immediately after the  
 25 commission of a felony, regardless of whether such firearm, knife,  
 26 brass or iron knuckles, facsimile firearm, nonfunctioning firearm,  
 27 deadly weapon, or destructive device was discharged, actively  
 1 employed, or displayed.

(Signed) Brad Ashford, Chairperson

**MOTION - Reconsider Action on LB671**

Senator Chambers offered his motion, MO175, found on page 1349, to reconsider the vote that LB671 becomes law notwithstanding the objections of the Governor.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 30:

Adams	Chambers	Dubas	Johnson	Nordquist
Ashford	Christensen	Haar, K.	Kolowski	Scheer
Avery	Coash	Hadley	Krist	Schumacher
Bloomfield	Conrad	Harr, B.	Lathrop	Smith
Bolz	Cook	Howard	McGill	Wallman
Campbell	Crawford	Janssen	Mello	Wightman

Voting in the negative, 17:

Brasch	Hansen	Lautenbaugh	Pirsch	Watermeier
Carlson	Harms	McCoy	Schilz	
Davis	Kintner	Murante	Seiler	
Garrett	Larson	Nelson	Sullivan	

Present and not voting, 2:

Gloor            Karpisek

The Chambers motion to reconsider prevailed with 30 ayes, 17 nays, and 2 present and not voting.

**MOTION - Override Veto on LB671**

The Chambers motion, MO161, found on page 1272 and considered on page 1345, that LB671 becomes law notwithstanding the objections of the Governor, was reconsidered.

Senator Chambers requested a roll call vote on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 28:

Adams	Chambers	Dubas	Kolowski	Schumacher
Ashford	Christensen	Haar, K.	Krist	Smith
Avery	Coash	Hadley	Lathrop	Wallman
Bloomfield	Conrad	Harr, B.	McGill	Wightman
Bolz	Cook	Howard	Mello	
Campbell	Crawford	Johnson	Nordquist	

Voting in the negative, 21:

Brasch	Hansen	Larson	Pirsch	Watermeier
Carlson	Harms	Lautenbaugh	Scheer	
Davis	Janssen	McCoy	Schilz	
Garrett	Karpisek	Murante	Seiler	
Gloor	Kintner	Nelson	Sullivan	

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 438.** With Emergency Clause.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend sections 79-757 and 79-760.06, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the accountability system for schools and school districts; to provide for designation of priority schools, appointment of intervention teams, and development of progress plans; to require reports; 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	Harms	Lathrop	Schilz
Ashford	Conrad	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Garrett	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Gloor

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 438A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Adams	Coash	Hansen	Larson	Schilz
Ashford	Conrad	Harms	Lathrop	Schumacher
Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Murante	Wallman
Campbell	Garrett	Karpisek	Nelson	Watermeier
Carlson	Gloor	Kintner	Nordquist	Wightman
Chambers	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

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 674.**

A BILL FOR AN ACT relating to animal abuse; to amend section 28-1019, Revised Statutes Cumulative Supplement, 2012, and section 28-1009, Revised Statutes Supplement, 2013; to change provisions relating to conviction orders for abandonment or cruel neglect of an animal; 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	Larson	Schilz
Ashford	Conrad	Harms	Lathrop	Schumacher
Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Murante	Wallman
Campbell	Garrett	Karpisek	Nelson	Watermeier
Carlson	Gloor	Kintner	Nordquist	Wightman
Chambers	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

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 LB717 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 717. With Emergency Clause.**

A BILL FOR AN ACT relating to real property appraisal; to amend sections 76-2201, 76-2203, 76-2217.02, and 76-2227, Reissue Revised Statutes of Nebraska, and sections 76-2202, 76-2213.01, 76-2223, 76-2228.01,

76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.02, 76-2236, 76-2238, 76-2241, and 76-2249, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Real Property Appraiser Act; to define terms; to change provisions relating to professional qualifications; to provide operative dates; 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	Harr, B.	Lautenbaugh	Schumacher
Ashford	Cook	Howard	McCoy	Seiler
Avery	Crawford	Janssen	McGill	Smith
Bloomfield	Davis	Johnson	Mello	Sullivan
Bolz	Dubas	Karpisek	Murante	Wallman
Brasch	Garrett	Kintner	Nelson	Watermeier
Campbell	Gloor	Kolowski	Nordquist	Wightman
Carlson	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	
Coash	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Haar, K.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB759 with 37 ayes, 2 nays, and 10 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 759.**

A BILL FOR AN ACT relating to retirement; to amend sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1002, 16-1007, 16-1017, 16-1021, 16-1027, 16-1037, 19-3501, 23-1118, 23-2309.01, 23-3526, and 72-1263, Reissue Revised Statutes of Nebraska, sections 30-3209, 71-1631.02, and 84-1310.01, Revised Statutes Cumulative Supplement, 2012, and section 84-304, Revised Statutes Supplement, 2013; to require



annual reports relating to defined benefit retirement plans; to change provisions relating to police officers' and firefighters' retirement in cities of the first class, investments for certain defined contribution plans, the standard of care for corporate trustees regarding governmental retirement and pension funds, and duties of the state investment officer and the Auditor of Public Accounts; to change a limit on total deposits received under the Nebraska Capital Expansion Act; 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, 47:

Adams	Coash	Harms	Lathrop	Schumacher
Ashford	Conrad	Harr, B.	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Mello	Sullivan
Bolz	Dubas	Johnson	Murante	Wallman
Brasch	Garrett	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Scheer	
Christensen	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Davis            Lautenbaugh

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 LB800 with 33 ayes, 4 nays, and 12 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 800.**

A BILL FOR AN ACT relating to enterprise zones; to amend sections 13-2103, 13-2105, 13-2109, and 13-2112, Reissue Revised Statutes of Nebraska, sections 58-708 and 81-12,156, Revised Statutes Cumulative Supplement, 2012, and sections 81-1201.21 and 81-12,149, Revised Statutes Supplement, 2013; to provide for designation of enterprise zones; to provide

preferences for certain business incentive and grant programs for projects located in enterprise zones; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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 LB851 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 851.** With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 52-603, 52-604, 60-366, 60-367, 66-482, 77-2703.01, and 77-2793, Reissue Revised Statutes of Nebraska, sections 77-367, 77-1030, 77-1837.01, and 77-2709, Revised Statutes Cumulative Supplement, 2012, and sections 19-5217, 77-1807, 77-27,119, and 77-5735, Revised Statutes Supplement, 2013; to change provisions relating to land banks and tax sales for delinquent property taxes; to provide for the extinguishment of a lien or security interest on personal property as prescribed; to change provisions relating to such lien proceeds and distribution; to change provisions relating to nonresident owners under the Motor Vehicle Registration Act; to redefine ethanol facility; to require the Department of Revenue to contract for enforcement of tax laws; to provide for notice to the Department of Revenue under the Nebraska

Advantage Transformational Tourism and Redevelopment Act; to change provisions relating to tax sales certificates, sales and use tax sourcing, notice of deficiency determinations, claims for credit or refund, disclosure of tax information, and applicability; to provide operative dates; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB908 with 34 ayes, 3 nays, and 12 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 908.**

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.

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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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 LB863 with 30 ayes, 4 nays, and 15 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 863.** With Emergency Clause.

A BILL FOR AN ACT relating to public protection, health, and safety; to amend sections 12-501, 12-502, 12-512.01, 12-512.02, 12-512.04, 12-512.05, 12-516, 12-518, 12-808, 17-934, 17-944, 28-1418, 28-1419, 28-1425, 28-1427, 28-1429.02, 53-122, and 53-190, Reissue Revised Statutes of Nebraska, sections 53-179, 53-183, 59-1523, and 81-2104, Revised Statutes Cumulative Supplement, 2012, and section 28-101, Revised Statutes Supplement, 2013; to change provisions relating to cemeteries and the formation of, operation of, and transfer of management functions to cemetery associations or cemetery districts; to prohibit the use by minors and sale to minors of vapor products and alternative nicotine products; to prohibit the sale of certain tobacco, vapor, and nicotine products through a vending machine or self-service display as prescribed; to provide penalties; to change and eliminate certain election provisions under the Nebraska Liquor Control Act and provisions relating to alcohol sales; to adopt by reference provisions of the National Electrical Code; to harmonize provisions; to provide severability; to repeal the original sections; to outright

repeal sections 53-121, 53-188, 53-189, and 53-191, 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	Janssen	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.

Present and not voting, 1:

Howard

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB998 with 35 ayes, 4 nays, and 10 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 998.** With Emergency Clause.

A BILL FOR AN ACT relating to public health and safety; to amend sections 12-1208, 38-1426, 38-1427, 60-6,209, 71-1356, 71-1373, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-311.08, 28-367.01, 29-4003, 30-2201, 60-6,211.11, 71-605, and 71-4813, Revised Statutes Cumulative Supplement, 2012, and sections 28-830, 28-831, and 38-1425, Revised Statutes Supplement, 2013; to change provisions relating to disposition of human remains, offenses related to the person, sexual exploitation, labor trafficking, and sex trafficking, the Sex Offender Registration Act, and enforcement provisions regarding driving under the influence; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1048 with 39 ayes, 3 nays, and 7 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1048.**

A BILL FOR AN ACT relating to elections; to amend sections 32-613, 32-614, 32-701, 32-702, 32-703, 32-704, 32-719, and 32-720, Reissue Revised Statutes of Nebraska, and sections 32-206, 32-610, and 32-707, Revised Statutes Cumulative Supplement, 2012; to require delivery of the official election calendar as prescribed; to change and eliminate provisions relating to statewide primary elections and political party conventions; to require delegate selection plans for national political party conventions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-706, 32-708, 32-709, and 32-711, 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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 LB1067 with 41 ayes, 1 nay, and 7 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1067. With Emergency Clause.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5806 and 77-5905, Reissue Revised Statutes of Nebraska, sections 77-27,144, 77-6302, 77-6304, 77-6305, 77-6306, 77-6307, and 77-6309, Revised Statutes Cumulative Supplement, 2012, and section 77-5725, Revised Statutes Supplement, 2013; to change provisions relating to sales and use tax refunds; to extend sunset dates for tax incentives under the Nebraska Advantage Act, the Nebraska Advantage Research and Development Act, and the Nebraska Advantage Microenterprise Tax Credit Act; to change provisions of the Angel Investment Tax Credit Act; to provide operative dates; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 438, 438A, 674, 717, 759, 800, 851, 863, 908, 998, 1048, and 1067.

#### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 514, 515, 516, 524, and 550 were adopted.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 514, 515, 516, 524, and 550.

#### **SELECT FILE**

**LEGISLATIVE BILL 994.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 994A.** ER229, found on page 1234, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 719.** ER218, found on page 1236, was adopted.

Advanced to Enrollment and Review for Engrossment.



**LEGISLATIVE BILL 565.** ER233, found on page 1346, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 464A.** Senator Krist offered his amendment, AM2709, found on page 1346.

The Krist amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### **COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 1098.** Placed on Select File with amendment.  
ER235

- 1 1. In the Standing Committee amendments, AM2594:
- 2 a. On page 7, line 11, strike the comma; and
- 3 b. On page 10, line 13, strike the first comma.
- 4 2. On page 1, strike beginning with "the" in line 1
- 5 through line 5 and insert "natural resources; to amend sections
- 6 2-1501 and 2-1504, Reissue Revised Statutes of Nebraska; to
- 7 change the membership of and provide powers and duties for the
- 8 Nebraska Natural Resources Commission; to state findings and intent
- 9 regarding the Water Sustainability Fund; to provide criteria,
- 10 requirements, and priority for distribution of the fund; to repeal
- 11 the original sections; and to declare an emergency."

**LEGISLATIVE BILL 1098A.** Placed on Select File.

(Signed) John Murante, Chairperson

### **AMENDMENT - Print in Journal**

Senator Nordquist filed the following amendment to LB1042:  
AM2765

(Amendments to E & R amendments, ER231)

- 1 1. Insert the following new section:
- 2 Sec. 5. Section 79-933.07, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 79-933.07 The board shall adopt and promulgate rules and
- 5 regulations for the purchase of service credit or the repurchase
- 6 of relinquished creditable service, which shall include, but not be
- 7 limited to, the method for determining actuarial cost and interest
- 8 requirements for payments other than one lump-sum payment.
- 9 2. On page 19, line 5, after the second "the" insert

- 10 "relinquished creditable service repurchased or"; and in line 20  
11 after "for" insert "purchase of".  
12 3. On page 20, line 23, after "has" insert "completed".  
13 4. On page 22, line 8, strike "credit or amounts.",  
14 show as stricken, and insert "relinquished creditable service  
15 or service credit"; in line 9 after "the" insert "relinquished  
16 creditable service being repurchased or" and after "purchased"  
17 insert an underscored comma; and in line 10 after "and" insert "the  
18 repurchase of such relinquished creditable service or".  
19 5. On page 37, line 16, after the second comma insert  
20 "79-933.07,".  
21 6. Renumber the remaining sections accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 485.** Title read. Considered.

### SENATOR KRIST PRESIDING

Committee AM2111, found on page 1299, was offered.

Senator Christensen offered his amendment, FA301, found on page 1293, to the committee amendment.

### SPEAKER ADAMS PRESIDING

### SENATOR WATERMEIER PRESIDING

Pending.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2014, at 11:53 a.m. were the following: LBs 438e, 438Ae, 674, 717e, 759, 800, 851e, 863e, 908, 998e, 1048, and 1067e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### MOTION - Print in Journal

Senator Lautenbaugh filed the following motion to LR41CA:  
MO177

Reconsider the vote on final passage of the resolution.

**AMENDMENTS - Print in Journal**

Senator Conrad filed the following amendment to LB485:  
AM2775

(Amendments to Standing Committee amendments, AM2111)

1 1. Strike section 24.

Senator Conrad filed the following amendment to LB799:  
AM2773

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new sections:

2 Sec. 2. (1) Notwithstanding section 44-3.131, (a) any  
3 individual or group sickness and accident insurance policy,  
4 certificate, or subscriber contract delivered, issued for delivery,  
5 or renewed in this state and any hospital, medical, or surgical  
6 expense-incurred policy, except for short-term major medical  
7 policies of six months or less duration and policies that  
8 provide coverage for a specified disease or other limited-benefit  
9 coverage, and (b) any self-funded employee benefit plan to  
10 the extent not preempted by federal law shall include coverage  
11 for amino acid-based elemental formulas, regardless of delivery  
12 method, for the diagnosis and treatment of Immunoglobulin E  
13 and non-Immunoglobulin E mediated allergies to multiple food  
14 proteins, food-protein-induced enterocolitis syndrome, eosinophilic  
15 disorders, and impaired absorption of nutrients caused by disorders  
16 affecting the absorptive surface, functional length, and motility  
17 of the gastrointestinal tract, when the ordering physician has  
18 issued a written order stating that the amino acid-based elemental  
19 formula is medically necessary for the treatment of a disease or  
20 disorder.

21 (2) This section does not prevent application of  
22 deductible or copayment provisions contained in the policy,  
1 certificate, contract, or employee benefit plan or require that  
2 such coverage be extended to any other procedures.

3 Sec. 3. (1) For purposes of this section:

4 (a) Applied behavior analysis means the design,  
5 implementation, and evaluation of environmental modifications,  
6 using behavioral stimuli and consequences, to produce socially  
7 significant improvement in human behavior, including the use of  
8 direct observation, measurement, and functional analysis of the  
9 relationship between environment and behavior;

10 (b) Autism spectrum disorder means any of the pervasive  
11 developmental disorders or autism spectrum disorder as defined by  
12 the Diagnostic and Statistical Manual of Mental Disorders, as the  
13 most recent edition of such manual existed on the effective date of  
14 this act;

15 (c) Behavioral health treatment means counseling and  
16 treatment programs, including applied behavior analysis, that are:  
17 (i) Necessary to develop, maintain, or restore, to the maximum

18 extent practicable, the functioning of an individual; and (ii)  
19 provided or supervised, either in person or by telehealth, by a  
20 behavior analyst certified by a national certifying organization or  
21 a licensed psychologist if the services performed are within the  
22 boundaries of the psychologist's competency;

23 (d) Diagnosis means a medically necessary assessment,  
24 evaluation, or test to diagnose if an individual has an autism  
25 spectrum disorder;

26 (e) Pharmacy care means a medication that is prescribed  
27 by a licensed physician and any health-related service deemed  
1 medically necessary to determine the need or effectiveness of the  
2 medication;

3 (f) Psychiatric care means a direct or consultative  
4 service provided by a psychiatrist licensed in the state in which  
5 he or she practices;

6 (g) Psychological care means a direct or consultative  
7 service provided by a psychologist licensed in the state in which  
8 he or she practices;

9 (h) Therapeutic care means a service provided by a  
10 licensed speech-language pathologist, occupational therapist, or  
11 physical therapist; and

12 (i) Treatment means evidence-based care, including  
13 related equipment, that is prescribed or ordered for an individual  
14 diagnosed with an autism spectrum disorder by a licensed physician  
15 or a licensed psychologist, including:

16 (i) Behavioral health treatment;

17 (ii) Pharmacy care;

18 (iii) Psychiatric care;

19 (iv) Psychological care; and

20 (v) Therapeutic care.

21 (2) Notwithstanding section 44-3,131, (a) any individual  
22 or group sickness and accident insurance policy or subscriber  
23 contract delivered, issued for delivery, or renewed in this state  
24 and any hospital, medical, or surgical expense-incurred policy,  
25 except for policies that provide coverage for a specified disease  
26 or other limited-benefit coverage, and (b) any self-funded employee  
27 benefit plan to the extent not preempted by federal law, including  
1 any such plan provided for employees of the State of Nebraska,  
2 shall provide coverage for the screening, diagnosis, and treatment  
3 of an autism spectrum disorder in an individual under twenty-one  
4 years of age. To the extent that the screening, diagnosis, and  
5 treatment of autism spectrum disorder are not already covered by  
6 such policy or contract, coverage under this section shall be  
7 included in such policies or contracts that are delivered, issued  
8 for delivery, amended, or renewed in this state or outside this  
9 state if the policy or contract insures a resident of Nebraska on  
10 or after January 1, 2015. No insurer shall terminate coverage or  
11 refuse to deliver, issue for delivery, amend, or renew coverage of  
12 the insured as a result of an autism spectrum disorder diagnosis or

13 treatment. Nothing in this subsection applies to non-grandfathered  
14 plans in the individual and small group markets that are required  
15 to include essential health benefits under the federal Patient  
16 Protection and Affordable Care Act or to medicare supplement,  
17 accident-only, specified disease, hospital indemnity, disability  
18 income, long-term care, or other limited benefit hospital insurance  
19 policies.

20 (3) Except as provided in subsection (4) of this section,  
21 coverage for an autism spectrum disorder shall not be subject  
22 to any limits on the number of visits an individual may make  
23 for treatment of an autism spectrum disorder, nor shall such  
24 coverage be subject to dollar limits, deductibles, copayments, or  
25 coinsurance provisions that are less favorable to an insured than  
26 the equivalent provisions that apply to a general physical illness  
27 under the policy.

1 (4) Coverage for behavioral health treatment, including  
2 applied behavior analysis, shall be subject to a maximum benefit  
3 of twenty-five hours per week until the insured reaches twenty-one  
4 years of age. Payments made by an insurer on behalf of a covered  
5 individual for treatment other than behavioral health treatment,  
6 including applied behavior analysis, shall not be applied to any  
7 maximum benefit established under this section.

8 (5) Except in the case of inpatient service, if an  
9 individual is receiving treatment for an autism spectrum disorder,  
10 an insurer shall have the right to request a review of that  
11 treatment not more than once every six months unless the insurer  
12 and the individual's licensed physician or licensed psychologist  
13 execute an agreement that a more frequent review is necessary.  
14 Any such agreement regarding the right to review a treatment plan  
15 more frequently shall apply only to a particular individual being  
16 treated for an autism spectrum disorder and shall not apply to  
17 all individuals being treated for autism spectrum disorder by a  
18 licensed physician or licensed psychologist. The cost of obtaining  
19 a review under this subsection shall be borne by the insurer.

20 (6) This section shall not be construed as limiting  
21 any benefit that is otherwise available to an individual under  
22 a hospital, surgical, or medical expense-incurred policy or  
23 health maintenance organization contract. This section shall not  
24 be construed as affecting any obligation to provide services  
25 to an individual under an individualized family service plan,  
26 individualized education program, or individualized service plan.

27 Sec. 4. Section 44-7,104, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 44-7,104 (1) Notwithstanding section 44-3,131, (a) any  
3 individual or group sickness and accident insurance policy,  
4 certificate, or subscriber contract delivered, issued for delivery,  
5 or renewed in this state and any hospital, medical, or surgical  
6 expense-incurred policy, except for policies that provide coverage  
7 for a specified disease or other limited-benefit coverage, and (b)

8 any self-funded employee benefit plan to the extent not preempted  
 9 by federal law that provides coverage for cancer treatment shall  
 10 provide coverage for a prescribed, orally administered anticancer  
 11 medication that is used to kill or slow the growth of cancerous  
 12 cells on a basis no less favorable than intravenously administered  
 13 or injected anticancer medications that are covered as medical  
 14 benefits by the policy, certificate, contract, or plan.

15 (2) This section does not prohibit such policy,  
 16 certificate, contract, or plan from requiring prior authorization  
 17 for a prescribed, orally administered anticancer medication. If  
 18 such medication is authorized, the cost to the covered individual  
 19 shall not exceed the coinsurance or copayment that would be applied  
 20 to any other cancer treatment involving intravenously administered  
 21 or injected anticancer medications.

22 (3) A policy, certificate, contract, or plan provider  
 23 shall not reclassify any anticancer medication or increase a  
 24 coinsurance, copayment, deductible, or other out-of-pocket expense  
 25 imposed on any anticancer medication to achieve compliance with  
 26 this section. Any change that otherwise increases an out-of-pocket  
 27 expense applied to any anticancer medication shall also be applied  
 1 to the majority of comparable medical or pharmaceutical benefits  
 2 under the policy, certificate, contract, or plan.

3 (4) This section does not prohibit a policy, certificate,  
 4 contract, or plan provider from increasing cost-sharing for all  
 5 benefits, including cancer treatments.

6 (5) This section shall apply to any policy, certificate,  
 7 contract, or plan that is delivered, issued for delivery, or  
 8 renewed in this state on or after October 1, 2012.

9 ~~(6) This section terminates on December 31, 2015.~~

10 Sec. 5. Section 2 of this act becomes operative on  
 11 January 1, 2015. The other sections of this act become operative on  
 12 their effective date.

13 2. Renumber the remaining section and correct the  
 14 repealer accordingly.

Senator Seiler filed the following amendment to LB390:  
 AM2770

(Amendments to E & R amendments, ER234)

- 1 1. On page 1, line 21, strike "rifle" and show as
- 2 stricken.

Senator Ashford filed the following amendment to LB907:  
 AM2776 is available in the Bill Room.

Senator Krist filed the following amendment to LB788:  
 AM2429

- 1 1. On page 3, lines 21 and 22, strike "sanitary and
- 2 improvement district," and show as stricken; and in line 25
- 3 strike "instrumentality, or", show as stricken, and insert "or

4 instrumentality thereof."

5 2. On page 4, strike lines 1 through 3 and show as  
6 stricken.

Senator Krist filed the following amendment to LB788:  
AM2435

1 1. On page 3, line 24, strike "hospital authority," and  
2 show as stricken; and in line 25 strike "instrumentality, or", show  
3 as stricken, and insert "or instrumentality thereof".  
4 2. On page 4, strike lines 1 through 3 and show as  
5 stricken.

Senator Howard filed the following amendment to LB526:  
AM2782

(Amendments to Standing Committee amendments, AM1619)

1 1. On page 3, line 3, strike "the".

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Adams, Avery, Campbell, Conrad, Cook, and Garrett asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators Bloomfield, Brasch, K. Haar, Harms, Howard, and Kolowski asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators Crawford, Gloor, Hadley, and Pirsch asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators B. Harr, Kintner, Scheer, Seiler, and Smith asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senators Karpisek, McGill, Mello, Nordquist, and Wightman asked unanimous consent to add their names as cointroducers to LR427. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB505. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were 23 fourth- through eighth-grade students and teachers from Prairie Hill Learning Center, Roca; 44 fourth-grade students and teachers from Plattsmouth; 10 fourth-grade students and teacher from St. Patrick School, Lincoln; Senator Krist's brother, Jim, from Papillion; Senator Avery's son, William, from Lincoln; 73 fourth-grade students and teachers from Abbott Elementary, Omaha; 17 fourth-grade students and

teacher from Lyons-Decatur Northeast School, Lyons; 70 fourth-grade students, teachers, and sponsors from Hawthorne Elementary, Hastings; and 70 fourth-grade students and teachers from West Dodge Station School, Elkhorn.

The Doctor of the Day was Dr. Roger Meyer from Utica.

#### **ADJOURNMENT**

At 2:36 p.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Monday, April 7, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SIXTH DAY - APRIL 7, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**  
**FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 7, 2014

**PRAYER**

The prayer was offered by Reverend Nancy Erickson, First Plymouth Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Heidemann presiding.

The roll was called and all members were present except Senators Davis, Lautenbaugh, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 464A.** Placed on Final Reading.  
ST83

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Krist amendment, AM 2709:
  - a. On page 2, line 3, "section 50," has been inserted after "by"; and in line 4 "section 50," has been struck; and
  - b. On page 5, line 13, "section 50," has been inserted after "by"; and in line 14 "section 50," has been struck.
2. Original sections 3 and 4 have been renumbered as sections 2 and 3, respectively.
3. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "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." inserted.

**LEGISLATIVE BILL 565.** Placed on Final Reading.  
**LEGISLATIVE BILL 719.** Placed on Final Reading.  
**LEGISLATIVE BILL 994.** Placed on Final Reading.  
**LEGISLATIVE BILL 994A.** Placed on Final Reading.

