

**SIXTEENTH DAY - JANUARY 29, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 29, 2015

**PRAYER**

The prayer was offered by Bishop Brian Maas, Nebraska Synod - Evangelical Lutheran Church in America, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Hansen, Larson, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**MESSAGE FROM THE GOVERNOR**

January 28, 2015

Mr. President, Speaker Hadley  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Department of Correctional Services:

Scott R. Frakes, P.O. Box 94661, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 24, 25, 27, 28, 29, and 30 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 24, 25, 27, 28, 29, and 30.

**MOTION - Withdraw LB432**

Senator Baker offered his motion, MO7, found on page 327, to withdraw LB432.

The Baker motion to withdraw the bill prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 88.** Senator Chambers offered the following motion:  
MO11  
Recommit to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 5:

Bloomfield    Brasch        Davis        Ebke        Murante

Voting in the negative, 39:

Baker	Garrett	Howard	Lindstrom	Schilz
Bolz	Gloor	Hughes	McCollister	Schnoor
Campbell	Groene	Johnson	Mello	Schumacher
Coash	Haar, K.	Kintner	Morfeld	Seiler
Cook	Hadley	Kolowski	Nordquist	Stinner
Craighead	Hansen	Krist	Pansing Brooks	Sullivan
Crawford	Harr, B.	Kuehn	Riepe	Williams
Friesen	Hilkemann	Larson	Scheer	

Present and not voting, 2:

Chambers      Smith

Excused and not voting, 3:

Kolterman      McCoy      Watermeier

The Chambers motion to recommit to committee failed with 5 ayes, 39 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 46.** Introduced by Coash, 27.

WHEREAS, John G. Boosalis, a gunner in the United States Navy during World War II, along with a pilot and a radioman, crashed into the Pacific Ocean on February 27, 1943 when their airplane engine failed; and

WHEREAS, upon crashing into the ocean, John and the other two crew members launched a rubber life raft and were able to take a small number of sundry articles before their plane sank; and

WHEREAS, John spent two days and two nights in the life raft rowing toward an island approximately 25 miles in the distance; and

WHEREAS, during these two days and two nights in the life raft, John endured sunburn, lack of water, long hours of rowing, and badly blistered hands; and

WHEREAS, on the third day, John and his crew landed on Erromango Island where they were able to find stagnant water to drink and fruit and crab to eat; and

WHEREAS, while on the island, John and his crew befriended several people living on the island who were able to provide them with additional food and water; and

WHEREAS, while on the island, John suffered swollen and blistered feet, endured festering sores on his body, and contracted malaria and was ill for several days; and

WHEREAS, a rancher from Australia who lived on the other end of the island was able to radio naval headquarters about the location of John and the two other crew members; and

WHEREAS, after spending nearly a month on Erromango Island, John was returned to his Navy squadron.

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

1. That the Legislature recognizes and thanks John G. Boosalis for his service and sacrifice while serving in the United States Navy during World War II.
2. That a copy of this resolution be sent to John G. Boosalis.

Laid over.

**NOTICE OF COMMITTEE HEARING(S)**  
Transportation and Telecommunications

Room 1113

Monday, February 9, 2015 1:30 p.m.

LB474  
LB597  
LB31

Tuesday, February 10, 2015 1:30 p.m.

LB498  
LB570  
LB641

(Signed) Jim Smith, Chairperson

Executive Board

Room 2102

Friday, February 6, 2015 12:00 p.m.

LR32  
LR33  
LR34

(Signed) Bob Krist, Chairperson

**COMMITTEE REPORT(S)**  
Transportation and Telecommunications

**LEGISLATIVE BILL 94.** Placed on General File.  
**LEGISLATIVE BILL 122.** Placed on General File.

(Signed) Jim Smith, Chairperson

## Revenue

**LEGISLATIVE BILL 52.** Placed on General File.

**LEGISLATIVE BILL 260.** Placed on General File.

**LEGISLATIVE BILL 261.** Placed on General File with amendment.  
AM44

- 1 1. Strike sections 5 and 18.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

(Signed) Mike Gloor, Chairperson

Business and Labor

**LEGISLATIVE BILL 271.** Placed on General File with amendment.  
AM27 is available in the Bill Room.

The Business and Labor 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 Albin, Commissioner - Department of Labor

Aye: 6 Bloomfield, Chambers, Crawford, Ebke, Harr, B., Johnson. Nay: 0.  
Absent: 0. Present and not voting: 1 McCollister.