(Signed) John Murante, Chairperson

### COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 976.** Placed on Select File.

**LEGISLATIVE BILL 383.** Placed on Select File with amendment.  
 ER236 is available in the Bill Room.

**LEGISLATIVE BILL 383A.** Placed on Select File.

**LEGISLATIVE BILL 788.** Placed on Select File with amendment.  
 ER237

- 1 1. On page 6, line 7, strike "statutes" and insert
- 2 "statute"; and in line 16, after "Unit" insert "Security Interest".
- 3 2. On page 8, line 9, after "measure" insert an
- 4 underscored comma; in line 16 after "unit" insert an underscored
- 5 comma; and in lines 18 and 19 strike "other limited" and insert
- 6 "limited other".
- 7 3. On page 9, lines 1 and 2, strike "other limited" and
- 8 insert "limited other"; and in line 3 strike "statutes" and insert
- 9 "statute".

(Signed) John Murante, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 617.** Introduced by Davis, 43; Adams, 24; Ashford, 20; Avery, 28; Brasch, 16; Campbell, 25; Carlson, 38; Christensen, 44; Conrad, 46; Cook, 13; Crawford, 45; Dubas, 34; Garrett, 3; K. Haar, 21; Hadley, 37; Howard, 9; Johnson, 23; Karpisek, 32; Kolowski, 31; Krist, 10; Lathrop, 12; Nordquist, 7; Scheer, 19; Schumacher, 22; Seiler, 33; Sullivan, 41; Wallman, 30.

WHEREAS, Michael Barth, a senior at Gordon-Rushville High School, won first place in Poetry Interpretation at the 2014 Class C-1 State Speech Championship with a final cumulative score of 147 points; and

WHEREAS, Michael qualified for the state speech championship with a first-place finish at the Class C-1 district speech competition; and

WHEREAS, Michael's poetry performance combined lyrics from the song "Same Love" by Macklemore and the slam poem "Swingset" by Andrea Gibson; 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 Michael Barth on winning first place in Poetry Interpretation at the 2014 Class C-1 State Speech Championship.
2. That a copy of this resolution be sent to Michael Barth.

Laid over.

#### AMENDMENTS - Print in Journal

Senator McCoy filed the following amendment to LB976:  
AM2792

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 17, strike lines 6 through 16.

Senator McCoy filed the following amendment to LB976:  
AM2798

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 1, line 15, strike "protect the existing" and
- 2 insert "follow the".
- 3 2. On page 11, strike beginning with the second "and" in
- 4 line 19 through the period in line 20 and insert ", follow county
- 5 lines and the boundaries of municipalities when practicable, and
- 6 recognize communities of interest.".

Senator McCoy filed the following amendment to LB976:  
AM2793

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 11, line 12, strike "demographic data."; in
- 2 line 24 after the semicolon insert "or"; and strike beginning with
- 3 the semicolon in line 25 through line 27 and insert an underscored
- 4 period.
- 5 2. On page 12, strike line 1.

Senator McCoy filed the following amendment to LB976:  
AM2794

(Amendments to Karpisek amendments, AM2745)

- 1 1. On page 10, strike beginning with "Prior" in line 6
- 2 through "(3)" in line 13.
- 3 2. On page 11, line 6, strike "(4)" and insert "(3)".

Senator McCoy filed the following amendment to LB976:

AM2795

(Amendments to Karpisek amendments, AM2745)

1 1. Insert the following new sections:

2 Sec. 6. Cracking means a method of redistricting in which  
 3 the electoral strength of a particular group is diluted by dividing  
 4 the group in a redistricting plan in such a way as to fragment a  
 5 minority group into several districts, none of which constitute a  
 6 majority-minority district.

7 Sec. 11. Packing means a method of redistricting in which  
 8 one group is consolidated as a super-majority in a small number  
 9 of districts in such a way as to reduce the group's electoral  
 10 influence in surrounding districts.

11 2. On page 1, line 3, strike "26" and insert "28"; strike  
 12 lines 20 and 21 and insert "to ensure that no redistricting plan  
 13 cracks or packs any majority or minority population based on race  
 14 or language or violates any provision of the Constitution of the  
 15 United States, the Constitution of Nebraska, the federal Voting  
 16 Rights Act, 42 U.S.C. 1973 et seq., as amended, or any applicable  
 17 state or federal court decision."

18 3. On page 2, line 4, strike "15" and insert "17".

19 4. On page 12, strike beginning with "draw" in line 2  
 20 through line 4 and insert "prepare any redistricting plan that  
 21 cracks or packs any majority or minority population based on race  
 22 or language or violates any provision of the Constitution of the  
 1 United States, the Constitution of Nebraska, the federal Voting  
 2 Rights Act, 42 U.S.C. 1973 et seq., as amended, or any applicable  
 3 state or federal court decision."

4 5. Renumber the remaining sections and correct internal  
 5 references accordingly.

Senator Conrad filed the following amendment to LB485:

AM2800

(Amendments to AM2111)

1 1. Strike section 24.

## MESSAGES FROM THE GOVERNOR

April 4, 2014

Patrick J. O'Donnell  
 Clerk of the Legislature  
 State Capitol, Room 2018  
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 744e, 744A, and 768e were received in my office on March 31, 2014.

These bills were signed and delivered to the Secretary of State on April 4, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 4, 2014

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 690 and LB 690A without my signature and with my objections.

LB 690 would establish a task force to recommend a statewide strategic plan to address the needs of Nebraska's aging population. I support this long-term planning provision; however, the bill also requires the Department of Health and Human Services (DHHS) to apply for federal funding through the Balancing Incentive Payments Program.

We all share the goal of allowing Nebraskans to remain in their own homes to reduce the use of more costly institutional nursing care. DHHS has implemented a number of programs to achieve this goal including the Aged and Disabled Waiver Program, the Money Follows the Person Project, and the Program of All-Inclusive Care for the Elderly.

My concern with LB 690 is that it creates a new \$30 million annual expansion of Medicaid premised on a bait-and-switch by the federal government. After September of 2015, the 2% enhanced match provided through the federal Balancing Incentive Payments Program ends – shifting an annual \$6 million General Fund burden to Nebraska taxpayers. LB 690 would saddle Nebraska taxpayers with an annual \$30 million new program without sustainable federal funding.

Additionally, on March 26, 2014, the Legislative Fiscal Office and Department of Administrative Services (DAS) Budget Office received information that Nebraska's Medicaid match rate (FMAP) will decrease from 53.27% to 52.11%. The reduced match rate is estimated to require an additional \$47 million General Funds in the 2015-2017 biennial budget just to maintain our current Medicaid services. LB 690 will exacerbate future state budget pressures.

The goal of controlling the growth of nursing home care is laudable and we are moving in the right direction with current programs. It would, however,

be fiscally irresponsible and short-sighted to dive head-first into a new, expanded, and ongoing program that is paid for by what is essentially one-time funds.

For these reasons, I respectfully urge you to sustain my veto of LB 690 and LB 690A.

Sincerely,  
(Signed) Dave Heineman  
Governor

#### **MOTIONS - Print in Journal**

Senator Bolz filed the following motion to LB690:  
MO178  
Becomes law notwithstanding the objections of the Governor.

Senator Bolz filed the following motion to LB690A:  
MO179  
Becomes law notwithstanding the objections of the Governor.

#### **GENERAL FILE**

**LEGISLATIVE BILL 485.** Senator Christensen renewed his amendment, FA301, found on page 1293 and considered on page 1410, to the committee amendment.

Pending.

#### **AMENDMENT - Print in Journal**

Senator Schilz filed the following amendment to LB390:  
AM2762

(Amendments to E & R amendments, ER234)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 3-402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 3-402 As used in sections 3-401 to 3-409 and section 4 of
- 5 this act, unless the context otherwise requires:
- 6 (1) Structure ~~shall mean means~~ any manmade object which
- 7 is built, constructed, projected, or erected upon, from, and above
- 8 the surface of the earth, including, but not limited to, towers,
- 9 antennas, buildings, wires, cables, and chimneys;
- 10 (2) Obstruction ~~shall mean means~~ any structure which
- 11 obstructs the air space required for the flight of aircraft and in
- 12 the landing and taking off of aircraft at any airport or restricted
- 13 landing area; ~~and~~
- 14 (3) Meteorological evaluation tower means an anchored
- 15 structure, including all guy wires and accessory facilities, on

16 which one or more meteorological instruments are mounted for the  
17 purpose of meteorological data collection; and

18 ~~(3)~~(4) Person ~~shall mean~~ means any public utility,  
19 public district, or other governmental division or subdivision or  
20 any person, corporation, partnership, or limited liability company.

21 Sec. 2. Section 3-404, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

1 3-404 The application for the permit, required by section  
2 3-403, shall be made in writing on forms prescribed by the  
3 Department of Aeronautics and shall contain or be accompanied by  
4 details as to the location, construction, height, and dimensions  
5 of the proposed structure, the nature of its intended use,  
6 and such other information as the Director of Aeronautics may  
7 require. Upon the filing of such application the director shall  
8 make an investigation and an aeronautical study of such proposed  
9 construction and its effect, if any, upon air navigation, and the  
10 health, welfare, and safety of the public. If the director, upon  
11 such investigation, shall determine that such proposed structure  
12 will not constitute a hazard to air navigation and will not  
13 interfere unduly with the public right of freedom of transit in  
14 commerce through the air space affected thereby, he or she shall  
15 issue to the applicant a permit, required by section 3-403,  
16 authorizing the erection and construction of such structure,  
17 subject to such conditions as to marking and lighting as the  
18 department may prescribe by its rules and regulations, authorized  
19 by section 3-407. If he or she does not so determine, he or  
20 she shall deny the application. In making such investigation,  
21 aeronautical study, and determination, the director shall consider  
22 (1) the character of flying operations expected to be conducted  
23 in the area concerned, (2) the nature of the terrain, (3) the  
24 character of the neighborhood, (4) the uses to which the property  
25 concerned is devoted or adaptable, (5) the proximity to existing  
26 airports, airways, control areas, and control zones, (6) the  
27 height of existing, adjacent structures, and (7) all the facts  
1 and circumstances existing. He or she shall impose only such  
2 restrictions or requirements as may be reasonably necessary to  
3 effectuate the purpose of sections 3-401 to 3-409 and section 4 of  
4 this act.

5 Sec. 3. Section 3-405, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 3-405 Any person aggrieved by any action of the  
8 Department of Aeronautics in granting or denying a permit under the  
9 terms of sections 3-401 to 3-409 and section 4 of this act may  
10 appeal the action, and the appeal shall be in accordance with the  
11 Administrative Procedure Act.

12 Sec. 4. (1) A meteorological evaluation tower, the height  
13 of which is at least fifty feet above the surface of the ground at  
14 the point of installation, shall be marked according to subsection  
15 (2) of this section. This section applies to a meteorological

16 evaluation tower that is located outside the corporate limits of a  
17 city or village.

18 (2) A meteorological evaluation tower described in  
19 subsection (1) of this section shall: (a) Be painted in seven  
20 equal-width and alternating bands of aviation orange and white  
21 beginning with orange at the top of the tower and ending with  
22 orange at the base; (b) have two or more spherical marker balls  
23 at least twenty-one inches in diameter that are aviation orange  
24 in color and attached to each outer guy wire connected to the  
25 tower with the top ball no further than twenty feet from the top  
26 wire connection and the remaining ball or balls at or below the  
27 mid-point of the tower on the outer guy wires; and (c) have yellow  
1 safety sleeves installed on each outer guy wire extending at least  
2 fourteen feet above the anchor point of the guy wire.

3 (3) The owner of a meteorological evaluation tower  
4 subject to this section shall, not less than ten business  
5 days prior to erecting the tower, register with the Department  
6 of Aeronautics the name and address of the owner, the height  
7 and location of the tower, and any other information that the  
8 department deems necessary for aviation safety. The owner of a  
9 tower subject to this section shall also report the removal of the  
10 tower to the department not more than thirty business days after  
11 its removal. The department shall make the information received  
12 pursuant to this subsection available to the public within five  
13 business days.

14 (4) The owner of a tower described in subsection (1)  
15 of this section that was erected prior to the effective date of  
16 this act and which is either lighted, marked with balls at least  
17 twenty-one inches in diameter, painted, or modified in some other  
18 manner so it is recognizable in clear air during daylight hours  
19 from a distance of not less than two thousand feet, shall mark  
20 the tower as required by subsection (2) of this section within two  
21 years after the effective date of this act or at such time as the  
22 tower is taken down for maintenance or other purposes, whichever  
23 comes first, except that the owner of a tower erected prior to the  
24 effective date of this act which is not lighted, marked, painted,  
25 or modified as described in this subsection shall mark such tower  
26 as required by subsection (2) of this section within ninety days  
27 after the effective date of this act. The registration requirements  
1 of subsection (3) of this section shall be performed by the owner  
2 of a tower erected prior to the effective date of this act within  
3 fifteen business days after the effective date of this act.

4 (5) A material failure to comply with the marking and  
5 registration requirements of this section shall be admissible as  
6 evidence of negligence on the part of an owner of a meteorological  
7 evaluation tower in an action in tort for property damage, bodily  
8 injury, or death resulting from an aerial collision with such  
9 unmarked or unregistered tower.

10 (6) The department may adopt and promulgate rules and



11 regulations for carrying out the purposes of this section.

12 Sec. 5. Section 3-406, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 3-406 The provisions of sections 3-403 to 3-405 shall  
15 not apply to structures hereafter erected under the authority of  
16 a license or permit issued by a federal agency or other state  
17 agency now having specific statutory jurisdiction over the air  
18 space, including authority to prohibit or regulate the height of  
19 structures for the promotion of safety in aviation, nor to existing  
20 structures. Nothing in sections 3-401 to 3-409 and section 4 of  
21 this act shall be construed to limit or abridge any right, power,  
22 or authority to zone property under the provisions of any other  
23 law of this state or of the federal government except, that in the  
24 event of any conflict between the regulations for height limits  
25 of structures, lighting, and marking adopted under the provisions  
26 of sections 3-401 to 3-409 and section 4 of this act, and any  
27 other regulations applicable to the same area, the more stringent  
1 limitation or requirement shall govern and prevail.

2 Sec. 6. Section 3-408, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 3-408 Any person, firm, or corporation (1) violating  
5 any of the provisions of sections 3-401 to 3-409 and section 4  
6 of this act, (2) submitting false information in the application  
7 for a permit, (3) violating any rule or regulation adopted by  
8 the Department of Aeronautics, ~~pursuant hereto, as authorized by~~  
9 ~~section 3-407~~, (4) failing to do and perform any act required  
10 hereby, or (5) violating the terms of any permit issued pursuant  
11 to the provisions of sections 3-401 to 3-409 and section 4 of  
12 this act, shall be guilty of a Class III misdemeanor. Each day any  
13 violation continues or any structure erected in violation of the  
14 provisions of sections 3-401 to 3-409 and section 4 of this act  
15 shall continue in existence, shall constitute a separate offense.

16 Sec. 7. Section 3-409, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 3-409 In addition to the penalties provided for by  
19 section 3-408, the erection and maintenance of any structure  
20 in violation of the provisions of sections 3-401 to 3-409 and  
21 section 4 of this act may be enjoined by any court of competent  
22 jurisdiction in an action for that purpose commenced by the  
23 Department of Aeronautics or any other interested person. The  
24 erection of such structure and permitting the same to stand or  
25 remain, in violation of the provisions of sections 3-401 to 3-409  
26 and section 4 of this act, is hereby declared to be a nuisance and  
27 the department, or its authorized agent, is authorized to go upon  
1 the premises and abate such nuisance by removing such structure  
2 after five days' notice to the interested parties, to be served by  
3 mail addressed to them at their last-known place of business or  
4 residence. The expense incident to the removal of such structure  
5 shall be paid by the owners thereof and if the department removes

6 such structures as provided in this section the expense incurred by  
 7 the department may be recovered from the sale of the structure or  
 8 its salvage material.

9 Sec. 12. The following section is outright repealed:

10 Section 66-1901, Revised Statutes Cumulative Supplement, 2012.

11 Sec. 13. Since an emergency exists, this act takes effect

12 when passed and approved according to law.

13 2. Renumber the remaining sections and correct the

14 repealer accordingly.

### RESOLUTION

**LEGISLATIVE RESOLUTION 618.** Introduced by Education Committee: Sullivan, 41, Chairperson; Avery, 28; Cook, 13; Davis, 43; K. Haar, 21; Kolowski, 31; Scheer, 19; Seiler, 33.

**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 Education 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 Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### REFERENCE COMMITTEE REPORT

2014 Resolution calling for an Interim Study

LR618	Interim study to examine issues under the jurisdiction of the Education Committee	Education
-------	---	-----------

(Signed) John Wightman, Chairperson  
 Executive Board

### UNANIMOUS CONSENT - Add Cointroducer

Senator Bolz asked unanimous consent to add her name as cointroducer to LR427. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Senator Bolz's mom, Pam Eisenhower, from Sterling, and friend Deb Badeer, from Panama; Paige Kristensen, Dylan Steinkruger, and Austin Johnson from Minden; 50 ninth-grade students and teachers from Lincoln Northeast High School; 12 students and teachers from Nebraska Christian College, Papillion; 78 fourth-grade students and teachers from St. Wenceslaus School, Omaha; and 20 eighth-grade students and teacher from Logan Fontenelle School, Bellevue.

**RECESS**

At 11:58 a.m., on a motion by Senator Mello, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Avery, Chambers, Christensen, Janssen, Pirsch, and Schilz who were excused until they arrive.

**COMMITTEE REPORTS**

Natural Resources

**LEGISLATIVE RESOLUTION 482.** Reported to the Legislature for further consideration.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Kevin Peterson - Nebraska Environmental Trust Board

Aye: 6 Brasch, Carlson, Dubas, Johnson, Schilz, Smith. Nay: 2. K. Haar, Kolowski. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Mark A. Ondracek - Nebraska Ethanol Board  
Michael Thede - Nebraska Ethanol Board

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**MOTION - Reconsider Final Passage of LR41CA**

Senator Lautenbaugh offered his motion, MO177, found on page 1410, to reconsider the vote on final passage of LR41CA.

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 5 nays, and 14 not voting.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 32:

Ashford	Dubas	Janssen	McGill	Seiler
Bolz	Gloor	Johnson	Mello	Sullivan
Campbell	Haar, K.	Karpisek	Murante	Wallman
Coash	Hadley	Kolowski	Nordquist	Wightman
Conrad	Hansen	Larson	Scheer	
Cook	Harr, B.	Lathrop	Schilz	
Davis	Howard	Lautenbaugh	Schumacher	

Voting in the negative, 15:

Adams	Brasch	Christensen	Kintner	Pirsch
Avery	Carlson	Garrett	McCoy	Smith
Bloomfield	Chambers	Harms	Nelson	Watermeier

Present and not voting, 2:

Crawford      Krist

The Lautenbaugh motion to reconsider prevailed with 32 ayes, 15 nays, and 2 present and not voting.

**RESOLUTION ON FINAL READING**

The following resolution was put upon final passage:

**LEGISLATIVE RESOLUTION 41CA.**

Senator Lautenbaugh requested a roll call vote in reverse order.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 30:

Ashford	Dubas	Howard	Lathrop	Schilz
Bolz	Gloor	Janssen	Lautenbaugh	Schumacher
Campbell	Haar, K.	Johnson	McGill	Seiler
Conrad	Hadley	Karpisek	Mello	Sullivan
Cook	Hansen	Kolowski	Murante	Wallman
Davis	Harr, B.	Larson	Nordquist	Wightman

Voting in the negative, 17:

Adams	Carlson	Garrett	Nelson	Watermeier
Avery	Chambers	Harms	Pirsch	
Bloomfield	Christensen	Kintner	Scheer	
Brasch	Crawford	McCoy	Smith	

Present and not voting, 2:

Coash	Krist
-------	-------

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

The Chair declared the call raised.

#### **GENERAL FILE**

**LEGISLATIVE BILL 485.** The Christensen amendment, FA301, found on page 1293 and considered on page 1410 and this day's Journal, to the committee amendment, was renewed.

Pending.

#### **SPEAKER ADAMS PRESIDING**

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR41CA.

#### **GENERAL FILE**

**LEGISLATIVE BILL 485.** The Christensen amendment, FA301, found on page 1293 and considered on page 1410 and this day's Journal, to the committee amendment, was renewed.

#### **SENATOR KRIST PRESIDING**

#### **SENATOR GLOOR PRESIDING**

#### **SENATOR COASH PRESIDING**

Pending.

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on April 7, 2014, at 2:25 p.m. was the following: LR41CA.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTIONS - Print in Journal**

Senator Chambers filed the following motion to LB671:  
MO180

Suspend the rules, Rule 7, Sec. 7, to permit reconsideration of MO175, to reconsider the vote that the bill becomes law notwithstanding the objections of the Governor.

Senator Chambers filed the following motion to LB671:  
MO181

Reconsider the override vote on MO161, that the bill becomes law notwithstanding the objections of the Governor

**COMMITTEE REPORTS**

## General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

James S. Brummer - State Electrical Board

Aye: 5 Bloomfield, Coash, Crawford, Johnson, Karpisek. Nay: 0. Absent: 3 Krist, Lautenbaugh, Schilz. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Jeffrey Galyen - State Racing Commission

Dennis Lee - State Racing Commission

Aye: 6 Bloomfield, Coash, Crawford, Karpisek, Lautenbaugh, Schilz. Nay: 0. Absent: 2 Johnson, Krist. Present and not voting: 0.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below for the term July 1, 2014 - June 30, 2017. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Marla Bruder - Nebraska Commission on Problem Gambling

Edward F. Hoffman - Nebraska Commission on Problem Gambling  
Janelle Holt - Nebraska Commission on Problem Gambling

Aye: 6 Bloomfield, Coash, Crawford, Johnson, Karpisek, Lautenbaugh.  
Nay: 0. Absent: 2 Krist, Schilz. Present and not voting: 0.

(Signed) Russ Karpisek, Chairperson

#### **AMENDMENTS - Print in Journal**

Senator Scheer filed the following amendments to LB916:

AM2817

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 1.

AM2818

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 2.

AM2819

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 3.

AM2820

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 4.

AM2821

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 5.

AM2822

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 6.

AM2823

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike section 7.

#### **GENERAL FILE**

**LEGISLATIVE BILL 485.** The Christensen amendment, FA301, found on page 1293 and considered on page 1410 and this day's Journal, to the committee amendment, was renewed.

Senator Conrad offered the following motion:

MO182

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Conrad moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Conrad requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 26:

Adams	Coash	Haar, K.	Krist	Schumacher
Ashford	Conrad	Hadley	Lathrop	Wallman
Avery	Cook	Harr, B.	Lautenbaugh	
Bolz	Crawford	Howard	McGill	
Campbell	Dubas	Karpisek	Mello	
Chambers	Gloor	Kolowski	Nordquist	

Voting in the negative, 22:

Bloomfield	Hansen	Larson	Scheer	Watermeier
Brasch	Harms	McCoy	Schilz	Wightman
Carlson	Janssen	Murante	Seiler	
Christensen	Johnson	Nelson	Smith	
Garrett	Kintner	Pirsch	Sullivan	

Present and not voting, 1:

Davis

The Conrad motion to invoke cloture failed with 26 ayes, 22 nays, and 1 present and not voting.

The Chair declared the call raised.

#### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB1042:  
AM2826

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.



- 15 (3) A person nineteen years of age or older having a  
 16 valid hunting permit shall not supervise more than two persons  
 17 while hunting deer, antelope, elk, or mountain sheep, or mountain  
 18 ~~hens~~ at the same time.  
 19 Sec. 2. Original section 37-452, Revised Statutes  
 20 Cumulative Supplement, 2012, is repealed.  
 21 Sec. 3. The following section is outright repealed:  
 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers offered the following amendments with similar content of AM2826 to LB1042:

LB1042A - AM2827  
 LB961 - AM2828  
 LB1092 - AM2829  
 LB916 - AM2830  
 LB276 - AM2831  
 LB276A - AM2832  
 LB559 - AM2833  
 LB559A - AM2834

Senators Carlson and Lathrop filed the following amendment to LB1098:  
 AM2783 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB976:  
 AM2812 is available in the Bill Room.

Senator Ashford filed the following amendment to LB907A:  
 AM2842

- 1 1. Strike sections 3 and 4 and insert the following new  
 2 section:  
 3 Sec. 3. There is hereby appropriated (1) \$5,000,000 from  
 4 the General Fund for FY2014-15 and (2) \$5,000,000 from the General  
 5 Fund for FY2015-16 to the Department of Correctional Services,  
 6 for Program 214 - Vocational and Life Skills Program, to aid in  
 7 carrying out the provisions of Legislative Bill 907, One Hundred  
 8 Third Legislature, Second Session, 2014.  
 9 Total expenditures for permanent and temporary salaries  
 10 and per diems from funds appropriated in this section shall not  
 11 exceed \$1,109,100 for FY2014-15 or \$1,129,100 for FY2015-16.  
 12 There is included in the appropriation to this program  
 13 for FY2014-15 \$3,500,000 General Funds for state aid, which  
 14 shall only be used for such purpose. There is included in the  
 15 appropriation to this program for FY2015-16 \$3,500,000 General  
 16 Funds for state aid, which shall only be used for such purpose.  
 17 2. Renumber the remaining sections accordingly.

Senator Janssen filed the following amendment to LB383A:

AM2777

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated \$55,138 from
- 3 the Department of Motor Vehicles Cash Fund for FY2015-16 to the
- 4 Department of Motor Vehicles, for Program 70, to aid in carrying
- 5 out the provisions of Legislative Bill 383, One Hundred Third
- 6 Legislature, Second Session, 2014.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$30,890 for FY2015-16.

Senator Campbell filed the following amendment to LB526:

AM2719

(Amendments to Standing Committee amendments, AM1619)

- 1 1. Strike sections 3, 4, 5, 6, 8, 9, 10, and 11.
- 2 2. On page 1, lines 20 through 23, strike the new matter
- 3 and reinstate the stricken matter.
- 4 3. On page 2, strike lines 1 through 3 and insert the
- 5 following new subsection:
- 6 "(3) Pharmaceutical agents, for therapeutic purposes,
- 7 includes an epinephrine autoinjector for treatment of anaphylaxis
- 8 and an oral steroid, oral glaucoma agent, or oral immunosuppressive
- 9 agent. Such pharmaceutical agents may only be prescribed for
- 10 a patient who is more than eighteen years of age for seven
- 11 consecutive days with referral to a physician licensed to practice
- 12 medicine and surgery in this state after the seven-day period. No
- 13 more than one oral immunosuppressive agent may be prescribed for a
- 14 patient at one time."
- 15 4. Renumber the remaining sections and correct the
- 16 internal references and repealer accordingly.

Senator Watermeier filed the following amendment to LB1098A:

AM2845

- 1 1. Strike the Watermeier amendment, AM2747.
- 2 2. On page 2, line 17, strike each occurrence of
- 3 "\$62,637" and insert "\$90,613"; in line 19 strike "\$20,899,940"
- 4 and insert "\$20,865,593"; and in line 21 strike "\$10,899,940" and
- 5 insert "\$10,872,993".
- 6 3. On page 3, after line 5 insert:
- 7 "It is the intent of the Legislature that the Nebraska
- 8 Natural Resources Commission, in conjunction with the Department of
- 9 Natural Resources, shall consider the need for a funding cap to
- 10 help insure both the prudent management of the Water Sustainability
- 11 Fund and the timely cash flow of projects approved for funding
- 12 under the Water Sustainability Fund. The Department of Natural
- 13 Resources shall include the preliminary findings of the Nebraska
- 14 Natural Resources Commission regarding this matter in its FY2015-17
- 15 biennial budget submission."

**RESOLUTION**

**LEGISLATIVE RESOLUTION 619.** Introduced by Mello, 5; K. Haar, 21.

WHEREAS, Earth Day is April 22, 2014; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day went global in 1990 when 200 million people in 141 countries participated in activities and events; and

WHEREAS, the Earth Day Network provides civic engagement opportunities at local, state, national, and global levels; and

WHEREAS, the Earth Day Network works with over 22,000 partners in 192 countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and

WHEREAS, the Earth Day Network estimates that this year 500 million people from 4,500 organizations in 180 countries will participate in Earth Day events during the month of April.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates April 22, 2014, as Earth Day in the State of Nebraska.

2. That on this day Nebraskans are encouraged to volunteer and take the opportunity to join the millions of other Earth Day participants in reducing, reusing, and recycling, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

**SENATOR KRIST PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 799.** Committee AM1730, found on page 523 and considered on page 994, was renewed.

Senator Coash offered his amendment, AM2538, found on page 1333, to the committee amendment.

**SENATOR HOWARD PRESIDING****SENATOR KRIST PRESIDING**

The Coash amendment was adopted with 36 ayes, 1 nay, 11 present and not voting, and 1 excused and not voting.

Pending.

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB907:  
AM2870

(Amendments to AM2776)

- 1 1. Strike section 11 and insert the following new
- 2 sections:
- 3 Sec. 11. (1) The Legislature finds that while serious
- 4 crime in the State of Nebraska has not increased in the past five
- 5 years, the prison population continues to increase as does the
- 6 amount spent on correctional issues. The Legislature further finds
- 7 that a need exists to closely examine the criminal justice system
- 8 of the State of Nebraska in order to increase public safety while
- 9 concurrently reducing correctional spending and reinvesting in
- 10 strategies that decrease crime and strengthen Nebraska communities.
- 11 (2) The State of Nebraska shall work cooperatively with
- 12 the Council of State Governments Justice Center to study and
- 13 identify innovative solutions and evidence-based practices to
- 14 develop a data-driven approach to reduce correctional spending
- 15 and reinvest savings in strategies that can decrease recidivism and
- 16 increase public safety. The Nebraska Justice Reinvestment Working
- 17 Group is created under the authority of the executive, legislative,
- 18 and judicial branches of Nebraska state government to work with the
- 19 Council of State Governments Justice Center in this process.
- 20 (3) The Governor, the Executive Board of the Legislative
- 21 Council, and the Chief Justice of the Supreme Court are authorized
- 22 to take any necessary actions to engage the Council of State
- 1 Governments Justice Center in this process and to ensure that the
- 2 report required by subsection (6) of this section is delivered.
- 3 Upon delivery of the report, the working group shall be dissolved
- 4 and discharged of any further duties.
- 5 (4) The working group shall be comprised of four members
- 6 selected by the Governor, four members selected by the Speaker
- 7 of the Legislature, four members selected by the Chief Justice of
- 8 the Supreme Court, and four representatives of local governments
- 9 selected jointly by the Governor, the Speaker of the Legislature,
- 10 and the Chief Justice. The Governor, Speaker of the Legislature,
- 11 and Chief Justice shall serve as co-chairpersons of the working
- 12 group.
- 13 (5) The study undertaken in accordance with this section
- 14 shall include a broad range of issues, including:
- 15 (a) Courts, specialty courts, and sentencing trends;
- 16 (b) Development of a process to determine the impact of
- 17 pending legislation on the criminal justice system;
- 18 (c) Analysis of the prison population and its growth;
- 19 (d) Reported crimes and arrests;
- 20 (e) Alternatives to incarceration;
- 21 (f) Effectiveness of all available offender programs,
- 22 including prison programs and community-based programs;

- 23 (g) Reentry programming and transition;  
 24 (h) Prison programming;  
 25 (i) Community services;  
 26 (j) Probation and parole services;  
 27 (k) Prison admissions and length of stay; and  
 1 (l) Recidivism rates of offenders released from prison,  
 2 jail, parole, probation, and other community-based programs.  
 3 (6) The Council of State Governments Justice Center  
 4 shall make a final report that includes a summary of the issues  
 5 studied as required by subsection (5) of this section, potential  
 6 legislative solutions for the problems associated with prison  
 7 overcrowding, and an estimate of the cost savings for all policies  
 8 recommended by the center. The Council of State Governments Justice  
 9 Center shall electronically deliver the report to the Governor,  
 10 the Clerk of the Legislature, and the Chief Justice of the Supreme  
 11 Court.
- 12 Sec. 22. The following sections are outright repealed:  
 13 Sections 29-2208 and 29-2405, Reissue Revised Statutes of Nebraska.
- 14 2. On page 5, lines 5 and 18, after "record" insert  
 15 "information"; and in line 27 strike "but is not".
- 16 3. On page 6, line 1, strike "limited to".
- 17 4. On page 7, line 5, strike "Thirty" and insert "Up  
 18 to thirty"; in line 6 strike "shall" and insert "may"; in line 9  
 19 strike "Seventy" and insert "At least seventy"; strike lines 16 and  
 20 17 and insert "parole. The department, in awarding grants, shall  
 21 give priority to programs, services, or training that results in  
 22 meaningful employment, and no money from the"; in line 19 after  
 23 "department" insert ", in consultation with the Board of Parole,";  
 24 and in line 25 after the second "the" insert "Clerk of the".
- 25 5. On page 8, line 5; and page 10, line 3, before  
 26 "Legislature" insert "Clerk of the".
- 27 6. On page 13, line 7, strike beginning with the first  
 1 "the" through "leaving"; in line 8 strike "court or the"; and  
 2 strike beginning with the period in line 24 through "be" in line  
 3 27.
- 4 7. On page 14, line 14, strike "that is not" and insert  
 5 "other than".
- 6 8. Insert the following new amendment:  
 7 3. On page 28, line 16, strike "Nebraska Commission on  
 8 Law Enforcement and Criminal Justice" and insert "Department of  
 9 Correctional Services".

### GENERAL FILE

**LEGISLATIVE BILL 799.** Senator Nordquist offered his amendment, AM2691, found on page 1385, to the committee amendment.

The Nordquist amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Conrad asked unanimous consent to withdraw her amendment, AM2773, found on page 1411, and replace it with the following substitute amendment, AM2871, to the committee amendment. No objections. So ordered.

AM2871

(Amendments to Standing Committee amendments, AM1730)

1 1. Insert the following new sections:

2 Sec. 2. The Department of Health and Human Services

3 shall establish a program to provide amino acid-based elemental  
4 formulas for the diagnosis and treatment of Immunoglobulin E  
5 and non-Immunoglobulin E mediated allergies to multiple food  
6 proteins, food-protein-induced enterocolitis syndrome, eosinophilic  
7 disorders, and impaired absorption of nutrients caused by disorders  
8 affecting the absorptive surface, functional length, and motility  
9 of the gastrointestinal tract, when the ordering physician has  
10 issued a written order stating that the amino acid-based elemental  
11 formula is medically necessary for the treatment of a disease  
12 or disorder. Up to fifty percent of the actual out-of-pocket  
13 cost, not to exceed twelve thousand dollars, for amino acid-based  
14 elemental formulas shall be available to an individual without  
15 fees each twelve-month period. Nothing in this section is deemed  
16 to be an entitlement. The maximum total General Fund expenditures  
17 per year for amino acid-based elemental formulas shall not exceed  
18 two hundred fifty thousand dollars each fiscal year in FY2014-15  
19 and FY2015-16. The Department of Health and Human Services shall  
20 provide an electronic report on the program to the Legislature  
21 annually on or before December 15 of each year.

2 Sec. 3. There is hereby appropriated (1) \$250,000 from  
1 the General Fund for FY2014-15 and (2) \$250,000 from the General  
2 Fund for FY2015-16 to the Department of Health and Human Services,  
3 for Program 514, to aid in carrying out the provisions of this  
4 legislative bill.

5 No expenditures for permanent and temporary salaries and  
6 per diems for state employees shall be made from funds appropriated  
7 in this section.

8 Sec. 4. There is hereby appropriated (1) \$10,000 from  
9 the General Fund for FY2014-15 and (2) \$10,000 from the General  
10 Fund for FY2015-16 to the Department of Health and Human Services,  
11 for Program 33, to aid in carrying out the provisions of this  
12 legislative bill.

13 Total expenditures for permanent and temporary salaries  
14 and per diems from funds appropriated in this section shall not  
15 exceed \$10,000 for FY2014-15 or \$10,000 for FY2015-16.

16 Sec. 5. Sections 2, 3, and 4, of this act become  
17 operative on July 1, 2014. Sections 5 and 7 of this act become  
18 operative on their effective date. The other sections of this act  
19 become operative three calendar months after adjournment of this  
20 legislative session.

21 Sec. 7. Since an emergency exists, this act takes effect

- 22 when passed and approved according to law.  
 23 2. Renumber the remaining section accordingly.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Conrad amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

AM2814

(Amendments to Standing Committee amendments, AM1730)

- 1 1. Strike sections 1 and 2 and amendments to such  
 2 sections.

### SENATOR WATERMEIER PRESIDING

Senator Krist offered the following motion:

MO183

Bracket until April 17, 2014.

Senator Krist withdrew his motion to bracket.

Senator Lautenbaugh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Adams	Cook	Harr, B.	Lathrop	Wallman
Avery	Davis	Howard	McGill	
Bolz	Dubas	Karpisek	Mello	
Conrad	Haar, K.	Kolowski	Sullivan	

Voting in the negative, 23:

Bloomfield	Coash	Harms	Lautenbaugh	Seiler
Brasch	Garrett	Johnson	McCoy	Smith
Campbell	Gloor	Kintner	Murante	Watermeier
Carlson	Hadley	Krist	Nelson	
Christensen	Hansen	Larson	Scheer	

Present and not voting, 4:

Chambers      Crawford      Nordquist      Schumacher

Excused and not voting, 5:

Ashford      Janssen      Pirsch      Schilz      Wightman

The Chambers amendment lost with 17 ayes, 23 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

AM2824

- 1      1. Strike the original sections and all amendments
- 2      thereto and insert the following new sections:
- 3      Section 1. Section 37-452, Revised Statutes Cumulative
- 4      Supplement, 2012, is amended to read:
- 5      37-452 (1) No person shall hunt antelope, elk, or
- 6      mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7      twelve years of age, and any person who is twelve through fifteen
- 8      years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9      ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10     older having a valid hunting permit.
- 11     (2) No person shall hunt deer unless such person is at
- 12     least ten years of age, and any person who is ten through fifteen
- 13     years of age shall only hunt deer when supervised by a person
- 14     nineteen years of age or older having a valid hunting permit.
- 15     (3) A person nineteen years of age or older having a
- 16     valid hunting permit shall not supervise more than two persons
- 17     while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18     ~~lions~~ at the same time.
- 19     Sec. 2. Original section 37-452, Revised Statutes
- 20     Cumulative Supplement, 2012, is repealed.
- 21     Sec. 3. The following section is outright repealed:
- 22     Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Lautenbaugh requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

#### **SENATOR KRIST PRESIDING**

The Chair ruled the Chambers amendment is not germane to the bill.



Senator B. Harr offered the following amendment to the committee amendment:

AM2875

- 1 1. Insert the following new section:
- 2 Section 1. Section 60-310, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 60-310 Automobile liability policy means liability
- 5 insurance written by an insurance carrier duly authorized to do
- 6 business in this state protecting other persons from damages for
- 7 liability on account of accidents occurring subsequent to the
- 8 effective date of the insurance arising out of the ownership of
- 9 a motor vehicle (1) in the amount of twenty-five thousand dollars
- 10 because of bodily injury to or death of one person in any one
- 11 accident, (2) subject to the limit for one person, in the amount
- 12 of fifty thousand dollars because of bodily injury to or death of
- 13 two or more persons in any one accident, and (3) in the amount of
- 14 twenty-five thousand dollars because of injury to or destruction
- 15 of property of other persons in any one accident. An automobile
- 16 liability policy shall not exclude, limit, reduce, or otherwise
- 17 alter liability coverage under the policy solely because the
- 18 injured person making a claim is the named insured in the policy or
- 19 residing in the household with the named insured or the driver of
- 20 the insured vehicle is a permissive user of the vehicle.
- 21 2. Correct the repealer accordingly and provide that
- 22 this section become operative three calendar months after the
- 23 adjournment of this legislative session.

Senator Lautenbaugh requested a ruling of the Chair on whether the B. Harr amendment is germane to the bill.

The Chair ruled the B. Harr amendment is not germane to the bill.

Senator B. Harr challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator B. Harr requested a roll call vote on his motion to overrule the chair.

The B. Harr motion to overrule the Chair failed with 10 ayes, 31 nays, 4 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Senator Chambers offered the following motion:

MO184

Recommit to the Banking, Commerce and Insurance Committee.

Pending.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB752:  
AM2841

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Lathrop filed the following amendment to LB811:  
FA323  
Strike Section 1.

Senator Lathrop filed the following amendment to LB811:  
FA324  
Strike Section 1.

Senator Chambers filed the following amendment to LB799:  
FA325  
Amend AM1730  
Page 1, line 18, strike and show as stricken "substantially".

Senator Coash filed the following amendment to LB750:  
FA326  
Strike the enacting clause.

Senator Lautenbaugh filed the following amendment to LB799:  
FA327  
Strike Section 1.

Senator Nordquist filed the following amendment to LB700:

AM2878

1 1. Strike original section 12 and insert the following  
2 new sections:

3 Sec. 12. Section 44-7,104, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5 44-7,104 (1) Notwithstanding section 44-3,131, (a) any  
6 individual or group sickness and accident insurance policy,  
7 certificate, or subscriber contract delivered, issued for delivery,  
8 or renewed in this state and any hospital, medical, or surgical  
9 expense-incurred policy, except for policies that provide coverage  
10 for a specified disease or other limited-benefit coverage, and (b)  
11 any self-funded employee benefit plan to the extent not preempted  
12 by federal law that provides coverage for cancer treatment shall  
13 provide coverage for a prescribed, orally administered anticancer  
14 medication that is used to kill or slow the growth of cancerous  
15 cells on a basis no less favorable than intravenously administered  
16 or injected anticancer medications that are covered as medical  
17 benefits by the policy, certificate, contract, or plan.

18 (2) This section does not prohibit such policy,  
19 certificate, contract, or plan from requiring prior authorization  
20 for a prescribed, orally administered anticancer medication. If  
21 such medication is authorized, the cost to the covered individual  
22 shall not exceed the coinsurance or copayment that would be applied  
23 to any other cancer treatment involving intravenously administered  
1 or injected anticancer medications.

2 (3) A policy, certificate, contract, or plan provider  
3 shall not reclassify any anticancer medication or increase a  
4 coinsurance, copayment, deductible, or other out-of-pocket expense  
5 imposed on any anticancer medication to achieve compliance with  
6 this section. Any change that otherwise increases an out-of-pocket  
7 expense applied to any anticancer medication shall also be applied  
8 to the majority of comparable medical or pharmaceutical benefits  
9 under the policy, certificate, contract, or plan.

10 (4) This section does not prohibit a policy, certificate,  
11 contract, or plan provider from increasing cost-sharing for all  
12 benefits, including cancer treatments.

13 (5) This section shall apply to any policy, certificate,  
14 contract, or plan that is delivered, issued for delivery, or  
15 renewed in this state on or after October 1, 2012.

16 ~~(6) This section terminates on December 31, 2015.~~

17 Sec. 13. (1) For purposes of this section:

18 (a) Applied behavior analysis means the design,  
19 implementation, and evaluation of environmental modifications,  
20 using behavioral stimuli and consequences, to produce socially  
21 significant improvement in human behavior, including the use of  
22 direct observation, measurement, and functional analysis of the  
23 relationship between environment and behavior;

24 (b) Autism spectrum disorder means any of the pervasive

25 developmental disorders or autism spectrum disorder as defined by  
26 the Diagnostic and Statistical Manual of Mental Disorders, as the  
27 most recent edition of such manual existed on the operative date of  
1 this section;

2 (c) Behavioral health treatment means counseling and  
3 treatment programs, including applied behavior analysis, that are:  
4 (i) Necessary to develop, maintain, or restore, to the maximum  
5 extent practicable, the functioning of an individual; and (ii)  
6 provided or supervised, either in person or by telehealth, by a  
7 behavior analyst certified by a national certifying organization or  
8 a licensed psychologist if the services performed are within the  
9 boundaries of the psychologist's competency;

10 (d) Diagnosis means a medically necessary assessment,  
11 evaluation, or test to diagnose if an individual has an autism  
12 spectrum disorder;

13 (e) Pharmacy care means a medication that is prescribed  
14 by a licensed physician and any health-related service deemed  
15 medically necessary to determine the need or effectiveness of the  
16 medication;

17 (f) Psychiatric care means a direct or consultative  
18 service provided by a psychiatrist licensed in the state in which  
19 he or she practices;

20 (g) Psychological care means a direct or consultative  
21 service provided by a psychologist licensed in the state in which  
22 he or she practices;

23 (h) Therapeutic care means a service provided by a  
24 licensed speech-language pathologist, occupational therapist, or  
25 physical therapist; and

26 (i) Treatment means evidence-based care, including  
27 related equipment, that is prescribed or ordered for an individual  
1 diagnosed with an autism spectrum disorder by a licensed physician  
2 or a licensed psychologist, including:

3 (i) Behavioral health treatment;

4 (ii) Pharmacy care;

5 (iii) Psychiatric care;

6 (iv) Psychological care; and

7 (v) Therapeutic care.

8 (2) Notwithstanding section 44-3,131, (a) any individual  
9 or group sickness and accident insurance policy or subscriber  
10 contract delivered, issued for delivery, or renewed in this state  
11 and any hospital, medical, or surgical expense-incurred policy,  
12 except for policies that provide coverage for a specified disease  
13 or other limited-benefit coverage, and (b) any self-funded employee  
14 benefit plan to the extent not preempted by federal law, including  
15 any such plan provided for employees of the State of Nebraska,  
16 shall provide coverage for the screening, diagnosis, and treatment  
17 of an autism spectrum disorder in an individual under twenty-one  
18 years of age. To the extent that the screening, diagnosis, and  
19 treatment of autism spectrum disorder are not already covered by

20 such policy or contract, coverage under this section shall be  
21 included in such policies or contracts that are delivered, issued  
22 for delivery, amended, or renewed in this state or outside this  
23 state if the policy or contract insures a resident of Nebraska on  
24 or after January 1, 2015. No insurer shall terminate coverage or  
25 refuse to deliver, issue for delivery, amend, or renew coverage of  
26 the insured as a result of an autism spectrum disorder diagnosis or  
27 treatment. Nothing in this subsection applies to non-grandfathered  
1 plans in the individual and small group markets that are required  
2 to include essential health benefits under the federal Patient  
3 Protection and Affordable Care Act or to medicare supplement,  
4 accident-only, specified disease, hospital indemnity, disability  
5 income, long-term care, or other limited benefit hospital insurance  
6 policies.

7 (3) Except as provided in subsection (4) of this section,  
8 coverage for an autism spectrum disorder shall not be subject  
9 to any limits on the number of visits an individual may make  
10 for treatment of an autism spectrum disorder, nor shall such  
11 coverage be subject to dollar limits, deductibles, copayments, or  
12 coinsurance provisions that are less favorable to an insured than  
13 the equivalent provisions that apply to a general physical illness  
14 under the policy.

15 (4) Coverage for behavioral health treatment, including  
16 applied behavior analysis, shall be subject to a maximum benefit  
17 of twenty-five hours per week until the insured reaches twenty-one  
18 years of age. Payments made by an insurer on behalf of a covered  
19 individual for treatment other than behavioral health treatment,  
20 including applied behavior analysis, shall not be applied to any  
21 maximum benefit established under this section.

22 (5) Except in the case of inpatient service, if an  
23 individual is receiving treatment for an autism spectrum disorder,  
24 an insurer shall have the right to request a review of that  
25 treatment not more than once every six months unless the insurer  
26 and the individual's licensed physician or licensed psychologist  
27 execute an agreement that a more frequent review is necessary.  
1 Any such agreement regarding the right to review a treatment plan  
2 more frequently shall apply only to a particular individual being  
3 treated for an autism spectrum disorder and shall not apply to  
4 all individuals being treated for autism spectrum disorder by a  
5 licensed physician or licensed psychologist. The cost of obtaining  
6 a review under this subsection shall be borne by the insurer.

7 (6) This section shall not be construed as limiting  
8 any benefit that is otherwise available to an individual under  
9 a hospital, surgical, or medical expense-incurred policy or  
10 health maintenance organization contract. This section shall not  
11 be construed as affecting any obligation to provide services  
12 to an individual under an individualized family service plan,  
13 individualized education program, or individualized service plan.

14 Sec. 14. The Department of Health and Human Services

15 shall establish a program to provide amino acid-based elemental  
16 formulas for the diagnosis and treatment of Immunoglobulin E  
17 and non-Immunoglobulin E mediated allergies to multiple food  
18 proteins, food-protein-induced enterocolitis syndrome, eosinophilic  
19 disorders, and impaired absorption of nutrients caused by disorders  
20 affecting the absorptive surface, functional length, and motility  
21 of the gastrointestinal tract, when the ordering physician has  
22 issued a written order stating that the amino acid-based elemental  
23 formula is medically necessary for the treatment of a disease  
24 or disorder. Up to fifty percent of the actual out-of-pocket  
25 cost, not to exceed twelve thousand dollars, for amino acid-based  
26 elemental formulas shall be available to an individual without  
27 fees each twelve-month period. Nothing in this section is deemed  
1 to be an entitlement. The maximum total General Fund expenditures  
2 per year for amino acid-based elemental formulas shall not exceed  
3 two hundred fifty thousand dollars each fiscal year in FY2014-15  
4 and FY2015-16. The Department of Health and Human Services shall  
5 provide an electronic report on the program to the Legislature  
6 annually on or before December 15 of each year.

7 Sec. 15. There is hereby appropriated (1) \$250,000 from  
8 the General Fund for FY2014-15 and (2) \$250,000 from the General  
9 Fund for FY2015-16 to the Department of Health and Human Services,  
10 for Program 514, to aid in carrying out the provisions of this  
11 legislative bill.

12 No expenditures for permanent and temporary salaries and  
13 per diems for state employees shall be made from funds appropriated  
14 in this section.

15 Sec. 16. There is hereby appropriated (1) \$10,000 from  
16 the General Fund for FY2014-15 and (2) \$10,000 from the General  
17 Fund for FY2015-16 to the Department of Health and Human Services,  
18 for Program 33, to aid in carrying out the provisions of this  
19 legislative bill.

20 Total expenditures for permanent and temporary salaries  
21 and per diems from funds appropriated in this section shall not  
22 exceed \$10,000 for FY2014-15 or \$10,000 for FY2015-16.

23 Sec. 17. Sections 1 to 11 of this act become operative  
24 on January 1, 2015. Sections 14, 15, and 16 of this act become  
25 operative on July 1, 2014. Sections 17 and 19 of this act become  
26 operative on their effective date. The other sections of this act  
27 become operative three calendar months after adjournment of this  
1 legislative session.

2 Sec. 18. Original section 44-7,104, Revised Statutes  
3 Cumulative Supplement, 2012, is repealed.

4 Sec. 19. Since an emergency exists, this act takes effect  
5 when passed and approved according to law.

6 2. Renumber the remaining section accordingly.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Brasch asked unanimous consent to add her name as cointroducer to LB505. No objections. So ordered.

Senator Schumacher asked unanimous consent to add his name as cointroducer to LR427. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 53 fourth-grade students and teachers from Hartman Elementary, Omaha; 20 twelfth-grade students and teachers from Wilcox; and 38 fourth- and fifth-grade students from Pleasanton.

The Doctor of the Day was Dr. Jeff Gotschall from Columbus.

**ADJOURNMENT**

At 11:49 p.m., on a motion by Speaker Adams, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature





**FIFTY-SEVENTH DAY - APRIL 8, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 8, 2014

**PRAYER**

The prayer was offered by Pastor Jonathan Ripke, Immanuel Lutheran Church, Hooper.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Conrad, Garrett, Harms, Karpisek, Lautenbaugh, Schilz, Sullivan, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**AMENDMENT - Print in Journal**

Senator Schilz filed the following amendment to LB1115:  
AM2874

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 6. Section 3-402, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 3-402 As used in sections 3-401 to 3-409 and section 9 of
- 5 this act, unless the context otherwise requires:
- 6 (1) Structure ~~shall mean~~ means any manmade object which
- 7 is built, constructed, projected, or erected upon, from, and above
- 8 the surface of the earth, including, but not limited to, towers,
- 9 antennas, buildings, wires, cables, and chimneys;
- 10 (2) Obstruction ~~shall mean~~ means any structure which
- 11 obstructs the air space required for the flight of aircraft and in
- 12 the landing and taking off of aircraft at any airport or restricted
- 13 landing area; ~~and~~
- 14 (3) Meteorological evaluation tower means an anchored

15 structure, including all guy wires and accessory facilities, on  
16 which one or more meteorological instruments are mounted for the  
17 purpose of meteorological data collection; and

18 ~~(3)~~(4) Person shall ~~mean~~ means any public utility,  
19 public district, or other governmental division or subdivision or  
20 any person, corporation, partnership, or limited liability company.