(Signed) Burke Harr, Chairperson

## 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.

Ruth A. Sorensen, Property Tax Administrator - Department of Revenue

Aye: 8 Brasch, Davis, Gloor, Harr, B., Scheer, Schumacher, Smith,  
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Gloor, Chairperson

**SPEAKER HADLEY PRESIDING**

**MOTION - Escort Chief Justice**

Senator Howard moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members 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 Coash, Ebke, Howard, Schumacher, 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 Galen Hadley, for inviting me to address you this morning.

It is an honor for me to report on the accomplishments of the judicial branch during the past year and to discuss the future of the courts. First, let me introduce my fellow Justices.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice Lindsey Miller-Lerman of Omaha.

To my immediate left is Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice William Cassel of O'Neill.

Justice William Connolly of Hastings and Justice Michael McCormack of Omaha are unable to be with us.

Today I will speak to you about change in the Judicial Branch's service to children in the courts; sentencing alternatives; guardianships; and access to justice across Nebraska.

**Service to Young People**

Throughout the nation states are reforming their juvenile justice systems. Here in Nebraska, young people who are charged in juvenile court with breaking the law and status offenses are the focus of our juvenile justice system.

With the passage of LB 561 in 2013, and in line with those national reform efforts, the Legislature transferred to the Office of Probation Administration, a division of the Nebraska court system, the responsibility for supervision of most of these juvenile law violators. Previously, these juveniles were under the supervision of the Department of Health and Human Services and were frequently made wards of the State in order to gain access to rehabilitative services.

This shift of direction is based on these fundamental principles: 1) fewer young people should be made wards of the state, be incarcerated, or placed in group homes; 2) more youth should be provided with treatment in their homes and local communities; 3) parents and guardians should always be involved in their children's rehabilitation; and 4) local community providers

of mental health, substance abuse, and other services should be utilized whenever possible.

In Nebraska, approximately 1,000 fewer juveniles are state wards today than in 2012, and the number of service providers around the state has increased over 45%. I note several projects deserving special recognition.

The first of those projects is the “crossover” program in Douglas County, which successfully redirected approximately 170 children from the juvenile justice system last year. The crossover program identifies children who fall under the umbrella of both the child welfare and juvenile justice systems.

Rather than having a child simultaneously go through two systems, the crossover program provides a way to address the needs of both the child and the systems together. This enables us to focus on the rehabilitation of children and their families without redundant hearings and duplicative supervision.

In the past year Gage, Lancaster, and Dodge Counties initiated similar crossover programs. Sarpy County will do so this year. Probation supports the efforts of each of these counties and, as prescribed by last year’s LB 464, will provide leadership and technical assistance to crossover projects in other counties in the state.

In another promising program, Senator Bob Krist and State Court Administrator Corey Steel are part of a committee working with the National Juvenile Detention Alternative Initiative, known as JDAI. That committee is examining statewide juvenile detention practices in order to ensure that only those young people who pose a true community safety risk are incarcerated.

This national initiative seeks to provide alternatives to detention so that a juvenile’s delinquent behavior can more appropriately be addressed. The pilot sites in Douglas and Sarpy Counties have had great success in reducing the number of juveniles in detention.

When Douglas County began JDAI in 2011, its detention center averaged nearly 200 juveniles daily. But through the efforts of JDAI, the daily average has been reduced by approximately 50%. Likewise, Sarpy County’s staff-secure facility had previously housed between 20-25 juveniles per day, but now also averages half that number. This was accomplished by county, state, and private partnerships as well as the Legislature’s leadership and commitment to providing funding for counties to develop detention alternatives.