21 Sec. 7. Section 3-404, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

1 3-404 The application for the permit, required by section  
2 3-403, shall be made in writing on forms prescribed by the  
3 Department of Aeronautics and shall contain or be accompanied by  
4 details as to the location, construction, height, and dimensions  
5 of the proposed structure, the nature of its intended use,  
6 and such other information as the Director of Aeronautics may  
7 require. Upon the filing of such application the director shall  
8 make an investigation and an aeronautical study of such proposed  
9 construction and its effect, if any, upon air navigation, and the  
10 health, welfare, and safety of the public. If the director, upon  
11 such investigation, shall determine that such proposed structure  
12 will not constitute a hazard to air navigation and will not  
13 interfere unduly with the public right of freedom of transit in  
14 commerce through the air space affected thereby, he or she shall  
15 issue to the applicant a permit, required by section 3-403,  
16 authorizing the erection and construction of such structure,  
17 subject to such conditions as to marking and lighting as the  
18 department may prescribe by its rules and regulations, authorized  
19 by section 3-407. If he or she does not so determine, he or  
20 she shall deny the application. In making such investigation,  
21 aeronautical study, and determination, the director shall consider  
22 (1) the character of flying operations expected to be conducted  
23 in the area concerned, (2) the nature of the terrain, (3) the  
24 character of the neighborhood, (4) the uses to which the property  
25 concerned is devoted or adaptable, (5) the proximity to existing  
26 airports, airways, control areas, and control zones, (6) the  
27 height of existing, adjacent structures, and (7) all the facts  
1 and circumstances existing. He or she shall impose only such  
2 restrictions or requirements as may be reasonably necessary to  
3 effectuate the purpose of sections 3-401 to 3-409 and section 9 of  
4 this act.

5 Sec. 8. Section 3-405, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 3-405 Any person aggrieved by any action of the  
8 Department of Aeronautics in granting or denying a permit under the  
9 terms of sections 3-401 to 3-409 and section 9 of this act may  
10 appeal the action, and the appeal shall be in accordance with the  
11 Administrative Procedure Act.

12 Sec. 9. (1) A meteorological evaluation tower, the height  
13 of which is at least fifty feet above the surface of the ground  
14 at point of installation, shall be marked according to subsection

15 (2) of this section. This section applies to a meteorological  
16 evaluation tower that is located outside the corporate limits of a  
17 city or village.

18 (2) A meteorological evaluation tower described in  
19 subsection (1) of this section shall: (a) Be painted in seven  
20 equal-width and alternating bands of aviation orange and white  
21 beginning with orange at the top of the tower and ending with  
22 orange at the base; (b) have two or more spherical marker balls  
23 at least twenty-one inches in diameter that are aviation orange  
24 in color and attached to each outer guy wire connected to the  
25 tower with the top ball no further than twenty feet from the top  
26 wire connection and the remaining ball or balls at or below the  
27 midpoint of the tower on the outer guy wires; and (c) have yellow  
1 safety sleeves installed on each outer guy wire extending at least  
2 fourteen feet above the anchor point of the guy wire.

3 (3) The owner of a meteorological evaluation tower  
4 subject to this section shall, not less than ten business  
5 days prior to erecting the tower, register with the Department  
6 of Aeronautics the name and address of the owner, the height  
7 and location of the tower, and any other information that the  
8 department deems necessary for aviation safety. The owner of a  
9 tower subject to this section shall also report the removal of the  
10 tower to the department not more than thirty business days after  
11 its removal. The department shall make the information received  
12 pursuant to this subsection available to the public within five  
13 business days.

14 (4) The owner of a tower described in subsection (1)  
15 of this section which was erected prior to the effective date of  
16 this act and which is either lighted, marked with balls at least  
17 twenty-one inches in diameter, painted, or modified in some other  
18 manner so it is recognizable in clear air during daylight hours  
19 from a distance of not less than two thousand feet, shall mark  
20 the tower as required by subsection (2) of this section within two  
21 years after the effective date of this act or at such time the  
22 tower is taken down for maintenance or other purposes, whichever  
23 comes first, except that the owner of a tower erected prior to the  
24 effective date of this act which is not lighted, marked, painted,  
25 or modified as described in this subsection shall mark such tower  
26 as required by subsection (2) of this section within ninety days  
27 after the effective date of this act. The registration requirements  
1 of subsection (3) of this section shall be performed by the owner  
2 of a tower erected prior to the effective date of this act within  
3 fifteen business days after the effective date of this act.

4 (5) A material failure to comply with the marking and  
5 registration requirements of this section shall be admissible as  
6 evidence of negligence on the part of an owner of a meteorological  
7 evaluation tower in an action in tort for property damage, bodily  
8 injury, or death resulting from an aerial collision with such  
9 unmarked or unregistered tower.

10 (6) The department may adopt and promulgate rules and  
11 regulations for carrying out the purposes of this section.

12 Sec. 10. Section 3-406, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 3-406 The provisions of sections 3-403 to 3-405 shall  
15 not apply to structures hereafter erected under the authority of  
16 a license or permit issued by a federal agency or other state  
17 agency now having specific statutory jurisdiction over the air  
18 space, including authority to prohibit or regulate the height of  
19 structures for the promotion of safety in aviation, nor to existing  
20 structures. Nothing in sections 3-401 to 3-409 and section 9 of  
21 this act shall be construed to limit or abridge any right, power,  
22 or authority to zone property under the provisions of any other  
23 law of this state or of the federal government, ~~except,~~ that in  
24 the event of any conflict between the regulations for height limits  
25 of structures, lighting, and marking adopted under the provisions  
26 of sections 3-401 to 3-409 and section 9 of this act, and any  
27 other regulations applicable to the same area, the more stringent  
1 limitation or requirement shall govern and prevail.

2 Sec. 11. Section 3-408, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 3-408 Any person, firm, or corporation (1) violating  
5 any of the provisions of sections 3-401 to 3-409 and section 9  
6 of this act, (2) submitting false information in the application  
7 for a permit, (3) violating any rule or regulation adopted by  
8 the Department of Aeronautics, ~~pursuant hereto, as authorized by~~  
9 ~~section 3-407~~, (4) failing to do and perform any act required  
10 hereby, or (5) violating the terms of any permit issued pursuant  
11 to the provisions of sections 3-401 to 3-409 and section 9 of  
12 this act, shall be guilty of a Class III misdemeanor. Each day any  
13 violation continues or any structure erected in violation of the  
14 provisions of sections 3-401 to 3-409 and section 9 of this act  
15 shall continue in existence, shall constitute a separate offense.

16 Sec. 12. Section 3-409, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 3-409 In addition to the penalties provided for by  
19 section 3-408, the erection and maintenance of any structure  
20 in violation of the provisions of sections 3-401 to 3-409 and  
21 section 9 of this act may be enjoined by any court of competent  
22 jurisdiction in an action for that purpose commenced by the  
23 Department of Aeronautics or any other interested person. The  
24 erection of such structure and permitting the same to stand or  
25 remain, in violation of the provisions of sections 3-401 to 3-409  
26 and section 9 of this act, is hereby declared to be a nuisance, and  
27 the department, or its authorized agent, is authorized to go upon  
1 the premises and abate such nuisance by removing such structure  
2 after five days' notice to the interested parties, to be served by  
3 mail addressed to them at their last-known place of business or  
4 residence. The expense incident to the removal of such structure

5 shall be paid by the owners thereof, and if the department removes  
6 such structures as provided in this section, the expense incurred  
7 by the department may be recovered from the sale of the structure  
8 or its salvage material.

9 Sec. 13. Original sections 3-402, 3-404, 3-405, 3-406,  
10 3-408, and 3-409, Reissue Revised Statutes of Nebraska, are  
11 repealed.

12 Sec. 14. The following section is outright repealed:  
13 Section 66-1901, Revised Statutes Cumulative Supplement, 2012.

14 2. On page 1, strike beginning with "appropriations" in  
15 line 1 through line 4 and insert "infrastructure; to amend sections  
16 3-402, 3-404, 3-405, 3-406, 3-408, and 3-409, Reissue Revised  
17 Statutes of Nebraska; to state intent to appropriate additional  
18 funds to the Nebraska Power Review Board for a study; to state  
19 public policy; to define a term; to provide for regulation of  
20 meteorological evaluation towers; to provide duties; to eliminate  
21 provisions regulating wind measurement equipment; to harmonize  
22 provisions; to repeal the original sections; to outright repeal  
23 section 66-1901, Revised Statutes Cumulative Supplement, 2012; and  
24 to declare an emergency."

25 3. Renumber the remaining section accordingly.

### SELECT FILE

**LEGISLATIVE BILL 907.** ER228, found on page 1274, was adopted.

Senator Ashford offered his amendment, AM2776, found on page 1414.

Senator Ashford offered his amendment, AM2870, found on page 1436, to his amendment.

### SENATOR COASH PRESIDING

### SENATOR GLOOR PRESIDING

The Ashford amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Senator McCoy offered the following amendment to the Ashford amendment:

AM2886

(Amendments to AM2870)

1 1. On page 3, line 11, before the period insert "by  
2 September 1, 2015".

The McCoy amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

The Ashford amendment, AM2776, as amended, was adopted with 38 ayes,

0 nays, and 11 present and not voting.

Senator Kintner offered the following amendment:

AM2882

(Amendments to E & R amendments, ER228)

- 1 1. Insert the following new sections:
- 2 Sec. 10. Section 28-101, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 28-101 Sections 28-101 to 28-1356 and section 11 of this
- 5 act shall be known and may be cited as the Nebraska Criminal Code.
- 6 Sec. 11. (1) This section shall be known and may be cited
- 7 as the State Firearms Rights Act.
- 8 (2)(a) No ordinance, resolution, or other official act of
- 9 a city or county shall restrict the carrying, possession, transfer,
- 10 purchase, sale, or ownership of or otherwise regulate any firearm,
- 11 ammunition, or component of any firearm or ammunition to a greater
- 12 extent than state law.
- 13 (b) Any agent, employee, or person acting under the
- 14 authority of any governmental entity that violates this subsection
- 15 is guilty of a Class IV felony and shall be barred from holding any
- 16 office of trust in this state or as a representative of this state
- 17 to the government of the United States.
- 18 (3)(a) Any firearm, firearm accessory, or ammunition that
- 19 exists in, is owned by, or is possessed by any individual or entity
- 20 in this state is not subject to any federal enactment or federal
- 21 enforcement action. The rights of an individual or entity relative
- 22 to firearms, firearms accessories, or ammunition are not subject to
- 1 any federal enactment or federal enforcement action in this state.
- 2 (b) No person shall knowingly enforce or attempt to
- 3 enforce any federal enactment or to further or assist any federal
- 4 enforcement action.
- 5 (c) Any person violating subdivision (3)(b) of this
- 6 section is guilty of a Class I misdemeanor for a first offense and
- 7 a Class IV felony for a second or subsequent offense.
- 8 2. Renumber the remaining sections and correct internal
- 9 references and the repealer accordingly.

Senator Hansen requested a ruling of the Chair on whether the Kintner amendment is germane to the bill.

The Chair ruled the Kintner amendment is not germane to the bill.

Senator Kintner challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Kintner moved for a call of the house. The motion prevailed with 27 ayes, 2 nays, and 22 not voting.

Senator Kintner requested a roll call vote on his motion to overrule the

Chair.

Voting in the affirmative, 1:

Kintner

Voting in the negative, 30:

Adams	Chambers	Gloor	Karpisek	Nordquist
Ashford	Coash	Haar, K.	Kolowski	Seiler
Avery	Conrad	Hadley	Krist	Sullivan
Brasch	Cook	Hansen	Lathrop	Wallman
Campbell	Crawford	Harms	McGill	Watermeier
Carlson	Dubas	Johnson	Mello	Wightman

Present and not voting, 17:

Bloomfield	Garrett	Lautenbaugh	Pirsch	Smith
Bolz	Howard	McCoy	Scheer	
Christensen	Janssen	Murante	Schilz	
Davis	Larson	Nelson	Schumacher	

Excused and not voting, 1:

Harr, B.

The Kintner motion to overrule the Chair failed with 1 aye, 30 nays, 17 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 907A.** ER230, found on page 1282, was adopted.

Senator Ashford withdrew his amendment, AM2842, found on page 1433.

Senator Ashford offered the following amendment:

AM2879

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. There is hereby appropriated (1) \$5,000,000 from
- 3 the General Fund for FY2014-15 and (2) \$5,000,000 from the General
- 4 Fund for FY2015-16 to the Department of Correctional Services,
- 5 for Program 214 - Vocational and Life Skills Program, to aid in
- 6 carrying out the provisions of Legislative Bill 907, One Hundred
- 7 Third Legislature, Second Session, 2014.
- 8 Total expenditures for permanent and temporary salaries

9 and per diems from funds appropriated in this section shall not  
 10 exceed \$1,109,100 for FY2014-15 or \$1,129,100 for FY2015-16.  
 11 There is included in the appropriation to this program  
 12 for FY2014-15 \$3,500,000 General Funds for state aid, which  
 13 shall only be used for such purpose. There is included in the  
 14 appropriation to this program for FY2015-16 \$3,500,000 General  
 15 Funds for state aid, which shall only be used for such purpose.

The Ashford amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

### COMMITTEE REPORTS

#### Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John F. Krager III - Board of Public Roads Classifications and Standards

Aye: 5 Brasch, Dubas, Hadley, Smith, Watermeier. Nay: 0. Absent: 3 Janssen, McCoy, Murante. Present and not voting: 0.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Terry Haack - Nebraska Information Technology Commission

Aye: 5 Brasch, Dubas, Hadley, Smith, Watermeier. Nay: 0. Absent: 3 Janssen, McCoy, Murante. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

### AMENDMENT - Print in Journal

Senator Krist filed the following amendment to LB665:  
 AM2868

- 1 1. Strike section 44.
- 2 2. On page 3, line 4, strike "37, and 44" and insert "and
- 3 37".
- 4 3. On page 28, line 10, strike "in accordance with the
- 5 act" and insert "by the licensee or under the licensee's control".
- 6 4. On page 29, strike lines 2 through 6.
- 7 5. On page 30, line 4, strike "individual".



- 8 6. On page 47, line 21, strike "and integrated" and  
 9 insert "or adopted".
- 10 7. On page 51, after line 11 insert the following new  
 11 subdivision:  
 12 "(ii) A record of four years or more of progressive  
 13 post-accredited-degree experience on engineering projects of a  
 14 grade and character which indicates to the board that the applicant  
 15 may be competent to practice engineering."; in line 12 strike  
 16 "(ii)" and insert "(iii)"; in line 14 strike "(iii)" and insert  
 17 "(iv)"; and in line 16 strike "(iv)" and insert "(v)".
- 18 8. Renumber the remaining sections accordingly.

### SELECT FILE

**LEGISLATIVE BILL 999.** ER225, found on page 1274, was adopted.

Senator Chambers offered the following amendment:  
 AM2854

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 37-452, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 37-452 (1) No person shall hunt antelope, elk, or  
 6 mountain sheep, ~~or mountain lions~~ unless such person is at least  
 7 twelve years of age, and any person who is twelve through fifteen  
 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~  
 9 ~~mountain lions~~ when supervised by a person nineteen years of age or  
 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at  
 12 least ten years of age, and any person who is ten through fifteen  
 13 years of age shall only hunt deer when supervised by a person  
 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a  
 16 valid hunting permit shall not supervise more than two persons  
 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~  
 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes  
 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:  
 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his amendment.

Senator Coash offered the following motion:

MO185

Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of the following amendment:

AM2887

1 1. Insert the following new sections:

2 Sec. 2. Section 44-7,104, Revised Statutes Cumulative

3 Supplement, 2012, is amended to read:

4 44-7,104 (1) Notwithstanding section 44-3,131, (a) any  
5 individual or group sickness and accident insurance policy,  
6 certificate, or subscriber contract delivered, issued for delivery,  
7 or renewed in this state and any hospital, medical, or surgical  
8 expense-incurred policy, except for policies that provide coverage  
9 for a specified disease or other limited-benefit coverage, and (b)  
10 any self-funded employee benefit plan to the extent not preempted  
11 by federal law that provides coverage for cancer treatment shall  
12 provide coverage for a prescribed, orally administered anticancer  
13 medication that is used to kill or slow the growth of cancerous  
14 cells on a basis no less favorable than intravenously administered  
15 or injected anticancer medications that are covered as medical  
16 benefits by the policy, certificate, contract, or plan.

17 (2) This section does not prohibit such policy,  
18 certificate, contract, or plan from requiring prior authorization  
19 for a prescribed, orally administered anticancer medication. If  
20 such medication is authorized, the cost to the covered individual  
21 shall not exceed the coinsurance or copayment that would be applied  
22 to any other cancer treatment involving intravenously administered  
23 or injected anticancer medications.

1 (3) A policy, certificate, contract, or plan provider  
2 shall not reclassify any anticancer medication or increase a  
3 coinsurance, copayment, deductible, or other out-of-pocket expense  
4 imposed on any anticancer medication to achieve compliance with  
5 this section. Any change that otherwise increases an out-of-pocket  
6 expense applied to any anticancer medication shall also be applied  
7 to the majority of comparable medical or pharmaceutical benefits  
8 under the policy, certificate, contract, or plan.

9 (4) This section does not prohibit a policy, certificate,  
10 contract, or plan provider from increasing cost-sharing for all  
11 benefits, including cancer treatments.

12 (5) This section shall apply to any policy, certificate,  
13 contract, or plan that is delivered, issued for delivery, or  
14 renewed in this state on or after October 1, 2012.

15 ~~(6) This section terminates on December 31, 2015.~~

16 Sec. 3. (1) For purposes of this section:

17 (a) Applied behavior analysis means the design,  
18 implementation, and evaluation of environmental modifications,  
19 using behavioral stimuli and consequences, to produce socially  
20 significant improvement in human behavior, including the use of  
21 direct observation, measurement, and functional analysis of the

22 relationship between environment and behavior;  
23 (b) Autism spectrum disorder means any of the pervasive  
24 developmental disorders or autism spectrum disorder as defined by  
25 the Diagnostic and Statistical Manual of Mental Disorders, as the  
26 most recent edition of such manual existed on the operative date of  
27 this section;  
1 (c) Behavioral health treatment means counseling and  
2 treatment programs, including applied behavior analysis, that are:  
3 (i) Necessary to develop, maintain, or restore, to the maximum  
4 extent practicable, the functioning of an individual; and (ii)  
5 provided or supervised, either in person or by telehealth, by a  
6 behavior analyst certified by a national certifying organization or  
7 a licensed psychologist if the services performed are within the  
8 boundaries of the psychologist's competency;  
9 (d) Diagnosis means a medically necessary assessment,  
10 evaluation, or test to diagnose if an individual has an autism  
11 spectrum disorder;  
12 (e) Pharmacy care means a medication that is prescribed  
13 by a licensed physician and any health-related service deemed  
14 medically necessary to determine the need or effectiveness of the  
15 medication;  
16 (f) Psychiatric care means a direct or consultative  
17 service provided by a psychiatrist licensed in the state in which  
18 he or she practices;  
19 (g) Psychological care means a direct or consultative  
20 service provided by a psychologist licensed in the state in which  
21 he or she practices;  
22 (h) Therapeutic care means a service provided by a  
23 licensed speech-language pathologist, occupational therapist, or  
24 physical therapist; and  
25 (i) Treatment means evidence-based care, including  
26 related equipment, that is prescribed or ordered for an individual  
27 diagnosed with an autism spectrum disorder by a licensed physician  
1 or a licensed psychologist, including:  
2 (i) Behavioral health treatment;  
3 (ii) Pharmacy care;  
4 (iii) Psychiatric care;  
5 (iv) Psychological care; and  
6 (v) Therapeutic care.  
7 (2) Notwithstanding section 44-3,131, (a) any individual  
8 or group sickness and accident insurance policy or subscriber  
9 contract delivered, issued for delivery, or renewed in this state  
10 and any hospital, medical, or surgical expense-incurred policy,  
11 except for policies that provide coverage for a specified disease  
12 or other limited-benefit coverage, and (b) any self-funded employee  
13 benefit plan to the extent not preempted by federal law, including  
14 any such plan provided for employees of the State of Nebraska,  
15 shall provide coverage for the screening, diagnosis, and treatment  
16 of an autism spectrum disorder in an individual under twenty-one

17 years of age. To the extent that the screening, diagnosis, and  
18 treatment of autism spectrum disorder are not already covered by  
19 such policy or contract, coverage under this section shall be  
20 included in such policies or contracts that are delivered, issued  
21 for delivery, amended, or renewed in this state or outside this  
22 state if the policy or contract insures a resident of Nebraska on  
23 or after January 1, 2015. No insurer shall terminate coverage or  
24 refuse to deliver, issue for delivery, amend, or renew coverage of  
25 the insured as a result of an autism spectrum disorder diagnosis or  
26 treatment. Nothing in this subsection applies to non-grandfathered  
27 plans in the individual and small group markets that are required  
1 to include essential health benefits under the federal Patient  
2 Protection and Affordable Care Act or to medicare supplement,  
3 accident-only, specified disease, hospital indemnity, disability  
4 income, long-term care, or other limited benefit hospital insurance  
5 policies.

6 (3) Except as provided in subsection (4) of this section,  
7 coverage for an autism spectrum disorder shall not be subject  
8 to any limits on the number of visits an individual may make  
9 for treatment of an autism spectrum disorder, nor shall such  
10 coverage be subject to dollar limits, deductibles, copayments, or  
11 coinsurance provisions that are less favorable to an insured than  
12 the equivalent provisions that apply to a general physical illness  
13 under the policy.

14 (4) Coverage for behavioral health treatment, including  
15 applied behavior analysis, shall be subject to a maximum benefit  
16 of twenty-five hours per week until the insured reaches twenty-one  
17 years of age. Payments made by an insurer on behalf of a covered  
18 individual for treatment other than behavioral health treatment,  
19 including applied behavior analysis, shall not be applied to any  
20 maximum benefit established under this section.

21 (5) Except in the case of inpatient service, if an  
22 individual is receiving treatment for an autism spectrum disorder,  
23 an insurer shall have the right to request a review of that  
24 treatment not more than once every six months unless the insurer  
25 and the individual's licensed physician or licensed psychologist  
26 execute an agreement that a more frequent review is necessary.  
27 Any such agreement regarding the right to review a treatment plan  
1 more frequently shall apply only to a particular individual being  
2 treated for an autism spectrum disorder and shall not apply to  
3 all individuals being treated for autism spectrum disorder by a  
4 licensed physician or licensed psychologist. The cost of obtaining  
5 a review under this subsection shall be borne by the insurer.

6 (6) This section shall not be construed as limiting  
7 any benefit that is otherwise available to an individual under  
8 a hospital, surgical, or medical expense-incurred policy or  
9 health maintenance organization contract. This section shall not  
10 be construed as affecting any obligation to provide services  
11 to an individual under an individualized family service plan,

12 individualized education program, or individualized service plan.  
13 Sec. 4. The Department of Health and Human Services  
14 shall establish a program to provide amino acid-based elemental  
15 formulas for the diagnosis and treatment of Immunoglobulin E  
16 and non-Immunoglobulin E mediated allergies to multiple food  
17 proteins, food-protein-induced enterocolitis syndrome, eosinophilic  
18 disorders, and impaired absorption of nutrients caused by disorders  
19 affecting the absorptive surface, functional length, and motility  
20 of the gastrointestinal tract, when the ordering physician has  
21 issued a written order stating that the amino acid-based elemental  
22 formula is medically necessary for the treatment of a disease or  
23 disorder. Up to fifty percent of the actual out-of-pocket cost, not  
24 to exceed twelve thousand dollars, for amino acid-based elemental  
25 formulas shall be available to an individual without fees each  
26 twelve-month period. The department shall distribute funds on a  
27 first-come, first-served basis. Nothing in this section is deemed  
1 to be an entitlement. The maximum total General Fund expenditures  
2 per year for amino acid-based elemental formulas shall not exceed  
3 two hundred fifty thousand dollars each fiscal year in FY2014-15  
4 and FY2015-16. The Department of Health and Human Services shall  
5 provide an electronic report on the program to the Legislature  
6 annually on or before December 15 of each year.  
7 Sec. 5. Section 4 of this act becomes operative on July  
8 1, 2014. Sections 5 and 7 of this act become operative on their  
9 effective date. The other sections of this act become operative  
10 three calendar months after adjournment of this legislative  
11 session.  
12 Sec. 6. Original section 44-7,104, Revised Statutes  
13 Cumulative Supplement, 2012, is repealed.  
14 Sec. 7. Since an emergency exists, this act takes effect  
15 when passed and approved according to law.  
16 2. Renumber the remaining section accordingly.

Pending.

### VISITORS

Visitors to the Chamber were 16 eleventh- and twelfth-grade students and teachers from Papillion/La Vista; 21 third- and fourth-grade students and teacher from St. James School, Crete; and 39 fourth-grade students and teachers from St. Michael School, Hastings.

### RECESS

At 11:59 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 Watermeier presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Adams, Garrett, Janssen, Larson, and Lautenbaugh who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 999.** Senator Coash renewed his motion, MO185, found in this day's Journal, to suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM2887.

Senator Coash withdrew his motion to suspend the rules.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 999A.** Senator Chambers offered the following amendment:

AM2855

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his amendment.

Senator Conrad offered the following amendment:

AM2890

- 1 1. Insert the following new sections:
- 2 Sec. 3. There is hereby appropriated (1) \$250,000
- 3 from the General Fund for FY2014-15 and (2) \$250,000 from the
- 4 General Fund for FY2015-16 to the Department of Health and Human
- 5 Services, for Program 514, to aid in carrying out the provisions
- 6 of Legislative Bill 999, One Hundred Third Legislature, Second
- 7 Session, 2014.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 Sec. 4. There is hereby appropriated (1) \$10,000 from the
- 12 General Fund for FY2014-15 and (2) \$10,000 from the General Fund
- 13 for FY2015-16 to the Department of Health and Human Services, for
- 14 Program 33, to aid in carrying out the provisions of Legislative
- 15 Bill 999, One Hundred Third Legislature, Second Session, 2014.
- 16 Total expenditures for permanent and temporary salaries
- 17 and per diems from funds appropriated in this section shall not
- 18 exceed \$10,000 for FY2014-15 or \$10,000 for FY2015-16.
- 19 Sec. 6. Since an emergency exists, this act takes effect
- 20 when passed and approved according to law.
- 21 2. Renumber the remaining section accordingly.

Senator Conrad withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1098.** ER235, found on page 1409, was adopted.

Senator Lathrop asked unanimous consent to withdraw his amendment, FA280, found on page 1180, and replace it with the Carlson-Lathrop substitute amendment, AM2783, found on page 1433. No objections. So ordered.

#### **SENATOR GLOOR PRESIDING**

Senator Chambers offered the following motion:

MO186

Bracket until April 17, 2014.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to bracket failed with 1 aye, 41 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Carlson-Lathrop amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Senator Lathrop withdrew his amendments, FA281, FA282, FA283, and FA284, found on page 1180.

Senator Lathrop withdrew his amendment, AM2753, found on page 1359.

Senator Lathrop withdrew his amendments, FA273, FA274, FA275, FA276, FA277, FA278, and FA279, found on page 1064 and considered on page 1359.

Senator Carlson withdrew his amendment, AM2600, found on page 1165 and considered on page 1359.

Senator Davis offered his amendment, AM2693, found on page 1360 and considered on page 1361.

The Davis amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Carlson withdrew his amendment, AM2684, found on page 1361.

Senator Christensen offered his amendment, AM2580, found on page 1361 and considered on page 1363.

The Christensen amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Mello withdrew his amendment, AM2758, found on page 1363.

Senator Christensen offered his amendment, AM2657, found on page 1371.

The Christensen amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

#### **EXECUTIVE BOARD REPORT**

Senator Wightman, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

ACCESSNebraska Special Investigative Committee of the Legislature (LR400, 2014)  
Senator Dubas (Chairperson)  
Senator Howard (Vice Chairperson)

(Signed) John Wightman, Chairperson  
Legislative Council, Executive Board



**RESOLUTION**

**LEGISLATIVE RESOLUTION 620.** Introduced by Nordquist, 7; Adams, 24; Ashford, 20; Avery, 28; Campbell, 25; Cook, 13; Crawford, 45; Davis, 43; Gloor, 35; Hadley, 37; B. Harr, 8; Howard, 9; Johnson, 23; Kolowski, 31; Lathrop, 12; McGill, 26; Mello, 5; Smith, 14.

WHEREAS, Doug McDermott, a senior on the Creighton University men's basketball team, has finished his college basketball career as one of the NCAA top five all-time scoring leaders with 3,150 career points; and

WHEREAS, Doug led the nation in points per game during the 2013-14 season, and set an NCAA record with 135 career games scoring in double figures; and

WHEREAS, Doug is one of only three men in NCAA basketball history with 3,000 points and 1,000 career rebounds, and one of only two men in NCAA history to score 3,000 points and play in three NCAA tournaments; and

WHEREAS, Doug owns the top three single-season scoring marks in Creighton Bluejay history and owns Creighton single-season and career marks for points, field goals, and three-point percentage; and

WHEREAS, Doug was the winner of 13 national player of the year honors for the 2013-14 season, including the Naismith Trophy, the USBWA Oscar Robertson Trophy, the John R. Wooden Award, the Lute Olson Award, the Dick Vitale Award, and the Senior CLASS Award, which honors performance not only on the court, but also in the classroom and in the community; and

WHEREAS, in 2014 Doug was also named a First Team All-American and National Player of the Year by the Associated Press, named an All-American and National Player of the Year by the Basketball Times, named to the Big East Conference All-Tournament Team and Big East Player of the Year, named a First Team All-American and National Player of the Year by the National Association of Basketball Coaches, and received national player of the year recognition by CBSsports.com, NBCSports.com, USA Today, and Sporting News; and

WHEREAS, Doug helped the Creighton Bluejays finish their season with a 27-8 record and reach the third round of the NCAA tournament for a third consecutive season; and

WHEREAS, Doug's athletic performance and achievements over the course of his college basketball career have been greatly admired and appreciated by many Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Doug McDermott for an outstanding 2013-14 basketball season and an exceptional college basketball career, and extends its best wishes for his continued professional success.

2. That a copy of this resolution be sent to Doug McDermott.

Laid over.

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB254:  
AM2901

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 44-7,104, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 44-7,104 (1) Notwithstanding section 44-3,131, (a) any
- 6 individual or group sickness and accident insurance policy,
- 7 certificate, or subscriber contract delivered, issued for delivery,
- 8 or renewed in this state and any hospital, medical, or surgical
- 9 expense-incurred policy, except for policies that provide coverage
- 10 for a specified disease or other limited-benefit coverage, and (b)
- 11 any self-funded employee benefit plan to the extent not preempted
- 12 by federal law that provides coverage for cancer treatment shall
- 13 provide coverage for a prescribed, orally administered anticancer
- 14 medication that is used to kill or slow the growth of cancerous
- 15 cells on a basis no less favorable than intravenously administered
- 16 or injected anticancer medications that are covered as medical
- 17 benefits by the policy, certificate, contract, or plan.
- 18 (2) This section does not prohibit such policy,
- 19 certificate, contract, or plan from requiring prior authorization
- 20 for a prescribed, orally administered anticancer medication. If
- 21 such medication is authorized, the cost to the covered individual
- 22 shall not exceed the coinsurance or copayment that would be applied
- 23 to any other cancer treatment involving intravenously administered
- 1 or injected anticancer medications.
- 2 (3) A policy, certificate, contract, or plan provider
- 3 shall not reclassify any anticancer medication or increase a
- 4 coinsurance, copayment, deductible, or other out-of-pocket expense
- 5 imposed on any anticancer medication to achieve compliance with
- 6 this section. Any change that otherwise increases an out-of-pocket
- 7 expense applied to any anticancer medication shall also be applied
- 8 to the majority of comparable medical or pharmaceutical benefits
- 9 under the policy, certificate, contract, or plan.
- 10 (4) This section does not prohibit a policy, certificate,
- 11 contract, or plan provider from increasing cost-sharing for all
- 12 benefits, including cancer treatments.
- 13 (5) This section shall apply to any policy, certificate,
- 14 contract, or plan that is delivered, issued for delivery, or
- 15 renewed in this state on or after October 1, 2012.
- 16 ~~(6) This section terminates on December 31, 2015.~~
- 17 Sec. 2. (1) For purposes of this section:
- 18 (a) Applied behavior analysis means the design,
- 19 implementation, and evaluation of environmental modifications,
- 20 using behavioral stimuli and consequences, to produce socially
- 21 significant improvement in human behavior, including the use of

22 direct observation, measurement, and functional analysis of the  
23 relationship between environment and behavior;

24 (b) Autism spectrum disorder means any of the pervasive  
25 developmental disorders or autism spectrum disorder as defined by  
26 the Diagnostic and Statistical Manual of Mental Disorders, as the  
27 most recent edition of such manual existed on the operative date of  
1 this section;

2 (c) Behavioral health treatment means counseling and  
3 treatment programs, including applied behavior analysis, that are:

4 (i) Necessary to develop, maintain, or restore, to the maximum  
5 extent practicable, the functioning of an individual; and (ii)  
6 provided or supervised, either in person or by telehealth, by a  
7 behavior analyst certified by a national certifying organization or  
8 a licensed psychologist if the services performed are within the  
9 boundaries of the psychologist's competency;

10 (d) Diagnosis means a medically necessary assessment,  
11 evaluation, or test to diagnose if an individual has an autism  
12 spectrum disorder;

13 (e) Pharmacy care means a medication that is prescribed  
14 by a licensed physician and any health-related service deemed  
15 medically necessary to determine the need or effectiveness of the  
16 medication;

17 (f) Psychiatric care means a direct or consultative  
18 service provided by a psychiatrist licensed in the state in which  
19 he or she practices;

20 (g) Psychological care means a direct or consultative  
21 service provided by a psychologist licensed in the state in which  
22 he or she practices;

23 (h) Therapeutic care means a service provided by a  
24 licensed speech-language pathologist, occupational therapist, or  
25 physical therapist; and

26 (i) Treatment means evidence-based care, including  
27 related equipment, that is prescribed or ordered for an individual  
1 diagnosed with an autism spectrum disorder by a licensed physician  
2 or a licensed psychologist, including:

3 (i) Behavioral health treatment;

4 (ii) Pharmacy care;

5 (iii) Psychiatric care;

6 (iv) Psychological care; and

7 (v) Therapeutic care.

8 (2) Notwithstanding section 44-3,131, (a) any individual  
9 or group sickness and accident insurance policy or subscriber  
10 contract delivered, issued for delivery, or renewed in this state  
11 and any hospital, medical, or surgical expense-incurred policy,  
12 except for policies that provide coverage for a specified disease  
13 or other limited-benefit coverage, and (b) any self-funded employee  
14 benefit plan to the extent not preempted by federal law, including  
15 any such plan provided for employees of the State of Nebraska,  
16 shall provide coverage for the screening, diagnosis, and treatment

17 of an autism spectrum disorder in an individual under twenty-one  
18 years of age. To the extent that the screening, diagnosis, and  
19 treatment of autism spectrum disorder are not already covered by  
20 such policy or contract, coverage under this section shall be  
21 included in such policies or contracts that are delivered, issued  
22 for delivery, amended, or renewed in this state or outside this  
23 state if the policy or contract insures a resident of Nebraska on  
24 or after January 1, 2015. No insurer shall terminate coverage or  
25 refuse to deliver, issue for delivery, amend, or renew coverage of  
26 the insured as a result of an autism spectrum disorder diagnosis or  
27 treatment. Nothing in this subsection applies to non-grandfathered  
1 plans in the individual and small group markets that are required  
2 to include essential health benefits under the federal Patient  
3 Protection and Affordable Care Act or to medicare supplement,  
4 accident-only, specified disease, hospital indemnity, disability  
5 income, long-term care, or other limited benefit hospital insurance  
6 policies.

7 (3) Except as provided in subsection (4) of this section,  
8 coverage for an autism spectrum disorder shall not be subject  
9 to any limits on the number of visits an individual may make  
10 for treatment of an autism spectrum disorder, nor shall such  
11 coverage be subject to dollar limits, deductibles, copayments, or  
12 coinsurance provisions that are less favorable to an insured than  
13 the equivalent provisions that apply to a general physical illness  
14 under the policy.

15 (4) Coverage for behavioral health treatment, including  
16 applied behavior analysis, shall be subject to a maximum benefit  
17 of twenty-five hours per week until the insured reaches twenty-one  
18 years of age. Payments made by an insurer on behalf of a covered  
19 individual for treatment other than behavioral health treatment,  
20 including applied behavior analysis, shall not be applied to any  
21 maximum benefit established under this section.

22 (5) Except in the case of inpatient service, if an  
23 individual is receiving treatment for an autism spectrum disorder,  
24 an insurer shall have the right to request a review of that  
25 treatment not more than once every six months unless the insurer  
26 and the individual's licensed physician or licensed psychologist  
27 execute an agreement that a more frequent review is necessary.  
1 Any such agreement regarding the right to review a treatment plan  
2 more frequently shall apply only to a particular individual being  
3 treated for an autism spectrum disorder and shall not apply to  
4 all individuals being treated for autism spectrum disorder by a  
5 licensed physician or licensed psychologist. The cost of obtaining  
6 a review under this subsection shall be borne by the insurer.

7 (6) This section shall not be construed as limiting  
8 any benefit that is otherwise available to an individual under  
9 a hospital, surgical, or medical expense-incurred policy or  
10 health maintenance organization contract. This section shall not  
11 be construed as affecting any obligation to provide services

12 to an individual under an individualized family service plan,  
13 individualized education program, or individualized service plan.

14 Sec. 3. The Department of Health and Human Services  
15 shall establish a program to provide amino acid-based elemental  
16 formulas for the diagnosis and treatment of Immunoglobulin E  
17 and non-Immunoglobulin E mediated allergies to multiple food  
18 proteins, food-protein-induced enterocolitis syndrome, eosinophilic  
19 disorders, and impaired absorption of nutrients caused by disorders  
20 affecting the absorptive surface, functional length, and motility  
21 of the gastrointestinal tract, when the ordering physician has  
22 issued a written order stating that the amino acid-based elemental  
23 formula is medically necessary for the treatment of a disease or  
24 disorder. Up to fifty percent of the actual out-of-pocket cost, not  
25 to exceed twelve thousand dollars, for amino acid-based elemental  
26 formulas shall be available to an individual without fees each  
27 twelve-month period. The department shall distribute funds on a  
1 first-come, first-served basis. Nothing in this section is deemed  
2 to be an entitlement. The maximum total General Fund expenditures  
3 per year for amino acid-based elemental formulas shall not exceed  
4 two hundred fifty thousand dollars each fiscal year in FY2014-15  
5 and FY2015-16. The Department of Health and Human Services shall  
6 provide an electronic report on the program to the Legislature  
7 annually on or before December 15 of each year.

8 Sec. 4. There is hereby appropriated (1) \$362,500 from  
9 the General Fund for FY2014-15 and (2) \$725,000 from the General  
10 Fund for FY2015-16 to the Board of Regents of the University of  
11 Nebraska, for Program 781, to aid in carrying out the provisions of  
12 this legislative bill.

13 Sec. 5. There is hereby appropriated (1) \$250,000 from  
14 the General Fund for FY2014-15 and (2) \$250,000 from the General  
15 Fund for FY2015-16 to the Department of Health and Human Services,  
16 for Program 514, to aid in carrying out the provisions of this  
17 legislative bill.

18 No expenditures for permanent and temporary salaries and  
19 per diems for state employees shall be made from funds appropriated  
20 in this section.

21 Sec. 6. There is hereby appropriated (1) \$10,000 from  
22 the General Fund for FY2014-15 and (2) \$10,000 from the General  
23 Fund for FY2015-16 to the Department of Health and Human Services,  
24 for Program 33, to aid in carrying out the provisions of this  
25 legislative bill.

26 Total expenditures for permanent and temporary salaries  
27 and per diems from funds appropriated in this section shall not  
1 exceed \$10,000 for FY2014-15 or \$10,000 for FY2015-16.

2 Sec. 7. Section 3 of this act becomes operative on  
3 July 1, 2014. Sections 4, 5, 6, 7, and 9 of this act become  
4 operative on their effective date. The other sections of this act  
5 become operative three calendar months after adjournment of this  
6 legislative session.

- 7 Sec. 8. Original section 44-7,104, Revised Statutes  
 8 Cumulative Supplement, 2012, is repealed.  
 9 Sec. 9. Since an emergency exists, this act takes effect  
 10 when passed and approved according to law.

### COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 907.** Placed on Final Reading.

ST89

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER228:
  - a. On page 29, lines 22 and 23, "the position of Reentry Program Coordinator," has been struck and "a reentry program for inmates and parolees," inserted; and
  - b. On page 30, line 1, "to eliminate certain sentencing provisions;" has been inserted after the semicolon; and in lines 2 and 3 "section 83-1,122" has been struck and "sections 29-2208 and 29-2405" inserted.

**LEGISLATIVE BILL 907A.** Placed on Final Reading.

**LEGISLATIVE BILL 999.** Placed on Final Reading.

**LEGISLATIVE BILL 999A.** Placed on Final Reading.

(Signed) John Murante, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 1098.** Senator Chambers offered the following amendment:

AM2857

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.

- 19 Sec. 2. Original section 37-452, Revised Statutes  
 20 Cumulative Supplement, 2012, is repealed.  
 21 Sec. 3. The following section is outright repealed:  
 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his amendment.

Senator Wallman offered the following amendment:  
 AM2876 is available in the Bill Room.

Senator Wallman withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1098A.** Senator Watermeier offered his amendment, AM2845, found on page 1434.

The Watermeier amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:  
 AM2858

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Section 37-452, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 37-452 (1) No person shall hunt antelope, elk, or  
 6 mountain sheep, ~~or mountain lions~~ unless such person is at least  
 7 twelve years of age, and any person who is twelve through fifteen  
 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~  
 9 ~~mountain lions~~ when supervised by a person nineteen years of age or  
 10 older having a valid hunting permit.  
 11 (2) No person shall hunt deer unless such person is at  
 12 least ten years of age, and any person who is ten through fifteen  
 13 years of age shall only hunt deer when supervised by a person  
 14 nineteen years of age or older having a valid hunting permit.  
 15 (3) A person nineteen years of age or older having a  
 16 valid hunting permit shall not supervise more than two persons  
 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~  
 18 ~~lions~~ at the same time.  
 19 Sec. 2. Original section 37-452, Revised Statutes  
 20 Cumulative Supplement, 2012, is repealed.  
 21 Sec. 3. The following section is outright repealed:  
 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**WITHDRAW - Amendment to LB191**

Senator B. Harr withdrew his amendment, AM2767, found on page 1373, to LB191.

**MOTION - Return LB191A to Select File**

Senator Nordquist moved to return LB191A to Select File for his specific amendment, AM2682, found on page 1271.

The Nordquist motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 191A.** The Nordquist specific amendment, AM2682, found on page 1271, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Return LB1076 to Select File**

Senator Campbell moved to return LB1076 to Select File for her specific amendment, AM2680, found on page 1284.

The Campbell motion to return prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1076.** The Campbell specific amendment, AM2680, found on page 1284, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**MOTION - Return LB1115A to Select File**

Senator Davis moved to return LB1115A to Select File for his specific amendment, AM2675, found on page 1293.

The Davis motion to return prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1115A.** The Davis specific amendment, AM2675, found on page 1293, was adopted with 37 ayes, 0 nays, 8 present and not



voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 1042.** ER231, found on page 1346, was adopted.

Senator Nordquist offered his amendment, AM2765, found on page 1409.

The Nordquist amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Chambers offered his amendment, AM2826, found on page 1432.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1042A.** Senator Chambers offered his amendment, AM2827, found on page 1433.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 961.** ER232, found on page 1346, was adopted.

Senator Lathrop offered his amendment, AM2685, found on page 1369.

The Lathrop amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Chambers offered his amendment, AM2828, found on page 1433.

Senator Chambers withdrew his amendment.

Senator Mello offered the following amendment:  
AM2895 is available in the Bill Room.

The Mello amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1092.** ER224, found on page 1274, was adopted.

Senator McCoy withdrew his amendment, AM2647, found on page 1178.

Senator Dubas offered her amendment, AM2678, found on page 1283.

The Dubas amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers offered his amendment, AM2829, found on page 1433.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

AM2856

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his amendment.

Senator Hansen requested a machine vote on the advancement of the bill.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Dubas requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Ashford	Dubas	Johnson	McGill	Seiler
Avery	Haar, K.	Karpisek	Mello	Sullivan
Bolz	Harms	Kolowski	Nelson	Wallman
Campbell	Harr, B.	Krist	Pirsch	
Crawford	Howard	Lathrop	Scheer	
Davis	Janssen	Lautenbaugh	Schumacher	

Voting in the negative, 15:

Adams	Chambers	Garrett	Hansen	Smith
Bloomfield	Christensen	Gloor	Kintner	Watermeier
Brasch	Coash	Hadley	Schilz	Wightman

Present and not voting, 4:

Carlson	Larson	McCoy	Murante
---------	--------	-------	---------

Excused and not voting, 3:

Conrad	Cook	Nordquist
--------	------	-----------

Advanced to Enrollment and Review for Engrossment with 27 ayes, 15 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 976.** Senator McCoy offered his amendment, AM2792, found on page 1419.

#### **SENATOR COASH PRESIDING**

Senator Lautenbaugh offered the following motion:

MO187

Bracket until April 17, 2014.

#### **SENATOR KRIST PRESIDING**

Senator Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Lautenbaugh requested a roll call vote on his motion to bracket.

Voting in the affirmative, 23:

Adams	Coash	Hansen	McCoy	Schumacher
Bloomfield	Davis	Janssen	Murante	Smith
Brasch	Garrett	Johnson	Nelson	Watermeier
Carlson	Gloor	Kintner	Pirsch	
Christensen	Hadley	Larson	Schilz	

Voting in the negative, 23:

Ashford	Conrad	Harms	Lathrop	Sullivan
Avery	Cook	Harr, B.	McGill	Wallman
Bolz	Crawford	Howard	Mello	Wightman
Campbell	Dubas	Karpisek	Nordquist	
Chambers	Haar, K.	Kolowski	Seiler	

Present and not voting, 3:

Krist           Lautenbaugh   Scheer

The Lautenbaugh motion to bracket failed with 23 ayes, 23 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following motion:

MO188

Reconsider the vote taken on MO187 to bracket.

### SENATOR COASH PRESIDING

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Lautenbaugh requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 23:

Adams	Coash	Janssen	Murante	Smith
Bloomfield	Garrett	Kintner	Nelson	Watermeier
Brasch	Gloor	Larson	Pirsch	Wightman
Carlson	Hadley	Lautenbaugh	Schilz	
Christensen	Hansen	McCoy	Schumacher	

Voting in the negative, 26:

Ashford	Cook	Harr, B.	Lathrop	Sullivan
Avery	Crawford	Howard	McGill	Wallman
Bolz	Davis	Johnson	Mello	
Campbell	Dubas	Karpisek	Nordquist	
Chambers	Haar, K.	Kolowski	Scheer	
Conrad	Harms	Krist	Seiler	

Not voting, 0.

The Lautenbaugh motion to reconsider failed with 23 ayes, 26 nays, and 0 not voting.

The Chair declared the call raised.

Senator Lautenbaugh offered the following motion:

MO189

Recommit to the Executive Board.

**SENATOR SULLIVAN PRESIDING**

Senator Karpisek moved the previous question. The question is, "Shall the debate now close?"

Senator Karpisek moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to cease debate prevailed with 26 ayes, 8 nays, and 15 present and not voting.

Senator Lautenbaugh requested a roll call vote, in reverse order, on his motion to recommit to committee.

Voting in the affirmative, 21:

Adams	Coash	Janssen	Murante	Watermeier
Bloomfield	Garrett	Johnson	Nelson	
Brasch	Gloor	Kintner	Pirsch	
Carlson	Hadley	Larson	Schilz	
Christensen	Hansen	McCoy	Smith	

Voting in the negative, 26:

Ashford	Cook	Harr, B.	McGill	Wallman
Avery	Crawford	Howard	Mello	Wightman
Bolz	Davis	Karpisek	Nordquist	
Campbell	Dubas	Kolowski	Schumacher	
Chambers	Haar, K.	Krist	Seiler	
Conrad	Harms	Lathrop	Sullivan	

Present and not voting, 2:

Lautenbaugh Scheer

The Lautenbaugh motion to recommit to committee failed with 21 ayes, 26 nays, and 2 present and not voting.

Pending.

The Chair declared the call raised.

**AMENDMENTS - Print in Journal**

Senator K. Haar filed the following amendments to LR482:  
AM2900

- 1 1. Strike the original provisions and insert the
- 2 following new provisions:
- 3 WHEREAS, a reliable and affordable energy supply is vital
- 4 to Nebraska's economic growth, jobs, and the overall benefit of
- 5 its citizens, and Nebraska supports a diversified "all-the-above"
- 6 energy strategy because it is in the best interest of the state and
- 7 the nation; and
- 8 WHEREAS, Nebraska has abundant supplies of wind that
- 9 provide economic and energy security benefits, and wind provides
- 10 affordable and reliable electricity to the citizens of Nebraska.
- 11 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE
- 12 HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:
- 13 1. That the Legislature urges the United States
- 14 Environmental Protection Agency (EPA) to develop methods to promote
- 15 renewable energy because renewable energy will provide clean
- 16 energy, rural economic development, and jobs in the State of
- 17 Nebraska.
- 18 2. That a copy of this resolution be sent to United
- 19 States EPA Administrator Gina McCarthy and to each member of
- 20 Nebraska's congressional delegation.

FA328  
Strike the first Whereas.

FA329  
Strike the second Whereas.

FA330  
Strike the third Whereas.

FA331  
Strike the fourth Whereas.

FA332  
Strike the fifth Whereas.

FA333  
Strike the sixth Whereas.

**SELECT FILE**

**LEGISLATIVE BILL 976.** Senator Lautenbaugh offered the following motion:

MO190

Reconsider the vote to recommit to the Executive Board.

**SENATOR GLOOR PRESIDING**

Senator Karpisek offered the following motion:

MO191

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Karpisek moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Karpisek requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 27:

Adams	Conrad	Harms	Lathrop	Sullivan
Ashford	Cook	Harr, B.	McGill	Wallman
Avery	Crawford	Howard	Mello	Wightman
Bolz	Davis	Karpisek	Nordquist	
Campbell	Dubas	Kolowski	Schumacher	
Chambers	Haar, K.	Krist	Seiler	

Voting in the negative, 22:

Bloomfield	Garrett	Johnson	Murante	Smith
Brasch	Gloor	Kintner	Nelson	Watermeier
Carlson	Hadley	Larson	Pirsch	
Christensen	Hansen	Lautenbaugh	Scheer	
Coash	Janssen	McCoy	Schilz	

Not voting, 0.

The Karpisek motion to invoke cloture failed with 27 ayes, 22 nays, and 0 not voting.

The Chair declared the call raised.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 191A.** Placed on Final Reading Second.

**LEGISLATIVE BILL 961.** Placed on Final Reading.

ST87

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 "workers" in line 1 through line 5 and all amendments thereto have been struck and "law; to amend sections

44-2825, 45-1201, 45-1202, 45-1203, 45-1204, 45-1205, 48-126.01, 48-139, and 48-601, Reissue Revised Statutes of Nebraska; to provide for a compact regarding prevention and control of forest fires; to require workers' compensation coverage for volunteer firefighters as prescribed; to change the maximum amount recoverable under the Nebraska Hospital-Medical Liability Act; to change provisions of the Nebraska Construction Prompt Pay Act; to change workers' compensation provisions for certain public safety personnel and release provisions for lump-sum settlements; to adopt the short-time compensation program under the Employment Security Law; to appropriate funds; to provide operative dates; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 1042.** Placed on Final Reading.