Similarly, in 2011 nearly 450 boys were admitted to the Youth Rehabilitation and Treatment Center at Kearney; in 2014, that number was approximately 175. In 2011, 140 girls were admitted to YRTC at Geneva; in 2014, that number was approximately 50. This significant reduction is a direct result of the efforts of our juvenile courts and probation staff, providing intervention and treatment services closer to home for young people and their families.

However, many challenges remain. Specifically, probation’s limited ability to access Federal programs such as Medicaid and Title IV-E Reimbursements promotes over-reliance on the state’s general fund rather than maximizing Federal dollars already available to Nebraska. Also, foster care, especially in greater Nebraska, is badly needed. The judiciary and the

probation system support state planning efforts and legislation to rectify both of these issues.

### **Sentencing Alternatives**

The courts and probation are also involved in adult criminal justice reform. This past year the Judicial Branch, in cooperation with the Legislative and Executive Branches and other state institutions, participated in the Council of State Government's Justice Reinvestment Working Group (CSG).

CSG's comprehensive analysis of Nebraska's adult criminal justice system offers new strategies and policy reforms intended to improve the state's delivery of justice services. Particularly worth mentioning is CSG's finding that people sentenced to probation have lower recidivism rates than people sentenced to prison for similar offenses. CSG also emphasized the value of increasing the use of sentencing alternatives.

Today I will speak about two effective sentencing alternatives available in our courts. Because 80% or more of the individuals involved in the justice system struggle with alcohol or drug abuse, both of these sentencing alternatives target adult offenders whose criminality often correlates to their use of alcohol and drugs.

The first sentencing alternative is problem-solving courts. This is one of the most successful and cost-effective responses to the problem of addiction and associated crime, both nationally and in Nebraska. The second alternative is the Specialized Substance Abuse Supervision program, otherwise known as SSAS. However, as mentioned in the CSG report, while both SSAS and the problem-solving courts are showing positive outcomes, they are not available in all areas of the state.

First, I will address problem-solving courts. Nebraska currently has 16 problem-solving courts including drug, young adult, and DUI courts that served over 1,000 people in 2014. Assuming that half of these individuals would have been sentenced to incarceration, the cost savings to taxpayers was a minimum of \$15 million.

A 2012 statewide evaluation of Nebraska's drug courts reported that 95% of those who successfully completed the program remained crime-free one year post-graduation. Drug courts emphasize education and employment. This has resulted in 95% of active participants being gainfully employed or attending school full-time.

The second alternative I mentioned is the SSAS program. SSAS provides an opportunity for otherwise prison-bound substance abusers to be intensively supervised by probation while receiving treatment.

Like problem-solving courts, SSAS has been shown to lower recidivism. Last year I reported that 91% of the individuals who were successfully discharged from SSAS in 2013 continued to remain crime-free one year later. This trend hasn't changed. SSAS participants also have a very high rate of employment, with an average of 94% of SSAS graduates gainfully employed.

In 2014, LB 907 was enacted authorizing 16 new SSAS officers. Adding these officers has doubled the capacity of the SSAS program. It will cost just under \$2.5 million to supervise individuals within SSAS this year,



which is a substantial savings when compared to the cost of incarceration.

Thank you to Senators Krist, Mello, and Cook for assisting with this legislation.

Because of LB 907, probation was not only able to expand SSAS, but was also able to open new reporting centers in Grand Island, Columbus, and Norfolk. This brought the total number of reporting centers across the state to eleven. These reporting centers, located in Sarpy, Otoe, Douglas, Lancaster, Dawson, Buffalo, Dakota, Scotts Bluff, Platte, Hall, and Madison Counties, offer over 150 rehabilitative and support services to individuals who are under supervision.

LB 907 also provided funding to begin to identify mental health issues frequently suffered by individuals involved in the criminal justice system. Previously unavailable mental health services were made accessible to probationers, problem-solving court participants, and parolees who were in need of treatment.

I would like to thank the six behavioral health regions and numerous public and private entities who have joined with probation to increase access to these behavioral health services. Of particular note are the substance abuse and mental health services now available in rural areas, thanks to video technology assistance provided by the University of Nebraska Medical Center and Boys Town which have agreed to assist us in greater Nebraska.