ST85

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Nordquist amendment, AM2765, on page 1, line 15, an underscored period has been inserted after "credit".
2. In the E & R amendments, ER231, on page 37, line 24, "79-933.07," has been inserted after the second comma.

**LEGISLATIVE BILL 1042A.** Placed on Final Reading.

**LEGISLATIVE BILL 1076.** Placed on Final Reading Second.

**LEGISLATIVE BILL 1092.** Placed on Final Reading.

ST90

The following changes, required to be reported for publication in the Journal, have been made:

1. The Dubas amendment, AM2678, has been incorporated into the Standing Committee amendment, AM2067.
2. In the E & R amendments, ER224, on page 1, line 11, "to create a fund;" has been inserted after the semicolon.

**LEGISLATIVE BILL 1098.** Placed on Final Reading.

ST92

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Christensen amendment, AM2657:
  - a. Sections 7, 8, and 9 have been renumbered as sections 17, 18, and 19, respectively; and
  - b. On page 3, line 20, "7 and 9" has been struck and "17 and 19" inserted.
2. In the Christensen amendment, AM2580:
  - a. Sections 7 and 9 have been renumbered as sections 11 and 16, respectively;
  - b. Section 8 has been struck; and
  - c. On page 4, line 4, "effective date of this act" has been struck and "operative date of this section" inserted.
3. In the Davis amendment, AM2693, section 7 has been renumbered as section 12.



4. In the Carlson amendment, AM2783:
  - a. On page 1, line 1, "and all amendments thereto" has been inserted after "6";
  - b. On page 3, line 10, the second "or" has been struck and "of" inserted; in line 13 the comma has been struck; and in line 24 "demonstrates" has been struck and "demonstrate" inserted;
  - c. On page 8, line 18, "of this act" has been inserted after "10";
  - d. On page 9, line 13, "an" has been inserted after "of"; and in line 18 the commas have been struck and "or" has been inserted after "grant";
  - e. On page 11, line 2, the first "county" has been struck; and in line 4 "county" has been struck and an underscored comma has been inserted after "lien";
  - f. On page 12, line 3, an underscored comma has been inserted after "goals"; and in line 17 "section 13" has been struck and "sections 15 and 16" inserted;
  - g. On page 14, line 23, "13" has been struck and "15" inserted;
  - h. On page 22, lines 10 and 23, the comma has been struck; in lines 13 and 14 and 27 "effective date of this act" has been struck and "operative date of this section" inserted; and in line 26 "subsection" has been struck and "subdivision" inserted; and
  - i. On page 25, line 3, "subdivision (a) of this subsection" has been struck and "subdivision (4)(a) of this section" inserted.
5. In the Standing Committee amendment, AM2594:
  - a. On page 5, lines 17 and 21, "effective date of this act" has been struck and "operative date of this section" inserted; and
  - b. On page 11, line 20, "and 2-1504" has been struck and ", 2-1504, 2-3226.05, 46-241, 46-701, and 46-715" inserted.
6. On page 1, the matter beginning with "the" in line 1 through line 5 and all amendments thereto has been struck and "natural resources; to amend sections 2-1501, 2-1504, 2-3226.05, 46-241, 46-701, and 46-715, Reissue Revised Statutes of Nebraska, and section 77-1371, Revised Statutes Cumulative Supplement, 2012; to change the membership of and provide powers and duties for the Nebraska Natural Resources Commission; to state findings and intent regarding the Water Sustainability Fund; to provide criteria, requirements, and priority for distribution of the fund; to provide for grants and loans; to change provisions relating to occupation taxes imposed by national resources districts and water storage; to provide for development of basin-wide plans and require a public hearing on ground water augmentation projects under the Nebraska Ground Water Management and Protection Act; to change provisions relating to assessment of irrigated cropland; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 1098A.** Placed on Final Reading.

**LEGISLATIVE BILL 1115A.** Placed on Final Reading Second.

ST84

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. The Davis amendment, AM2675, has been incorporated into the Final Reading copy of LB1115A.

(Signed) John Murante, Chairperson

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB526:

AM2851

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers offered the following amendments with similar content of AM2851 to LB526:

- LB390 - AM2848
- LB383 - AM2846
- LB383A - AM2847
- LB788 - AM2853
- LB373 - AM2859
- LB810 - AM2861
- LB700 - AM2860
- LB811 - AM2862
- LB923 - AM2863
- LB923A - AM2864

Senator Nordquist filed the following amendment to LB276A:  
AM2759

1 1. Strike sections 1 and 2 and insert the following:  
2 Section 1. There is hereby appropriated (1) \$42,746 from  
3 the General Fund and \$42,746 from federal funds for FY2014-15 and  
4 (2) \$42,746 from the General Fund and \$42,746 from federal funds  
5 for FY2015-16 to the Department of Health and Human Services, for  
6 Program 33, to aid in carrying out the provisions of Legislative  
7 Bill 276, One Hundred Third Legislature, Second Session, 2014.  
8 Total expenditures for permanent and temporary salaries  
9 and per diems from funds appropriated in this section shall not  
10 exceed \$43,316 for FY2014-15 or \$43,316 for FY2015-16.  
11 Sec. 2. There is hereby appropriated (1) \$2,700,000 from  
12 federal funds for FY2014-15 and (2) \$13,500,000 from federal funds  
13 for FY2015-16 to the Department of Health and Human Services, for  
14 Program 348, to aid in carrying out the provisions of Legislative  
15 Bill 276, One Hundred Third Legislature, Second Session, 2014.  
16 No expenditures for permanent and temporary salaries and  
17 per diems for state employees shall be made from funds appropriated  
18 in this section.

Senator Schumacher filed the following amendment to LB788:  
AM2867 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB976:  
AM2836 is available in the Bill Room.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Mello asked unanimous consent to add his name as cointroducer to  
LB961. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Julia, Madilynn, Emilea, and Warren  
Converse from Bellevue; 58 fourth-grade students, teachers, and sponsors  
from Pine Creek Elementary, Bennington; members of the Boy's and Girl's  
Club from Lincoln; Senator Mello's wife and daughter, Catherine and  
Angelina, from Omaha; 42 fourth-grade students and teachers from  
Jefferson Elementary, Norfolk; and Senator Ashford's wife, Ann, Kavayah  
Long and LaDonna Gaines from Omaha.

The Doctor of the Day was Dr. Nollendorfs from Lincoln.

**ADJOURNMENT**

At 9:52 p.m., on a motion by Senator Wightman, the Legislature adjourned until 9:00 a.m., Wednesday, April 9, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

**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.

Sincerely,  
(Signed) 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 Strobe 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 Strobe on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Eythan Ingle Strobe.

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, Lorian Harkey, a senior at Bellevue West High School, has been honored as the 2014 Nebraska Military Youth of the Year. Lorian 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. Lorian 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, Lorian 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, Lorian 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
----------	---------	---------

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
----------	----------	-------	-------------

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
----------	----------	---------	--------

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



**FIFTY-NINTH DAY - APRIL 10, 2014**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**  
**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 10, 2014

**PRAYER**

The prayer was offered by Pastor MaryEllen Gaither, First Presbyterian Church, Humboldt.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senators Conrad, Lautenbaugh, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 9, 2014, at 10:42 p.m. were the following: LBs 464, 464Ae, 565, 719, 994e, 994Ae, 364, 558, 679, 683, 687, 687A, 693, 697, 698, 701, 702e, 712e, 714e, 735, 736, 737, 739e, 750e, 753, 757, 758, and 765.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 9, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Heartland Strategy Group, LLC  
Blue Cross and Blue Shield of Nebraska  
Peterson, Chris  
Mueller Robak, LLC

**REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**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 LB191 with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 191.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-132, Reissue Revised Statutes of Nebraska, sections 77-908, 77-2715.07, 77-2734.03, 77-3806, and 77-5007, Revised Statutes Cumulative Supplement, 2012, and sections 49-801.01, 77-2717, and 77-27,119, Revised Statutes Supplement, 2013; to adopt the Nebraska Job Creation and Mainstreet Revitalization Act; to provide tax credits as prescribed; to require the use of the income approach to value certain real property for taxation purposes; 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, 45:

Adams	Coash	Hansen	Krist	Scheer
Ashford	Cook	Harms	Larson	Schilz
Avery	Crawford	Harr, B.	Lathrop	Schumacher
Bloomfield	Davis	Howard	McCoy	Seiler
Bolz	Dubas	Janssen	McGill	Smith
Brasch	Garrett	Johnson	Mello	Sullivan
Campbell	Gloor	Karpisek	Nelson	Wallman
Carlson	Haar, K.	Kintner	Nordquist	Watermeier
Christensen	Hadley	Kolowski	Pirsch	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Conrad      Lautenbaugh      Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 191A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 191, 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, 45:

Adams	Coash	Hansen	Krist	Scheer
Ashford	Cook	Harms	Larson	Schilz
Avery	Crawford	Harr, B.	Lathrop	Schumacher
Bloomfield	Davis	Howard	McCoy	Seiler
Bolz	Dubas	Janssen	McGill	Smith
Brasch	Garrett	Johnson	Mello	Sullivan
Campbell	Gloor	Karpisek	Nelson	Wallman
Carlson	Haar, K.	Kintner	Nordquist	Watermeier
Christensen	Hadley	Kolowski	Pirsch	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Chambers      Conrad      Lautenbaugh      Murante

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 LB907 with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 907.** With Emergency Clause.

A BILL FOR AN ACT relating to legal process; to amend sections 7-201, 7-202, 7-203, 7-204, 7-206, 7-207, 7-208, 7-209, 83-1,104, and 83-1,119, Reissue Revised Statutes of Nebraska, and sections 29-3927, 83-1,102, and 83-1,107, Revised Statutes Cumulative Supplement, 2012; to rename and change provisions of the Legal Education for Public Service Loan Repayment Act; to create the Nebraska Justice Reinvestment Working Group, a reentry program for inmates and parolees, the Vocational and Life Skills Program, a fund, and the Nebraska Center for Justice Research at the University of Nebraska at Omaha; to provide powers and duties; to prohibit public employers from asking for criminal history as prescribed; to provide, change, and eliminate parole provisions; to state intent regarding appropriations; to eliminate certain sentencing provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 29-2208 and 29-2405, 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, 46:

Adams	Conrad	Harms	Lathrop	Seiler
Ashford	Cook	Harr, B.	McCoy	Smith
Avery	Crawford	Howard	McGill	Sullivan
Bloomfield	Davis	Janssen	Mello	Wallman
Bolz	Dubas	Johnson	Nelson	Watermeier
Brasch	Garrett	Karpisek	Nordquist	Wightman
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Kolowski	Scheer	
Christensen	Hadley	Krist	Schilz	
Coash	Hansen	Larson	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Lautenbaugh Murante

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 907A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 907, One Hundred Third Legislature, Second Session, 2014; to provide for a transfer of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Coash	Hansen	Krist	Scheer
Ashford	Conrad	Harms	Larson	Schilz
Avery	Cook	Harr, B.	Lathrop	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Dubas	Janssen	McGill	Smith
Brasch	Garrett	Johnson	Mello	Sullivan
Campbell	Gloor	Karpisek	Nelson	Wallman
Carlson	Haar, K.	Kintner	Nordquist	Watermeier
Christensen	Hadley	Kolowski	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 3:

Chambers Lautenbaugh Murante

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB961 with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 961.**

A BILL FOR AN ACT relating to law; to amend sections 44-2825, 45-1201, 45-1202, 45-1203, 45-1204, 45-1205, 48-126.01, 48-139, and 48-601, Reissue Revised Statutes of Nebraska; to provide for a compact regarding prevention and control of forest fires; to require workers' compensation coverage for volunteer firefighters as prescribed; to change the maximum amount recoverable under the Nebraska Hospital-Medical Liability Act; to change provisions of the Nebraska Construction Prompt Pay Act; to change workers' compensation provisions for certain public safety personnel and release provisions for lump-sum settlements; to adopt the short-time compensation program under the Employment Security Law; to appropriate funds; 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, 47:

Adams	Conrad	Harms	Lathrop	Schumacher
Ashford	Cook	Harr, B.	Lautenbaugh	Seiler
Avery	Crawford	Howard	McCoy	Smith
Bloomfield	Davis	Janssen	McGill	Sullivan
Bolz	Dubas	Johnson	Mello	Wallman
Brasch	Garrett	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Murante

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 999.**

A BILL FOR AN ACT relating to the state correctional system; to state findings; to provide powers and duties for the Division of Behavioral Health of the Department of Health and Human Services; and to require a program statement relating to the establishment of a Hastings Correctional Behavioral Health Treatment Center as prescribed.

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	Lathrop	Schumacher
Ashford	Cook	Harr, B.	Lautenbaugh	Seiler
Avery	Crawford	Howard	McCoy	Smith
Bloomfield	Davis	Janssen	McGill	Sullivan
Bolz	Dubas	Johnson	Mello	Wallman
Brasch	Garrett	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 999A.**

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB198, section 11; to appropriate funds to aid in carrying out the provisions of Legislative Bill 999, One Hundred Third Legislature, Second Session, 2014; 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	Lathrop	Schumacher
Ashford	Cook	Harr, B.	Lautenbaugh	Seiler
Avery	Crawford	Howard	McCoy	Smith
Bloomfield	Davis	Janssen	McGill	Sullivan
Bolz	Dubas	Johnson	Mello	Wallman
Brasch	Garrett	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Murante

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 LB1042 with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 1042.** With Emergency Clause.

A BILL FOR AN ACT relating to retirement; to amend sections 79-924, 79-933.02, 79-933.07, 79-933.08, and 79-933.09, Reissue Revised Statutes of Nebraska, section 79-980, Revised Statutes Cumulative Supplement, 2012, and sections 79-902, 79-921, 79-987, 79-991, and 84-1503, Revised Statutes Supplement, 2013; to change school retirement provisions; to change duties of the Public Employees Retirement Board; to provide severability; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 1042A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1042, One Hundred Third Legislature, Second Session, 2014; to state intent; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 1076.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-8503 and 71-8508, Reissue Revised Statutes of Nebraska, and section 71-8506, Revised Statutes Supplement, 2013; to change provisions relating to the Nebraska Telehealth Act; to define and redefine terms; to change provisions relating to reimbursement rates and 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, 48:

Adams	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 LB1092 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 1092.** With Emergency Clause.

A BILL FOR AN ACT relating to funding for highways; to amend sections 39-2203, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2222, 39-2223, and 39-2224, Reissue Revised Statutes of Nebraska, and sections 39-2216, 39-2704, and 66-4,100, Revised Statutes Cumulative Supplement, 2012; to authorize issuance of highway bonds; to create a fund; to change provisions of the Nebraska Highway Bond Act and the Build Nebraska Act; to pledge revenue for the bonds; 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, 28:

Avery	Dubas	Johnson	McGill	Schumacher
Bolz	Gloor	Karpisek	Mello	Seiler
Campbell	Haar, K.	Kolowski	Murante	Sullivan
Cook	Harms	Krist	Nelson	Wallman
Crawford	Harr, B.	Lathrop	Nordquist	
Davis	Howard	Lautenbaugh	Scheer	

Voting in the negative, 16:

Adams	Carlson	Garrett	McCoy
Ashford	Christensen	Hadley	Pirsch
Bloomfield	Coash	Hansen	Smith
Brasch	Conrad	Kintner	Watermeier

Present and not voting, 4:

Janssen	Larson	Schilz	Wightman
---------	--------	--------	----------

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 27:

Avery	Dubas	Johnson	McGill	Seiler
Bolz	Gloor	Karpisek	Mello	Sullivan
Campbell	Haar, K.	Kolowski	Nelson	Wallman
Cook	Harms	Krist	Nordquist	
Crawford	Harr, B.	Lathrop	Scheer	
Davis	Howard	Lautenbaugh	Schumacher	

Voting in the negative, 16:

Adams	Carlson	Garrett	McCoy
Ashford	Christensen	Hadley	Pirsch
Bloomfield	Coash	Hansen	Smith
Brasch	Conrad	Kintner	Watermeier

Present and not voting, 5:

Janssen	Larson	Murante	Schilz	Wightman
---------	--------	---------	--------	----------

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

#### **WITHDRAW - Amendments to LB1098**

Senator Lathrop withdrew his amendments, FA288, FA289, and FA290, found on page 1250, to LB1098.

#### **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 LB1098 with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1098.** With Emergency Clause.

A BILL FOR AN ACT relating to natural resources; to amend sections

2-1501, 2-1504, 2-3226.05, 46-241, 46-701, and 46-715, Reissue Revised Statutes of Nebraska, and section 77-1371, Revised Statutes Cumulative Supplement, 2012; to change the membership of and provide powers and duties for the Nebraska Natural Resources Commission; to state findings and intent regarding the Water Sustainability Fund; to provide criteria, requirements, and priority for distribution of the fund; to provide for grants and loans; to change provisions relating to occupation taxes imposed by national resources districts and water storage; to provide for development of basin-wide plans and require a public hearing on ground water augmentation projects under the Nebraska Ground Water Management and Protection Act; to change provisions relating to assessment of irrigated cropland; to harmonize provisions; to provide operative dates; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 bill was read and put upon final passage:

**LEGISLATIVE BILL 1098A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1098, 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, 48:

Adams	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **WITHDRAW - Amendment to LB1115**

Senator Schilz withdrew his amendment, AM2874, found on page 1449, to LB1115.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1115.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate additional funds to the Nebraska Power Review Board for a study; to state public policy; 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	Cook	Harr, B.	Lautenbaugh	Schumacher
Ashford	Crawford	Howard	McCoy	Seiler
Avery	Davis	Janssen	McGill	Smith
Bloomfield	Dubas	Johnson	Mello	Sullivan
Bolz	Garrett	Karpisek	Murante	Wallman
Brasch	Gloor	Kintner	Nelson	Watermeier
Campbell	Haar, K.	Kolowski	Nordquist	Wightman
Carlson	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	
Conrad	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Coash

Excused and not voting, 1:

Chambers

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 1115A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1115, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

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	Cook	Harr, B.	Lautenbaugh	Schumacher
Ashford	Crawford	Howard	McCoy	Seiler
Avery	Davis	Janssen	McGill	Smith
Bloomfield	Dubas	Johnson	Mello	Wallman
Bolz	Garrett	Karpisek	Murante	Watermeier
Brasch	Gloor	Kintner	Nelson	Wightman
Campbell	Haar, K.	Kolowski	Nordquist	
Carlson	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	
Conrad	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Coash            Sullivan

Excused and not voting, 1:

Chambers

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 766.**

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 85-505 and 85-505.01, Reissue Revised Statutes of Nebraska; to change tuition assistance program 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 LB774 with 36 ayes, 5 nays, 7 present and not voting, and 1 excused and not voting.



The following bill was put upon final passage:

**LEGISLATIVE BILL 774.**

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 13-2525, 21-125, 21-19,172, 21-2923, and 67-456, Reissue Revised Statutes of Nebraska; to provide for the filing of a corrected or amended annual or biennial report; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 LB777 with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 777.**

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 32-308, 60-474, 60-484.02, 60-4,119, 60-4,180, and 60-2904, Reissue Revised Statutes of Nebraska, and sections 60-4,115, 60-4,116, 60-4,120, 60-4,122, 60-4,126, and 60-4,150, Revised Statutes Cumulative Supplement, 2012; to redefine terms; to change operator's

license renewal procedures for persons out of the state; to change and eliminate provisions relating to issuance of duplicate and replacement operators' licenses and state identification cards; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 780.**

A BILL FOR AN ACT relating to real property; to amend section 76-214, Revised Statutes Cumulative Supplement, 2012, and section 76-2,126, Revised Statutes Supplement, 2013; to change provisions relating to transfer on death deeds; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 781.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1511, Revised Statutes Cumulative Supplement, 2012; to change a date relating to a comprehensive audit; 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	Janssen	Mello	Sullivan
Bolz	Dubas	Johnson	Murante	Wallman
Brasch	Garrett	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 1:

## Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 792.**

A BILL FOR AN ACT relating to school funds; to amend section 79-1034, Reissue Revised Statutes of Nebraska; to eliminate a report requirement by the county treasurers to the State Treasurer; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

## Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 798.**

A BILL FOR AN ACT relating to public power; to amend section 70-623, Reissue Revised Statutes of Nebraska; to authorize power districts to use fiscal years 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, 47:

Adams	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Sullivan
Bolz	Dubas	Johnson	Mello	Wallman
Brasch	Garrett	Karpisek	Murante	Watermeier
Campbell	Gloor	Kintner	Nelson	Wightman
Carlson	Haar, K.	Kolowski	Nordquist	
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 802.**

A BILL FOR AN ACT relating to building regulations; to amend sections 19-922 and 23-172, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to adopting future amendments; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 803.**

A BILL FOR AN ACT relating to cities of the first and second class; to amend sections 16-313 and 17-111, Reissue Revised Statutes of Nebraska; to change provisions relating to mayoral veto power; to provide a time limit for issuance of a veto; to provide duties; to provide certain line-item veto authority; 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, 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.

Present and not voting, 1:

Janssen

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 806.**

A BILL FOR AN ACT relating to the Military Code; to amend sections 55-120, 55-125, and 55-126, Reissue Revised Statutes of Nebraska; to eliminate the position of the chief of staff of the Military Department; to

change delegation of duties by the Adjutant General; to provide a salary and leave exception for the deputy adjutant general; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 816.**

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-323, Reissue Revised Statutes of Nebraska, and section 60-301, Revised Statutes Cumulative Supplement, 2012; to provide for evidence of insurance in electronic format; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 828.**

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-4201 and 29-4206, Reissue Revised Statutes of Nebraska; to authorize county court and district court acceptance of certain written waivers and pleas; to provide a form; 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, 47:

Adams	Cook	Harr, B.	Lautenbaugh	Schumacher
Ashford	Crawford	Howard	McCoy	Seiler
Avery	Davis	Janssen	McGill	Smith
Bloomfield	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	
Conrad	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bolz



Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 859.**

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-468, Revised Statutes Cumulative Supplement, 2012, and sections 71-467 and 71-469, Revised Statutes Supplement, 2013; to change provisions for onsite vaccinations at certain health care facilities; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 876.**

A BILL FOR AN ACT relating to insurance; to require a bodily injury exception from a pollutant exclusion in certain insurance policies.

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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 930.**

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2323, 76-2324, and 76-2325, 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.

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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 937.**

A BILL FOR AN ACT relating to counties; to amend section 23-277, Reissue Revised Statutes of Nebraska; to change a quorum requirement; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 964.**

A BILL FOR AN ACT relating to homesteads; to amend sections 40-102 and 40-105, Revised Statutes Cumulative Supplement, 2012; to provide a homestead exemption for claimants under sixty-five years of age and not married; to change and eliminate provisions relating to homestead exemptions; to repeal the original sections; and to outright repeal section 40-115, 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, 48:

Adams	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 989.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-383, Reissue Revised Statutes of Nebraska, and sections 77-382, 77-385, and 81-125, Revised Statutes Supplement, 2013; to change requirements for the tax expenditure report and require a report relating to sales taxes under the Tax Expenditure Reporting Act; 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, 47:

Adams	Conrad	Harms	Lathrop	Schumacher
Ashford	Cook	Harr, B.	McCoy	Seiler
Avery	Crawford	Howard	McGill	Smith
Bloomfield	Davis	Janssen	Mello	Sullivan
Bolz	Dubas	Johnson	Murante	Wallman
Brasch	Garrett	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 997.**

A BILL FOR AN ACT relating to labor; to amend section 48-622.03, Reissue Revised Statutes of Nebraska, and sections 48-622.01 and 48-622.02, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the Nebraska Training and Support Trust Fund; to create the Nebraska Training and Support Cash Fund; to provide for placement of interest in the fund and for distributions from the fund; to provide duties for the Nebraska Worker Training Board; 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	Harr, B.	Lautenbaugh	Schumacher
Ashford	Cook	Howard	McCoy	Seiler
Avery	Crawford	Janssen	McGill	Smith
Bloomfield	Dubas	Johnson	Mello	Sullivan
Bolz	Garrett	Karpisek	Murante	Wallman
Brasch	Gloor	Kintner	Nelson	Watermeier
Campbell	Haar, K.	Kolowski	Nordquist	Wightman
Carlson	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	
Coash	Harms	Lathrop	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Davis

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

**LEGISLATIVE BILL 1008.**

A BILL FOR AN ACT relating to climate assessment; to amend section 2-4902, Revised Statutes Supplement, 2013; to change duties of the Climate Assessment Response Committee; 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	Hadley	Kolowski	Nordquist
Ashford	Conrad	Hansen	Krist	Scheer
Avery	Cook	Harms	Larson	Schilz
Bloomfield	Crawford	Harr, B.	Lathrop	Schumacher
Bolz	Davis	Howard	Lautenbaugh	Seiler
Brasch	Dubas	Janssen	McGill	Sullivan
Campbell	Garrett	Johnson	Mello	Wallman
Carlson	Gloor	Karpisek	Murante	Wightman
Christensen	Haar, K.	Kintner	Nelson	

Voting in the negative, 1:

McCoy

Present and not voting, 3:

Pirsch          Smith          Watermeier

Excused and not voting, 1:

Chambers

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 LB1039 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 1039.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections

60-6,288 and 60-6,289, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-6,290, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to size, weight, and load for farm equipment and implements of husbandry; 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	Conrad	Harms	Lathrop	Schilz
Ashford	Cook	Harr, B.	Lautenbaugh	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bloomfield	Davis	Janssen	McGill	Smith
Bolz	Dubas	Johnson	Mello	Sullivan
Brasch	Garrett	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	
Coash	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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 1044.**

A BILL FOR AN ACT relating to abandoned vehicles; to amend section 60-1901, Reissue Revised Statutes of Nebraska; to provide procedures for abandoned mobile homes; to define a term; 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, 43:

Adams	Cook	Harr, B.	Lathrop	Schumacher
Avery	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nordquist	Watermeier
Christensen	Hadley	Kolowski	Pirsch	Wightman
Coash	Hansen	Krist	Scheer	
Conrad	Harms	Larson	Schilz	

Voting in the negative, 1:

Bloomfield

Present and not voting, 4:

Ashford      Haar, K.      Lautenbaugh      Nelson

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 1050.**

A BILL FOR AN ACT relating to child care; to amend sections 43-2618, 71-1911, and 71-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to inspections of certain child care facilities as prescribed; 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, 44:

Adams	Conrad	Hansen	Larson	Scheer
Ashford	Cook	Harms	Lathrop	Schumacher
Avery	Crawford	Harr, B.	McCoy	Seiler
Bolz	Davis	Howard	McGill	Smith
Brasch	Dubas	Janssen	Mello	Sullivan
Campbell	Garrett	Johnson	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Christensen	Haar, K.	Kolowski	Nordquist	Wightman
Coash	Hadley	Krist	Pirsch	

Voting in the negative, 0.