Whether through sentencing alternatives, specialized programs, services, or technology, the courts and probation continue to collaborate with the other two branches of government. We also work with both public and private entities to confront these criminal justice challenges as we strive to improve the lives and safety of all Nebraskans.

### **Guardianship**

I will now briefly turn to legal guardianships in Nebraska. Both the Legislative and Judicial Branches took steps in 2014 to address the needs of some of Nebraska's most vulnerable populations: incapacitated or dependent adults and children.

During the 2014 session, the Legislature approved the Public Guardianship Act. Prior to the passage of the Act, a suitable guardian was not always available when needed. The creation of the Office of Public Guardian changes that. A special thanks to Senator Coash for the sponsorship of LB 920, along with Senators Brasch, Davis, Schilz, Seiler, Watermeier, and several former senators who worked to make the Office of Public Guardian a reality.

The State Court Administrator has hired a director for the Office of Public Guardian, who is currently working to carry out the charge it was given. The work will be expedited, to the extent possible, to prepare for appointments yet this year. The office will also recruit, educate, and support current and future guardians and conservators throughout the State of Nebraska.

### **Access to Justice Across Nebraska**

#### ***Clerks***

I would like to discuss access to justice. First, I would like to recognize

our partnership with Nebraska's county officials in exploring innovative ways to provide consistent access to all our courts.

The Judicial Branch has established a pilot program in Polk County where the county court clerk magistrate, who is a state employee, will also serve as the county's clerk of the district court. The program's goal is to increase efficiency by offering all court clerk services within one office.

This program was initiated by the county and is the result of cooperation between county officials, area judges, and Judicial Branch staff. The pilot project was made possible through state legislation passed several years ago, which allows county officials and the Administrative Office of the Courts to work together to provide essential court office functions.

### ***Centralized Case Management and E-filing***

This type of innovation is possible due to Nebraska's statewide computerized court case management system, known as JUSTICE. We are fortunate to be one of the few states that has established a statewide system which enables us to share and analyze case information across jurisdictional boundaries and promotes consistency for attorneys and citizens who interact with the courts. Last year marked the 20th anniversary of the inception of the JUSTICE system.

One of the many benefits of a statewide case management system is the ability to provide online access to court records 24 hours a day, 7 days a week, 365 days a year. This access allows people to attend to court business on their own schedules and reduces the time it takes for court staff to process data and payments. Available online services include the ability to pay traffic tickets and court fines and conduct court case information searches. Court documents can conveniently be e-filed and viewed online instead of necessitating travel to one of Nebraska's 93 courthouses.

An average of 16,000 payments on civil, criminal, and traffic cases totaling over \$1.5 million are made online each month. And each month nearly 40,000 documents are e-filed by attorneys and litigants. This use of technology results in numerous efficiencies within the court system, reducing staff time and ultimately benefiting all Nebraska's citizens.

### ***Self-Represented Litigants***

But these access success stories are counter-balanced by access challenges. A major challenge is the number of people needing or choosing to represent themselves in court. Self-represented litigants are often unfamiliar with the law and court processes and frequently find themselves at a disadvantage when navigating the court system.

The Supreme Court's Committee on Self-Represented Litigation has spent countless hours developing forms and instructions to assist these individuals. This year the Committee was awarded a grant from the "Center on Court Access to Justice for All" to conduct a strategic planning process.

Court of Appeals' Chief Judge Frankie Moore of North Platte has assembled a planning committee which includes all entities offering free legal assistance to low income Nebraskans and others who choose to represent themselves in court. We are very pleased to partner with Legal Aid, the Nebraska State Bar Association, Nebraska's public libraries, and

both the University of Nebraska College of Law and Creighton Law School in addressing these issues.

Although we are making great strides, one factor contributing to the increase in self-represented litigation in many areas of Nebraska is a lack of attorneys. Last year members of this body added important language into LB 907, allowing rural attorneys in underserved communities to apply for assistance with student loan repayment. We have great hopes that this type of financial assistance will be of mutual benefit to our newly-graduated attorneys and to our rural communities. Again, I applaud the recent efforts of the Legislature in the passage of LB 907.

### ***Language Access***

In previous years I have called your attention to the increasing need for language access in our courts. The Judicial Branch continues to contend with the need for more language interpretation and translation services.

Pursuant to state statute, interpreters are used for all appropriate court proceedings in both criminal and civil cases. Interpretation is frequently necessary not only for defendants, but for victims, witnesses, parents of juveniles, and those interacting with probation.

In 2014, we supplied interpreters in 46 different languages for approximately 24,000 appointments in courtrooms and probation offices across the state. This is an increase of 20% over our 2013 numbers.

Spanish remains the language with the greatest demand for interpretation services. After Spanish, our most used languages are: Nuer, Arabic, Vietnamese, Somali, and American Sign. New to Nebraska's courts this past year were: Bengali and Telugu, spoken in India; Kirundi a Bantu language spoken in Central and Southern Africa; and Sorani, a Kurdish dialect spoken in Iran and Iraq.

### **Conclusion**

Last year I reported to you that Nebraska's Judicial Branch was growing, was dynamic, and was busy. This past year, we were busier and even more dynamic. Our judges and our court and probation staff remain committed to the American values of equal protection, due process of law, and equal access to justice for all our citizens.

The Supreme Court is proud of the many accomplishments of our court family. We appreciate the support the Legislature has provided to the Judicial Branch, and we look forward to continuing to work with you, our constitutional partners, in serving Nebraska in 2015.

Again, thank you for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Friday, February 6, 2015 1:30 p.m.

LB385  
LB409  
LB416  
LB221

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 35.** Placed on Select File with amendment.

ER3

1 1. On page 1, strike beginning with "Laws" in line 1 through "and"  
2 in line 2; and strike beginning with "to" in line 4 through the semicolon  
3 in line 5.

**LEGISLATIVE BILL 92.** Placed on Select File.

**LEGISLATIVE BILL 93.** Placed on Select File with amendment.

ER4

1 1. On page 1, line 5, strike "commercial fertilizer"; and in line 8  
2 after the first semicolon insert "to change provisions relating to a  
3 fund;".

**LEGISLATIVE BILL 95.** Placed on Select File.

**LEGISLATIVE BILL 150.** Placed on Select File.

**LEGISLATIVE BILL 151.** Placed on Select File.

**LEGISLATIVE BILL 170.** Placed on Select File.

**LEGISLATIVE BILL 171.** Placed on Select File.

**LEGISLATIVE BILL 99.** Placed on Select File.

**LEGISLATIVE BILL 100.** Placed on Select File.

**LEGISLATIVE BILL 65.** Placed on Select File with amendment.

ER5

1 1. On page 1, strike beginning with "change" in line 2 through  
2 "boards" in line 3 and insert "provide powers and duties for county  
3 boards upon termination of a township board".

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

**LEGISLATIVE BILL 142.** Placed on General File with amendment.

AM45

1 1. Strike original sections 2 and 7 and insert the following new  
2 section:

3 Sec. 2. The Aquatic Invasive Species Program is created. Funds  
4 identified to support the program shall be used for aquatic invasive  
5 species activities which may include monitoring and sampling waters of  
6 the state for aquatic invasive species, hiring personnel, purchasing  
7 equipment to inspect and decontaminate conveyances, providing additional  
8 enforcement, education, and research relating to aquatic invasive  
9 species, and conducting aquatic invasive species projects as needed.

10 2. On page 2, line 28, strike "vessel" and insert "motorboat".

11 3. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

**CONFLICT OF INTEREST STATEMENT(S)**

Pursuant to Rule 1, Sec. 19, Senator Bolz 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.