Present and not voting, 4:

Bloomfield Karpisek Lautenbaugh Schilz

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1072.**

A BILL FOR AN ACT relating to public health; to amend sections 71-2454 and 71-2455, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to the prescription drug monitoring program; to create a fund; 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
Bloomfield	Davis	Janssen	Murante	Wallman
Bolz	Dubas	Johnson	Nelson	Watermeier
Brasch	Garrett	Karpisek	Nordquist	Wightman
Campbell	Gloor	Kintner	Pirsch	
Carlson	Haar, K.	Kolowski	Scheer	
Christensen	Hadley	Krist	Schilz	
Coash	Hansen	Lathrop	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Larson Lautenbaugh

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 1089.**

A BILL FOR AN ACT relating to civil procedure; to amend section 30-3839, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide for disposition of residual funds in class action litigation and charitable trusts; 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	Lathrop	Schumacher
Ashford	Cook	Harr, B.	McCoy	Seiler
Avery	Crawford	Howard	McGill	Smith
Bloomfield	Davis	Janssen	Mello	Sullivan
Bolz	Dubas	Johnson	Murante	Wallman
Brasch	Garrett	Karpisek	Nelson	Watermeier
Campbell	Gloor	Kintner	Nordquist	Wightman
Carlson	Haar, K.	Kolowski	Pirsch	
Christensen	Hadley	Krist	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Lautenbaugh

Excused and not voting, 1:

Chambers

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 191, 191A, 907, 907A, 961, 999, 999A, 1042, 1042A, 1076, 1098, 1098A, 1115, 1115A, 766, 774, 777, 780, 781, 792, 798, 802, 803, 806, 816, 828, 859, 876, 930, 937, 964, 989, 997, 1008, 1039, 1044, 1050, 1072, and 1089.

**SENATOR GLOOR PRESIDING**

**MOTION - Override Veto on LB690**

Senator Bolz offered her motion, MO178, found on page 1422, that LB690 becomes law notwithstanding the objections of the Governor.

Senator Campbell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Senator Bolz moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Adams	Conrad	Haar, K.	Kolowski	Murante
Ashford	Cook	Hadley	Krist	Nordquist
Avery	Crawford	Harms	Lathrop	Schumacher
Bolz	Davis	Harr, B.	Lautenbaugh	Sullivan
Campbell	Dubas	Howard	McGill	Wallman
Chambers	Gloor	Karpisek	Mello	Wightman

Voting in the negative, 12:

Bloomfield	Garrett	Kintner	Pirsch
Brasch	Hansen	Larson	Seiler
Christensen	Johnson	McCoy	Watermeier

Present and not voting, 5:

Carlson	Coash	Nelson	Scheer	Smith
---------	-------	--------	--------	-------

Excused and not voting, 2:

Janssen	Schilz
---------	--------

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

**MOTION - Override Veto on LB690A**

Senator Bolz offered her motion, MO179, found on page 1422, that LB690A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass

notwithstanding the objections of the Governor?" "

Voting in the affirmative, 32:

Adams	Conrad	Hadley	Lathrop	Schumacher
Ashford	Cook	Harms	Lautenbaugh	Sullivan
Avery	Crawford	Harr, B.	McGill	Wallman
Bolz	Davis	Howard	Mello	Wightman
Campbell	Dubas	Karpisek	Murante	
Carlson	Gloor	Kolowski	Nordquist	
Coash	Haar, K.	Krist	Scheer	

Voting in the negative, 12:

Bloomfield	Garrett	Kintner	Pirsch
Brasch	Hansen	Larson	Seiler
Christensen	Johnson	McCoy	Watermeier

Present and not voting, 3:

Chambers	Nelson	Smith
----------	--------	-------

Excused and not voting, 2:

Janssen	Schilz
---------	--------

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 10, 2014, at 11:23 a.m. were the following: LBs 191, 191A, 907e, 907Ae, 961, 999, 999A, 1042e, 1042Ae, 1076, 1098e, 1098A, 1115e, 1115Ae, 766, 774, 777, 780, 781, 792, 798, 802, 803, 806, 816, 828, 859, 876, 930, 937, 964, 989, 997, 1008, 1039, 1044, 1050, 1072, and 1089.

(Signed) Jamie Kruse  
 Clerk of the Legislature's Office

**REFERENCE COMMITTEE REPORT**

2014 Resolution calling for an Interim Study

LR624	Interim study to examine issues under the jurisdiction of the Health and Human Services Committee	Health and Human Services
-------	---	---------------------------

(Signed) John Wightman, Chairperson  
Executive Board

**COMMUNICATION**

April 10, 2014

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Heineman of LB671, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO: jk

**VISITORS**

Visitors to the Chamber were Senator Mello's intern, Emily Becker, from Lincoln; 40 fourth-grade students and teachers from St. Gerald Catholic School, Ralston; Senator Nordquist's intern, Jana Driskel, from Omaha; Senator Nelson's wife, son, and daughter-in-law, Judy, Andrew, and Lacey, from Omaha; a group from Creighton University Chinese Delegation; 30 fourth-grade students, teachers, and sponsors from Fillmore Central Elementary, Geneva; Julie Dorsey from West Point and Silvio Bertuccio from Germany; and a group from Leadership Washington County.

**RECESS**

At 12:05 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 Coash presiding.

**SPEAKER ADAMS PRESIDING**

**ROLL CALL**

The roll was called and all members were present except Senator Krist who was excused; and Senators Christensen, Conrad, Howard, Lautenbaugh, Mello, and Murante who were excused until they arrive.

**SENATOR COASH PRESIDING****MOTIONS - Confirmation Reports**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1393:

Nebraska Child Abuse Prevention Fund Board  
Denise Pecha

Voting in the affirmative, 33:

Ashford	Cook	Harms	Lathrop	Schumacher
Avery	Crawford	Harr, B.	McCoy	Seiler
Bloomfield	Dubas	Janssen	McGill	Smith
Bolz	Garrett	Johnson	Nelson	Sullivan
Brasch	Haar, K.	Karpisek	Nordquist	Wightman
Campbell	Hadley	Kolowski	Scheer	
Coash	Hansen	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Chambers	Gloor	Pirsch	Watermeier
Carlson	Davis	Kintner	Wallman	

Excused and not voting, 7:

Christensen	Howard	Lautenbaugh	Murante
Conrad	Krist	Mello	

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1394:

Nebraska Rural Health Advisory Commission  
Martin Fattig

Voting in the affirmative, 39:

Avery	Cook	Harms	Larson	Schumacher
Bloomfield	Crawford	Harr, B.	Lathrop	Seiler
Bolz	Davis	Howard	McCoy	Smith
Brasch	Dubas	Janssen	McGill	Sullivan
Campbell	Garrett	Johnson	Nelson	Wallman
Carlson	Gloor	Karpisek	Nordquist	Watermeier
Chambers	Haar, K.	Kintner	Scheer	Wightman
Coash	Hadley	Kolowski	Schilz	

Voting in the negative, 0.

Present and not voting, 4:

Adams	Ashford	Hansen	Pirsch
-------	---------	--------	--------

Excused and not voting, 6:

Christensen	Krist	Mello
Conrad	Lautenbaugh	Murante

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1394:

State Board of Health  
Richard Lee Robinson  
Joshua M. Vest

Voting in the affirmative, 39:

Avery	Crawford	Harms	Larson	Schilz
Bloomfield	Davis	Harr, B.	Lathrop	Schumacher
Bolz	Dubas	Howard	McCoy	Smith
Brasch	Garrett	Janssen	McGill	Sullivan
Campbell	Gloor	Johnson	Mello	Wallman
Carlson	Haar, K.	Karpisek	Nelson	Watermeier
Coash	Hadley	Kintner	Nordquist	Wightman
Cook	Hansen	Kolowski	Scheer	

Voting in the negative, 0.

Present and not voting, 5:

Adams	Ashford	Chambers	Pirsch	Seiler
-------	---------	----------	--------	--------

Excused and not voting, 5:

Christensen Conrad Krist Lautenbaugh Murante

The appointments were confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1394:

Foster Care Advisory Committee  
Sandra Kruback  
Elizabeth Neeley

Voting in the affirmative, 41:

Ashford	Conrad	Hansen	Lathrop	Smith
Avery	Cook	Harms	McCoy	Sullivan
Bloomfield	Crawford	Harr, B.	McGill	Wallman
Bolz	Davis	Howard	Mello	Watermeier
Brasch	Dubas	Janssen	Nordquist	Wightman
Campbell	Garrett	Johnson	Scheer	
Carlson	Gloor	Karpisek	Schilz	
Christensen	Haar, K.	Kolowski	Schumacher	
Coash	Hadley	Larson	Seiler	

Voting in the negative, 0.

Present and not voting, 5:

Adams Chambers Kintner Nelson Pirsch

Excused and not voting, 3:

Krist Lautenbaugh Murante

The appointments were confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1394:

Stem Cell Research Advisory Committee  
Rebecca Jane Morris  
Dennis Roop  
Gerald Spangrude

Voting in the affirmative, 41:



Avery	Conrad	Hansen	Lathrop	Smith
Bloomfield	Cook	Harms	McCoy	Sullivan
Bolz	Crawford	Harr, B.	McGill	Wallman
Brasch	Davis	Howard	Mello	Watermeier
Campbell	Dubas	Johnson	Nelson	Wightman
Carlson	Garrett	Karpisek	Scheer	
Chambers	Gloor	Kintner	Schilz	
Christensen	Haar, K.	Kolowski	Schumacher	
Coash	Hadley	Larson	Seiler	

Voting in the negative, 0.

Present and not voting, 5:

Adams	Ashford	Janssen	Nordquist	Pirsch
-------	---------	---------	-----------	--------

Excused and not voting, 3:

Krist	Lautenbaugh	Murante
-------	-------------	---------

The appointments were confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1174:

Commission of Industrial Relations  
 Joel Carlson  
 David J. Partsch

Voting in the affirmative, 40:

Ashford	Coash	Haar, K.	Kintner	Nordquist
Bloomfield	Conrad	Hadley	Kolowski	Scheer
Bolz	Cook	Hansen	Larson	Schilz
Brasch	Crawford	Harms	Lathrop	Schumacher
Campbell	Davis	Harr, B.	McCoy	Sullivan
Carlson	Dubas	Howard	McGill	Wallman
Chambers	Garrett	Johnson	Mello	Watermeier
Christensen	Gloor	Karpisek	Murante	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Adams	Janssen	Nelson	Seiler
Avery	Lautenbaugh	Pirsch	Smith

Excused and not voting, 1:

Krist

The appointments were confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1430:

State Electrical Board  
James S. Brummer

Voting in the affirmative, 42:

Ashford	Coash	Harms	Lathrop	Schilz
Avery	Conrad	Harr, B.	McCoy	Schumacher
Bloomfield	Crawford	Howard	McGill	Seiler
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Murante	Wallman
Campbell	Garrett	Karpisek	Nelson	Watermeier
Carlson	Haar, K.	Kintner	Nordquist	
Chambers	Hadley	Kolowski	Pirsch	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 6:

Adams	Gloor	Smith
Cook	Lautenbaugh	Wightman

Excused and not voting, 1:

Krist

The appointment was confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1430:

State Racing Commission  
Jeffrey Galyen  
Dennis Lee

Voting in the affirmative, 40:

Adams	Chambers	Garrett	Johnson	Nordquist
Ashford	Christensen	Haar, K.	Karpisek	Pirsch
Avery	Coash	Hadley	Kintner	Scheer
Bloomfield	Conrad	Hansen	Kolowski	Schumacher
Bolz	Cook	Harms	Lathrop	Seiler
Brasch	Crawford	Harr, B.	McGill	Sullivan
Campbell	Davis	Howard	Mello	Wallman
Carlson	Dubas	Janssen	Nelson	Watermeier

Voting in the negative, 0.

Present and not voting, 8:

Gloor	Lautenbaugh	Murante	Smith
Larson	McCoy	Schilz	Wightman

Excused and not voting, 1:

Krist

The appointments were confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1430:

Nebraska Commission on Problem Gambling

Marla Bruder  
Edward F. Hoffman  
Janelle Holt

Voting in the affirmative, 39:

Adams	Chambers	Garrett	Kolowski	Scheer
Ashford	Christensen	Haar, K.	Larson	Schilz
Avery	Coash	Hadley	Lathrop	Schumacher
Bloomfield	Conrad	Harms	McCoy	Seiler
Bolz	Cook	Janssen	McGill	Sullivan
Brasch	Crawford	Johnson	Nelson	Wallman
Campbell	Davis	Karpisek	Nordquist	Watermeier
Carlson	Dubas	Kintner	Pirsch	

Voting in the negative, 0.

Present and not voting, 9:

Gloor	Harr, B.	Lautenbaugh	Murante	Wightman
Hansen	Howard	Mello	Smith	

Excused and not voting, 1:

Krist

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1456:

Board of Public Roads Classifications and Standards  
John F. Krager III

Voting in the affirmative, 40:

Adams	Chambers	Haar, K.	Lathrop	Schilz
Ashford	Christensen	Hadley	McCoy	Schumacher
Avery	Coash	Harms	McGill	Seiler
Bloomfield	Cook	Howard	Murante	Smith
Bolz	Crawford	Janssen	Nelson	Sullivan
Brasch	Davis	Johnson	Nordquist	Wallman
Campbell	Dubas	Kintner	Pirsch	Watermeier
Carlson	Garrett	Kolowski	Scheer	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Conrad	Hansen	Karpisek	Lautenbaugh
Gloor	Harr, B.	Larson	Mello

Excused and not voting, 1:

Krist

The appointment was confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1456:

Nebraska Information Technology Commission  
Terry Haack

Voting in the affirmative, 43:

Adams	Christensen	Hadley	Lathrop	Schumacher
Ashford	Coash	Harms	McCoy	Seiler
Avery	Cook	Howard	McGill	Smith
Bloomfield	Crawford	Janssen	Murante	Sullivan
Bolz	Davis	Johnson	Nelson	Wallman
Brasch	Dubas	Karpisek	Nordquist	Watermeier
Campbell	Garrett	Kintner	Pirsch	Wightman
Carlson	Gloor	Kolowski	Scheer	
Chambers	Haar, K.	Larson	Schilz	

Voting in the negative, 0.

Present and not voting, 5:

Conrad	Hansen	Harr, B.	Lautenbaugh	Mello
--------	--------	----------	-------------	-------

Excused and not voting, 1:

Krist

The appointment was confirmed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1294:

Department of Corrections  
Michael L. Kenney, Director

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a roll call vote on the confirmation report.

Voting in the affirmative, 30:

Adams	Coash	Hansen	Lautenbaugh	Schilz
Ashford	Crawford	Harms	McCoy	Schumacher
Bloomfield	Davis	Janssen	Murante	Seiler
Brasch	Garrett	Johnson	Nelson	Smith
Campbell	Gloor	Kintner	Pirsch	Sullivan
Christensen	Hadley	Larson	Scheer	Wightman

Voting in the negative, 9:

Bolz	Conrad	Dubas	Karpisek	Wallman
Chambers	Cook	Haar, K.	Kolowski	

Present and not voting, 9:

Avery	Harr, B.	Lathrop	Mello	Watermeier
Carlson	Howard	McGill	Nordquist	

Excused and not voting, 1:

Krist

The Judiciary Committee confirmation report was approved with 30 ayes, 9 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 1393:

Nebraska Board of Parole  
Rosalyn Cotton

Voting in the affirmative, 37:

Adams	Chambers	Haar, K.	Larson	Schilz
Ashford	Christensen	Hadley	Lautenbaugh	Schumacher
Avery	Coash	Harms	McCoy	Seiler
Bloomfield	Conrad	Howard	Murante	Sullivan
Bolz	Cook	Johnson	Nelson	Wightman
Brasch	Crawford	Karpisek	Nordquist	
Campbell	Dubas	Kintner	Pirsch	
Carlson	Garrett	Kolowski	Scheer	

Voting in the negative, 0.

Present and not voting, 11:

Davis	Harr, B.	McGill	Wallman
Gloor	Janssen	Mello	Watermeier
Hansen	Lathrop	Smith	

Excused and not voting, 1:

Krist

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1427:

Nebraska Environmental Trust Board  
Kevin Peterson

Voting in the affirmative, 32:

Adams	Crawford	Johnson	Nelson	Sullivan
Bloomfield	Davis	Karpisek	Nordquist	Wallman
Brasch	Gloor	Kintner	Pirsch	Watermeier
Campbell	Hadley	Larson	Schilz	Wightman
Carlson	Hansen	McCoy	Schumacher	
Coash	Harms	McGill	Seiler	
Conrad	Howard	Murante	Smith	

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Chambers	Garrett	Kolowski	Mello
Avery	Cook	Haar, K.	Lathrop	Scheer
Bolz	Dubas	Janssen	Lautenbaugh	

Excused and not voting, 3:

Christensen Harr, B. Krist

The appointment was confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1427:

Nebraska Ethanol Board  
Mark A. Ondracek  
Michael Thede

Voting in the affirmative, 35:

Adams	Coash	Haar, K.	Kintner	Schilz
Bloomfield	Conrad	Hadley	Kolowski	Schumacher
Bolz	Cook	Hansen	McCoy	Seiler
Brasch	Crawford	Harms	Mello	Smith
Campbell	Davis	Howard	Murante	Sullivan
Carlson	Garrett	Johnson	Nelson	Wallman
Chambers	Gloor	Karpisek	Scheer	Watermeier

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Janssen	Lautenbaugh	Pirsch
Avery	Larson	McGill	Wightman
Dubas	Lathrop	Nordquist	

Excused and not voting, 3:

Christensen Harr, B. Krist

The appointments were confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

### COMMUNICATION

April 10, 2014

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB690 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB690, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

### CERTIFICATE

Legislative Bill 690, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 10th day of April 2014.

(Signed) Greg Adams  
President of the Legislature



**COMMUNICATION**

April 10, 2014

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB690A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB690A, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

PJO:jk  
Enc.

**CERTIFICATE**

Legislative Bill 690A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 10th day of April 2014.

(Signed) Greg Adams  
President of the Legislature

**RESOLUTION**

**LEGISLATIVE RESOLUTION 627.** Introduced by Davis, 43.

WHEREAS, John Cover, a longtime resident of Alliance, was awarded the Alliance Chamber of Commerce Lifetime Service Award on January 22, 2014; and

WHEREAS, for many years John operated Cover-Jones Motor Company, a Ford dealership in Alliance started in 1936 by Walter Jones and John's father, Wharton Cover; and

WHEREAS, the Cover-Jones Motor Company has been a long-standing member of the Alliance Chamber of Commerce, and many of its employees have been involved in civic organizations in the Alliance community; and

WHEREAS, John has been involved extensively in his community by serving on the Alliance School Board for 20 years, on the Box Butte General Hospital Board of Trustees for 20 years, on the Box Butte Health Foundation Board of Directors, on the Sandhills Broadcasting Company Board of Directors, in the Vestry at St. Matthews Episcopal Church for 30

years, and with the Nebraska New Car and Truck Dealers Association and the Alliance Chamber of Commerce; and

WHEREAS, John also served his country as a lieutenant in the United States Navy from 1943-46; and

WHEREAS, John has demonstrated a lifetime of invaluable dedication to his community of Alliance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates John Cover on being awarded the Alliance Chamber of Commerce Lifetime Service Award.
2. That a copy of this resolution be sent to John Cover.

Laid over.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 38.** Read. Considered.

Committee AM758, found on page 876, First Session, 2013, was offered.

Senator Avery moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Avery requested a roll call vote on the committee amendment.

Voting in the affirmative, 22:

Adams	Cook	Karpisek	Nelson	Smith
Bloomfield	Davis	Kintner	Pirsch	Wightman
Brasch	Garrett	Lautenbaugh	Scheer	
Carlson	Hansen	McCoy	Schilz	
Coash	Johnson	Murante	Seiler	

Voting in the negative, 8:

Ashford	Conrad	Kolowski	Wallman
Avery	Haar, K.	Lathrop	Watermeier

Present and not voting, 15:

Bolz	Christensen	Gloor	Howard	Nordquist
Campbell	Crawford	Hadley	McGill	Schumacher
Chambers	Dubas	Harms	Mello	Sullivan

Excused and not voting, 4:

Harr, B.	Janssen	Krist	Larson
----------	---------	-------	--------

The committee amendment lost with 22 ayes, 8 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LR38 was adopted with 23 ayes, 15 nays, 7 present and not voting, and 4 excused and not voting.

**LEGISLATIVE RESOLUTION 395.** Read. Considered.

Senator Chambers requested a roll call vote on the adoption of the resolution.

LR395 was adopted with 32 ayes, 1 nay, 5 present and not voting, and 11 excused and not voting.

**LEGISLATIVE RESOLUTION 413.** Read. Considered.

Committee AM2371, found on page 890, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following amendment:

FA357

After the word "Agriculture" insert "in the name of the Father, the Son and the Holy Ghost".

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 35:

Adams	Christensen	Gloor	Johnson	Nelson
Ashford	Coash	Haar, K.	Karpisek	Nordquist
Avery	Cook	Hadley	Kolowski	Smith
Bloomfield	Crawford	Hansen	Lathrop	Sullivan
Brasch	Davis	Harms	McCoy	Wallman
Campbell	Dubas	Harr, B.	McGill	Watermeier
Carlson	Garrett	Howard	Mello	Wightman

Present and not voting, 1:

Schumacher

Absent and not voting, 1:

Pirsch

Excused and not voting, 11:

Bolz	Kintner	Lautenbaugh	Schilz
Conrad	Krist	Murante	Seiler
Janssen	Larson	Scheer	

The Chambers amendment lost with 1 aye, 35 nays, 1 present and not voting, 1 absent and not voting, and 11 excused and not voting.

The Chair declared the call raised.

LR413, as amended, was adopted with 35 ayes, 0 nays, 2 present and not voting, 1 absent and not voting, and 11 excused and not voting.

**LEGISLATIVE RESOLUTION 427.** Read. Considered.

Committee AM2372, found on page 890, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LR427, as amended, was adopted with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

### RESOLUTION

**LEGISLATIVE RESOLUTION 628.** Introduced by Natural Resources Committee: Carlson, 38, Chairperson; Brasch, 16; Schilz, 47; Smith, 14.

**PURPOSE:** The purpose of this resolution is to study the role of Nebraska state government in establishing and implementing standards of performance for existing carbon dioxide emissions from public power plants within the state in light of the federal Clean Air Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:**

1. That the Natural Resources 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.

**MESSAGE FROM THE GOVERNOR**

April 10, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 364, 558, 679, 683, 687, 687A, 693, 697, 698, 701, 702e, 712e, 714e, 735, 736, 737, 739e, 750e, 753, 757, 758, and 765 were received in my office on April 9, 2014.

Engrossed Legislative Bills 766, 774, 777, 780, 781, 792, 798, 802, 803, 806, 816, 828, 859, 876, 930, 937, 964, 989, 997, 1008, 1039, 1044, 1050, 1072, and 1089 were received in my office on April 10, 2014.

These bills were signed and delivered to the Secretary of State on April 10, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Mello asked unanimous consent to add his name as cointroducer to LR38. No objections. So ordered.

**MOTION - Adjournment**

Senator Watermeier moved to adjourn until 10:30 a.m., Thursday, April 17, 2014. The motion failed with 14 ayes, 18 nays, 3 present and not voting, and 14 excused and not voting.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 399.** Read. Considered.

Senator Smith offered his motion, MO193, found on page 1550, to bracket until April 17, 2014.

Senator Smith withdrew his motion to bracket.

Senator McCoy offered the following motion:

MO196

Recommit to the Judiciary Committee.

Senator Wallman moved the previous question. The question is, "Shall the debate now close?"

Senator Wallman moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Senator Wallman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Adams	Cook	Harms	Lathrop	Sullivan
Ashford	Crawford	Harr, B.	McGill	Wallman
Campbell	Gloor	Howard	Mello	Wightman
Chambers	Haar, K.	Karpisek	Nordquist	
Coash	Hansen	Kolowski	Schumacher	

Voting in the negative, 2:

McCoy          Nelson

Present and not voting, 2:

Carlson          Smith

Excused and not voting, 22:

Avery	Conrad	Janssen	Lautenbaugh	Seiler
Bloomfield	Davis	Johnson	Murante	Watermeier
Bolz	Dubas	Kintner	Pirsch	
Brasch	Garrett	Krist	Scheer	
Christensen	Hadley	Larson	Schilz	

The motion to cease debate failed with 23 ayes, 2 nays, 2 present and not voting, and 22 excused and not voting.

The Chair declared the call raised.

The McCoy motion to recommit to committee failed with 1 aye, 17 nays, 6 present and not voting, and 25 excused and not voting.

Senator McCoy offered the following amendment:

AM2939

- 1     1. Strike the second resolved clause and insert the
- 2     following new resolved clause:
- 3     "2. That such reform enacted by Congress should recognize
- 4     the need to secure the borders of the United States and enforce
- 5     existing federal immigration and deportation laws."

Senator McCoy withdrew his amendment.

LR399 was adopted with 20 ayes, 3 nays, 1 present and not voting, and 25 excused and not voting.

**LEGISLATIVE RESOLUTION 440.** Read. Considered.

LR440 was adopted with 21 ayes, 0 nays, 2 present and not voting, and 26 excused and not voting.

**LEGISLATIVE RESOLUTION 482.** Read. Considered.

Senator K. Haar offered his amendment, AM2900, found on page 1478.

Senator K. Haar withdrew his amendment.

Senator K. Haar withdrew his amendments, FA328, FA329, FA330, FA331, FA332, and FA333, found on page 1478.

LR482 was adopted with 15 ayes, 2 nays, 7 present and not voting, and 25 excused and not voting.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Cook asked unanimous consent to add her name as cointroducer to LR399. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were 55 fourth-grade students and teachers from Longfellow Elementary, Hastings; 16 fourth-grade students and teacher from Cedar Elementary, Beatrice; and 32 fourth-grade students, teachers, and sponsors from Sutton.

#### **ADJOURNMENT**

At 6:36 p.m., on a motion by Speaker Adams, the Legislature adjourned until 10:30 a.m., Thursday, April 17, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature





**SIXTIETH DAY - APRIL 17, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 17, 2014

**PRAYER**

The prayer was offered by Pastor Jonathan Sloan, First Presbyterian Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:30 a.m., President Heidemann presiding.

The roll was called and all members were present except Senator Garrett who was excused; and Senator Lautenbaugh who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**MESSAGES FROM THE GOVERNOR**

April 15, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 464, 464Ae, 565, 719, 994e, and 994Ae were received in my office on April 9, 2014.

These bills were signed and delivered to the Secretary of State on April 15, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 16, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 191, 191A, 907e, 907Ae, 961, 999, 999A, 1042e, 1042Ae, 1076, 1098e, 1098A, 1115e, and 1115Ae were received in my office on April 10, 2014.

These bills were signed and delivered to the Secretary of State on April 16, 2014.

Sincerely,  
(Signed) Dave Heineman  
Governor

**COMMITTEE REPORT**  
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR413.

(Signed) John Murante, Chairperson

**ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 413.** Introduced by Davis, 43.

WHEREAS, the Nebraska cattle industry is vital to the economic and social well-being of the state; and

WHEREAS, foot-and-mouth disease (FMD) is one of the most contagious diseases known to cloven-hooved animals including cattle, hogs, and sheep, and an outbreak of FMD could significantly harm Nebraska livestock producers and the state's economy; and

WHEREAS, the United States has not had an outbreak of FMD since 1929 when the disease was inadvertently introduced into California via contaminated animal products imported from Argentina; and

WHEREAS, the United States has successfully prevented any further reintroductions of FMD by strictly prohibiting the importation of livestock and fresh and chilled meat originating in countries where FMD has not been eradicated and where a risk of outbreaks persists; and

WHEREAS, the United States Department of Agriculture (USDA) is proposing a rule to allow the importation of fresh and chilled beef from fourteen states in Brazil, including states where widespread outbreaks of

FMD occurred as recently as 2005 and 2006, where vaccination is attempted to control FMD, and which states are geographically adjacent to Paraguay which had an outbreak of FMD as recently as 2011; and

WHEREAS, the USDA admits there is an increased risk of introducing FMD into the United States under its proposed rule by acknowledging that "as long as FMD is endemic in the overall region in South America, there is a risk of reintroduction from adjacent areas into the proposed exporting region"; and

WHEREAS, the USDA further admits that reintroduction of FMD into the United States would reduce financial returns to cattle producers and beef processors, the result of which would also harm rural communities and the entire Nebraska economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature requests that the United States Department of Agriculture immediately withdraw its proposed rule entitled "Importation of Beef from a Region in Brazil" and not allow the importation of fresh and chilled beef from fourteen states in Brazil.

2. That the Legislature further requests the United States Department of Agriculture to not expand the exceptions to the prohibition against the importation of any ruminant or swine or any fresh (chilled or frozen) meat of ruminants and swine pursuant to 9 C.F.R. 94.1 to allow the importation of fresh and chilled beef from the country of Brazil or any region of Brazil until the United States Secretary of Agriculture certifies to Congress that every region of Brazil is free of foot-and-mouth disease without vaccination.

3. That a copy of this resolution be sent to President Barack Obama, to United States Secretary of Agriculture Tom Vilsack, and to each member of the Nebraska congressional delegation.

#### **COMMITTEE REPORT**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR427.

(Signed) John Murante, Chairperson

#### **ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 427.** Introduced by Carlson, 38; Christensen, 44; Davis, 43; Dubas, 34; Janssen, 15; Johnson, 23; Larson, 40; Schilz, 47; Sullivan, 41; Wallman, 30; Adams, 24; Avery, 28; Campbell, 25; Conrad, 46; Cook, 13; Garrett, 3; Bloomfield, 17; Brasch, 16; K. Haar, 21; Harms, 48; Howard, 9; Kolowski, 31; Crawford, 45; Gloor, 35; Hadley, 37; Pirsch, 4; B. Harr, 8; Kintner, 2; Scheer, 19; Seiler, 33; Smith, 14; Karpisek, 32; McGill, 26; Mello, 5; Nordquist, 7; Wightman, 36; Bolz, 29; Schumacher, 22.

WHEREAS, in accordance with the federal Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007, the United States has demonstrated its commitment to the long-term policy of increasing the production of clean renewable fuels according to the federal Renewable Fuel Standard (RFS) by enabling the increased domestic production and use of renewable fuels, which include renewable biofuels such as ethanol, biodiesel, cellulosic, and advanced biofuels; and

WHEREAS, the RFS provides the foundation for reducing dependence on foreign sources of oil, decreasing the price of transportation fuels, reducing transportation fuel emissions, increasing rural incomes, encouraging the development and expansion of new advanced biofuels, and consequently promoting economic growth; and

WHEREAS, the RFS assists in bringing new technologies to farmers and consumers, and points the United States in the direction of energy independence; and

WHEREAS, international turmoil has repeatedly caused increased oil price spikes and increased transportation costs for consumers, including increased costs attributable to the transportation of food and other goods; and

WHEREAS, the United States Environmental Protection Agency (EPA) is responsible for establishing and implementing the RFS, including the requirement that certain volumes of various types of biofuels be blended in transportation fuels each year; and

WHEREAS, the EPA recently proposed reducing the volume levels for ethanol and biodiesel in the RFS, in direct conflict with the federal statute; and

WHEREAS, the EPA proposal is projected to cause job losses in the biofuels sector and related job sectors, reduce the price of corn below the cost of production, cause a negative economic effect on Midwest farm families and on agribusinesses, substantially reduce long-term investment in biofuels infrastructure, reduce investments in further energy innovation for ethanol, biodiesel, advanced biofuels, and cellulosic biofuels, and harm rural economies; and

WHEREAS, biofuels reduce greenhouse gas emissions, and the Nebraska biofuels industry adds over \$5 billion to Nebraska's economy annually and generates more than \$276 million annually in labor income impacts; and

WHEREAS, more than 46,000 Nebraska farmers and ranchers support their families and reinvigorate rural communities through innovative and high-tech agricultural production.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the United States Government to maintain and reaffirm its commitment to realizing the goals of the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007 for rural economic development, energy security, and diversity of our nation's energy portfolio, to lessen pressure on fuel prices, to stimulate investment in development and commercial deployment of advanced renewable fuel

systems, and to encourage clean air, other environmental benefits, and a robust and sustainable renewable fuels industry by adhering to the schedule of renewable fuel volume requirements set forth in the current Renewable Fuel Standard.

2. That a copy of this resolution be sent to President Barack Obama, United States Environmental Protection Agency Administrator Gina McCarthy, United States Secretary of Agriculture Tom Vilsack, and to each member of Nebraska's congressional delegation.

#### **EXPLANATION OF VOTE**

Had I been present, I would have voted "nay" on the adoption of LR399.

(Signed) Lydia Brasch

#### **REFERENCE COMMITTEE REPORT**

2014 Resolution calling for an Interim Study

LR628	Interim study to examine the role of Nebraska state government in establishing and implementing standards of performance for existing carbon dioxide emissions from public power plants within the state	Natural Resources
-------	--	-------------------

(Signed) John Wightman, Chairperson  
Executive Board

#### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 16, 2014, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Pappas, James E.  
League of Human Dignity

#### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 38, 395, 413, 427, 399, 440, and 482.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 615, 616, 617, 619, 620, 621, 622, 623, 625, 626, and 627 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 615, 616, 617, 619, 620, 621, 622, 623, 625, 626, and 627.

**MOTION - Return LB254 to Select File**

Senator Chambers moved to return LB254 to Select File for the following specific amendment:

AM2941

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 254.** With Emergency Clause.

A BILL FOR AN ACT relating to 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.

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	Harms	Lathrop	Schilz
Ashford	Conrad	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Garrett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION - Return LB276 to Select File**

Senator Chambers moved to return LB276 to Select File for the following specific amendment:

AM2942

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 Section 1. Section 37-452, Revised Statutes Cumulative  
 4 Supplement, 2012, is amended to read:  
 5 37-452 (1) No person shall hunt antelope, elk, or  
 6 mountain sheep, ~~or mountain lions~~ unless such person is at least  
 7 twelve years of age, and any person who is twelve through fifteen  
 8 years of age shall only hunt antelope, elk, ~~or mountain sheep, or~~  
 9 ~~mountain lions~~ when supervised by a person nineteen years of age or  
 10 older having a valid hunting permit.  
 11 (2) No person shall hunt deer unless such person is at  
 12 least ten years of age, and any person who is ten through fifteen  
 13 years of age shall only hunt deer when supervised by a person  
 14 nineteen years of age or older having a valid hunting permit.  
 15 (3) A person nineteen years of age or older having a  
 16 valid hunting permit shall not supervise more than two persons  
 17 while hunting deer, antelope, elk, ~~or mountain sheep, or mountain~~  
 18 ~~lions~~ at the same time.  
 19 Sec. 2. Original section 37-452, Revised Statutes  
 20 Cumulative Supplement, 2012, is repealed.  
 21 Sec. 3. The following section is outright repealed:  
 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his motion to return.

### **BILL 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 LB276 with 41 ayes, 3 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 276.**

A BILL FOR AN ACT relating to medicaid; to amend sections 43-2511, 43-2513, 43-2515, 79-1119, and 79-1145, Reissue Revised Statutes of Nebraska, section 79-1018.01, Revised Statutes Cumulative Supplement, 2012, and section 68-911, Revised Statutes Supplement, 2013; to change provisions relating to the statewide billing system and funding for services under the Early Intervention Act; to provide for a state plan amendment under the Medical Assistance Act for certain services provided by school districts; to change local system formula resources under the Tax Equity and Educational Opportunities Support Act; to change the amount of appropriations for and requirements for reimbursement under the Special Education Act; 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	Harms	Lathrop	Schilz
Ashford	Conrad	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Garrett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION - Return LB276A to Select File**

Senator Chambers moved to return LB276A to Select File for the following specific amendment:

AM2943

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.

- 21 Sec. 3. The following section is outright repealed:  
 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his motion to return.

### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 276A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 276, 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	Coash	Harms	Lathrop	Seiler
Ashford	Conrad	Harr, B.	McCoy	Smith
Avery	Cook	Howard	McGill	Sullivan
Bloomfield	Crawford	Janssen	Mello	Wallman
Bolz	Davis	Johnson	Murante	Watermeier
Brasch	Dubas	Karpisek	Nelson	Wightman
Campbell	Gloor	Kintner	Nordquist	
Carlson	Haar, K.	Kolowski	Pirsch	
Chambers	Hadley	Krist	Scheer	
Christensen	Hansen	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 2:

Lautenbaugh Schilz

Excused and not voting, 1:

Garrett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 254, 276, and 276A.

**VISITORS**

Visitors to the Chamber were Senator Scheer's wife, Kris, daughter, and grandson, Keeli and Miller Vrbicky; 39 fourth- through sixth-grade students, teachers, and sponsors from Ansley; 40 fourth-grade students and teachers from Hayward Elementary, Nebraska City; Matt Williams from Gothenburg; 21 fourth-grade students, teacher, and sponsors from Emmanuel-Faith Lutheran School, York; Senator Wallman's wife, Pat, from Cortland, daughter, son-in-law, and grandchildren, Amy, Jason, Layniy and Tommy Madden, from Des Moines, IA; and 41 fourth-grade students, teachers, and sponsor from North Bend.

**RECESS**

At 12:10 p.m., on a motion by Senator Cook, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Krist presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Garrett who was excused; and Senators Ashford and Lautenbaugh who were excused until they arrive.

**PRESIDENT HEIDEMANN PRESIDING****PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 17, 2014, at 12:16 p.m. were the following: LBs 254e, 276, and 276A.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTION - Return LB383 to Select File**

Senator Chambers moved to return LB383 to Select File for the following specific amendment:

AM2944

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least

7 twelve years of age, and any person who is twelve through fifteen  
 8 years of age shall only hunt antelope, elk, ~~or mountain sheep, or~~  
 9 ~~mountain lions~~ when supervised by a person nineteen years of age or  
 10 older having a valid hunting permit.

11 (2) No person shall hunt deer unless such person is at  
 12 least ten years of age, and any person who is ten through fifteen  
 13 years of age shall only hunt deer when supervised by a person  
 14 nineteen years of age or older having a valid hunting permit.

15 (3) A person nineteen years of age or older having a  
 16 valid hunting permit shall not supervise more than two persons  
 17 while hunting deer, antelope, elk, ~~or mountain sheep, or mountain~~  
 18 ~~lions~~ at the same time.

19 Sec. 2. Original section 37-452, Revised Statutes  
 20 Cumulative Supplement, 2012, is repealed.

21 Sec. 3. The following section is outright repealed:

22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

Senator Chambers withdrew his motion to return.

### **BILL 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 LB383 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 383.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,123 and 60-3,125, Reissue Revised Statutes of Nebraska, sections 60-301, 60-393, 60-395, 60-396, and 60-3,104, Revised Statutes Cumulative Supplement, 2012, and sections 60-3,130.04 and 80-414, Revised Statutes Supplement, 2013; to provide for Military Honor Plates; to change fee provisions relating to prisoner-of-war and Purple Heart license plates; 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	Harms	Lathrop	Schilz
Ashford	Conrad	Harr, B.	Lautenbaugh	Schumacher
Avery	Cook	Howard	McCoy	Seiler
Bloomfield	Crawford	Janssen	McGill	Smith
Bolz	Davis	Johnson	Mello	Sullivan
Brasch	Dubas	Karpisek	Murante	Wallman
Campbell	Gloor	Kintner	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Chambers	Hadley	Krist	Pirsch	
Christensen	Hansen	Larson	Scheer	

Voting in the negative, 0.

Excused and not voting, 1:

Garrett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB383A to Select File**

Senator Chambers moved to return LB383A to Select File for the following specific amendment:

AM2945

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 37-452, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 37-452 (1) No person shall hunt antelope, elk, or
- 6 mountain sheep, ~~or mountain lions~~ unless such person is at least
- 7 twelve years of age, and any person who is twelve through fifteen
- 8 years of age shall only hunt antelope, elk, or mountain sheep, ~~or~~
- 9 ~~mountain lions~~ when supervised by a person nineteen years of age or
- 10 older having a valid hunting permit.
- 11 (2) No person shall hunt deer unless such person is at
- 12 least ten years of age, and any person who is ten through fifteen
- 13 years of age shall only hunt deer when supervised by a person
- 14 nineteen years of age or older having a valid hunting permit.
- 15 (3) A person nineteen years of age or older having a
- 16 valid hunting permit shall not supervise more than two persons
- 17 while hunting deer, antelope, elk, or mountain sheep, ~~or mountain~~
- 18 ~~lions~~ at the same time.
- 19 Sec. 2. Original section 37-452, Revised Statutes
- 20 Cumulative Supplement, 2012, is repealed.
- 21 Sec. 3. The following section is outright repealed:
- 22 Section 37-473, Revised Statutes Cumulative Supplement, 2012.

**SPEAKER ADAMS PRESIDING**

Senator Chambers withdrew his motion to return.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 383A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 383, 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	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	Mello	Sullivan
Bloomfield	Davis	Johnson	Murante	Wallman
Bolz	Dubas	Karpisek	Nelson	Watermeier
Brasch	Gloor	Kintner	Nordquist	Wightman
Campbell	Haar, K.	Kolowski	Pirsch	
Carlson	Hadley	Krist	Scheer	
Christensen	Hansen	Lathrop	Schilz	
Coash	Harms	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Garrett          Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT HEIDEMANN PRESIDING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB390 with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 390.**

A BILL FOR AN ACT relating to public safety; to amend section 81-829.40, Reissue Revised Statutes of Nebraska, and sections 28-1204.04 and 81-829.42, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to unlawful possession of a firearm at a school; to change the Governor's powers relating to firearms and increase the authorized expenditure amount for aerial fire suppression or hazardous material response under the Emergency Management Act; 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	Coash	Harms	Lathrop	Scheer
Ashford	Conrad	Harr, B.	Lautenbaugh	Schilz
Avery	Crawford	Howard	McCoy	Schumacher
Bloomfield	Davis	Janssen	McGill	Seiler
Bolz	Dubas	Johnson	Mello	Smith
Brasch	Gloor	Karpisek	Murante	Sullivan
Campbell	Haar, K.	Kintner	Nelson	Wallman
Carlson	Hadley	Kolowski	Nordquist	Watermeier
Christensen	Hansen	Krist	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Cook

Excused and not voting, 3:

Chambers      Garrett      Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 526.**

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 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.

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	Harms	Lathrop	Scheer
Avery	Cook	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Crawford	Howard	McCoy	Schumacher
Bolz	Davis	Janssen	McGill	Seiler
Brasch	Dubas	Johnson	Mello	Smith
Campbell	Gloor	Karpisek	Murante	Sullivan
Carlson	Haar, K.	Kintner	Nelson	Wallman
Christensen	Hadley	Kolowski	Nordquist	Watermeier
Coash	Hansen	Krist	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 3:

Chambers      Garrett      Larson

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 LB700 with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 700.**

A BILL FOR AN ACT relating to insurance; to 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.

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	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	Mello	Sullivan
Bloomfield	Davis	Johnson	Murante	Wallman
Bolz	Dubas	Karpisek	Nelson	Watermeier
Brasch	Gloor	Kintner	Nordquist	Wightman
Campbell	Haar, K.	Kolowski	Pirsch	
Carlson	Hadley	Krist	Scheer	
Christensen	Hansen	Lathrop	Schilz	
Coash	Harms	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      Garrett      Larson

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 LB788 with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 788.**

A BILL FOR AN ACT relating to 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.

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	Harms	Lathrop	Scheer
Ashford	Cook	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Crawford	Howard	McCoy	Schumacher
Bolz	Davis	Janssen	McGill	Seiler
Brasch	Dubas	Johnson	Mello	Smith
Campbell	Gloor	Karpisek	Murante	Sullivan
Carlson	Haar, K.	Kintner	Nelson	Wallman
Christensen	Hadley	Kolowski	Nordquist	Watermeier
Coash	Hansen	Krist	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Avery

Excused and not voting, 3:

Chambers      Garrett      Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **WITHDRAW - Amendments to LB811**

Senator Chambers withdrew his amendment, AM2862, found on page 1482, to LB811.

Senator Lathrop withdrew his amendment, FA324, found on page 1442, to LB811.

**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 LB811 with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 811.**

A BILL FOR AN ACT relating to crimes and offenses; to amend 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.

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	Harr, B.	McCoy	Seiler
Ashford	Cook	Howard	McGill	Smith
Avery	Crawford	Janssen	Mello	Sullivan
Bloomfield	Davis	Johnson	Murante	Wallman
Bolz	Dubas	Karpisek	Nelson	Watermeier
Brasch	Gloor	Kintner	Nordquist	Wightman
Campbell	Haar, K.	Kolowski	Pirsch	
Carlson	Hadley	Krist	Scheer	
Christensen	Hansen	Lathrop	Schilz	
Coash	Harms	Lautenbaugh	Schumacher	

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      Garrett      Larson

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 916.**

A BILL FOR AN ACT relating to nurses; to amend sections 38-206, 38-2302, 38-2310, 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, section 38-2301, Revised Statutes Cumulative Supplement, 2012, and section 38-2315, Revised Statutes Supplement, 2013; to eliminate requirements for integrated practice agreements for nurse practitioners; to provide for transition-to-practice agreements; to change provisions relating to credentialing and regulation; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Cook	Harr, B.	McCoy	Schumacher
Ashford	Crawford	Howard	McGill	Seiler
Bolz	Davis	Janssen	Mello	Smith
Brasch	Dubas	Johnson	Murante	Sullivan
Campbell	Gloor	Karpisek	Nelson	Wallman
Carlson	Haar, K.	Kolowski	Nordquist	Watermeier
Christensen	Hadley	Krist	Pirsch	Wightman
Coash	Hansen	Lathrop	Scheer	
Conrad	Harms	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 3:

Avery            Bloomfield    Kintner

Excused and not voting, 3:

Chambers      Garrett        Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 923.**

A BILL FOR AN ACT relating to 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.

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	Harms	Lathrop	Scheer
Ashford	Cook	Harr, B.	Lautenbaugh	Schilz
Avery	Crawford	Howard	McCoy	Schumacher
Bolz	Davis	Janssen	McGill	Seiler
Brasch	Dubas	Johnson	Mello	Smith
Campbell	Gloor	Karpisek	Murante	Sullivan
Carlson	Haar, K.	Kintner	Nelson	Wallman
Christensen	Hadley	Kolowski	Nordquist	Watermeier
Coash	Hansen	Krist	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

Excused and not voting, 3:

Chambers      Garrett      Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 923A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 923, 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, 44:

Adams	Coash	Hansen	Lathrop	Scheer
Ashford	Conrad	Harms	Lautenbaugh	Schilz
Avery	Cook	Harr, B.	McCoy	Schumacher
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Murante	Wallman
Campbell	Gloor	Karpisek	Nelson	Watermeier
Carlson	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

Voting in the negative, 1:

Kintner

Present and not voting, 1:

Seiler

Excused and not voting, 3:

Chambers      Garrett      Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 383, 383A, 390, 526, 700, 788, 811, 916, 923, and 923A.

#### **MOTION - Notify Governor**

Senator Wightman moved that a committee of five be appointed to notify the Governor that the One Hundred Third Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Avery, Hansen, Harms, Dubas, and Nelson to serve on said committee.

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

**MOTION - Presentation of Service Awards**

Senator Christensen moved that we proceed to the presentation of the Legislative service awards.

The motion prevailed.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 17, 2014, at 4:15 p.m. were the following: LBs 383, 383A, 390, 526, 700, 788, 811, 916, 923, and 923A.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**EXPLANATION OF VOTES**

Had I been present, I would have voted "aye" on final passage of LBs 383A, 390, 526, 700, 788, 811, 916, 923, and 923A.

(Signed) Tyson Larson

**MOTION - Disposition of Bills**

Senator Karpisek moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

**MOTION - Committee Records**

Senator Carlson moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

**MOTION - Printing of Journal, Session Laws, and Indexes**

Senator Conrad moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell.

The motion prevailed.

**MOTION - Delivery of Journal and Session Laws**

Senator McGill moved that the Clerk of the Legislature be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

**MOTION - Sixtieth Day Journal**

Senator Lathrop moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

**VISITORS**

Visitors to the Chamber were Senator Wightman's wife, Jan, and granddaughters Emalie and Margaret, from Omaha; Senator Conrad's husband and daughter, Tom and Caroline, from Lincoln, parents, Dan and Stephanie Nantkes, from Seward, Ron and Ev Conrad, from Lincoln, and brother-in-law Ryan Conrad, from Lincoln; 25 fourth-grade students, teacher, and sponsors from Concordia Elementary, Omaha; 41 fourth-grade students, teachers, and sponsors from Cedar Hollow, Grand Island; and Jake Kawamoto from Omaha.

**MOTION - Adjourn Sine Die**

Senator Ashford moved that the One Hundred Third Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 5:36 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature



**RECEIVED AFTER ADJOURNMENT**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED THIRD LEGISLATURE**  
**SECOND SESSION**

**MESSAGES FROM THE GOVERNOR**

April 21, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 254e was received in my office on April 17, 2014.

Pursuant to Article IV, §15 of the Nebraska Constitution, I am formally notifying you that, following the sine die adjournment of the Legislature, I signed and delivered Legislative Bill 254e to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 22, 2014

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 276, 276A, 383, 383A, 390, 526, 700, 788, 811, 923, and 923A were received in my office on April 17, 2014.

Pursuant to Article IV, §15 of the Nebraska Constitution, I am formally notifying you that, following the sine die adjournment of the Legislature, I signed and delivered these Legislative Bills to the Secretary of State earlier today.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 22, 2014

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 916 without my signature and with my objections.

LB 916 would eliminate the requirement that nurse practitioners enter into an integrated practice agreement with a collaborating physician. The bill would also create a transition-to-practice agreement and require nurse practitioners to complete two thousand hours of supervised practice.

Nurse practitioners provide critical health care services to individuals across Nebraska. In the future, there will be a shift toward additional independence for nurse practitioners as is proposed in LB 916. However, the bill as presented to me goes too far too quickly.

Upon reviewing the proposal from nurse practitioners to eliminate the integrated practice agreement, the state's Chief Medical Officer expressed concern that "total independent practice for nurse practitioners. . .without identifying an alternative means by which nurse practitioners can be included in viable practitioner referral networks creates potential safety issues for patients." The Chief Medical Officer also stated that "recent graduates of nurse practitioner programs. . .lack sufficient clinical experience to practice independently. . .".

I discussed this bill at length with the Chief Medical Officer and we agree that adequate clinical experience is necessary for patient safety. If LB 916 had required approximately four thousand hours of clinical experience, I would have signed it into law but I must consider the bill as presented. It is my hope that the nurse practitioners and physicians will work together and present a joint recommendation for the Legislature and next Governor that balances patient access and safety.

Sincerely,  
(Signed) Dave Heineman  
Governor

**CERTIFICATE**

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundred Third Legislature, Second Session.

Patrick J. O'Donnell  
Clerk of the Legislature

April 23, 2014  
Lincoln, Nebraska