**GENERAL FILE****LEGISLATIVE BILL 88.** Senator Chambers offered the following motion:

MO12

Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

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

Voting in the affirmative, 7:

Bloomfield	Chambers	Ebke	Murante
Brasch	Davis	Garrett	

Voting in the negative, 35:

Baker	Friesen	Hilkemann	Larson	Schilz
Bolz	Gloor	Howard	Lindstrom	Schnoor
Campbell	Groene	Hughes	McCollister	Schumacher
Coash	Haar, K.	Johnson	Morfeld	Seiler
Cook	Hadley	Kintner	Pansing Brooks	Stinner
Craighead	Hansen	Kolowski	Riepe	Sullivan
Crawford	Harr, B.	Kuehn	Scheer	Williams

Present and not voting, 1:

Smith

Excused and not voting, 6:

Kolterman	McCoy	Nordquist
Krist	Mello	Watermeier

The Chambers motion to reconsider failed with 7 ayes, 35 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

### **MOTION - Adjournment**

Senator Chambers moved to adjourn until 9:00 a.m., June 30, 2015.

### **SENATOR GLOOR PRESIDING**

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

The Chambers motion to adjourn failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 88.** Senator Chambers offered the following motion:

MO13

Bracket until April 15, 2015.

### **SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.

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

Voting in the affirmative, 6:

Bloomfield	Davis	Murante
Brasch	Garrett	Schumacher

Voting in the negative, 31:

Baker	Friesen	Hilkemann	Larson	Schnoor
Bolz	Gloor	Howard	Lindstrom	Stinner
Campbell	Groene	Hughes	McCollister	Sullivan
Coash	Haar, K.	Johnson	Morfeld	
Cook	Hadley	Kintner	Pansing Brooks	
Craighead	Hansen	Kolowski	Riepe	
Crawford	Harr, B.	Kuehn	Schilz	

Present and not voting, 2:

Chambers	Smith
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Excused and not voting, 10:

Ebke	Krist	Mello	Scheer	Watermeier
Kolterman	McCoy	Nordquist	Seiler	Williams

The Chambers motion to bracket failed with 6 ayes, 31 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO14

Reconsider the vote to bracket.

The Chambers motion to reconsider failed with 6 ayes, 19 nays, 8 present and not voting, and 16 excused and not voting.

Pending.

#### **AMENDMENT(S) - Print in Journal**

Senator Johnson filed the following amendment to LB92:

AM89

1 1. Strike original section 1 and all amendments thereto and insert

2 the following new section:

3 Section 1. Section 2-4323, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 2-4323 (1) Every retailer licensee shall file, not later than the

6 last day of January and July of each year, a semiannual tonnage report on  
7 forms provided by the department, setting forth the number of net tons of  
8 each agricultural liming material sold in Nebraska during the preceding  
9 six-month period, which report shall cover the periods from July 1 to  
10 December 31 and January 1 to June 30, and such other information as the  
11 director shall deem necessary. All persons required to be licensed  
12 pursuant to the Agricultural Liming Materials Act shall file such report  
13 regardless of whether any inspection fee is due. Upon filing the report,  
14 such person shall pay the inspection fee at the rate prescribed pursuant  
15 to this section. Within thirty days following the expiration of each  
16 license, each retailer licensee shall submit on a form furnished and  
17 approved by the department an annual statement setting forth, by county  
18 name, the number of net tons of each agricultural liming material sold by  
19 him or her for use in this state during the previous twelve month period.  
20 The Such statement shall be accompanied by payment of an inspection fee  
21 shall be at the rate fixed by the director but not exceeding ten cents  
22 per ton. The fee shall be set at an amount to cover the expenses of the  
23 inspection provided in section 2-4325 and the costs of administering this  
24 section. The minimum inspection fee required pursuant to this section  
25 shall be five dollars, and no inspection fee shall be paid more than once  
26 for any one product. In The fee shall be paid by the retailer licensee  
27 and in the case of agricultural lime slurry, the fee shall be paid on the  
1 base lime material only.

2 (2) If a person fails to report and pay the fee required by  
3 subsection (1) of this section by January 31 and July 31, the fee shall  
4 be considered delinquent and the person owing the fee shall pay an  
5 additional administrative fee of twenty-five percent of the delinquent  
6 amount for each month it remains unpaid, not to exceed one hundred  
7 percent of the original amount due. The department may waive the  
8 additional administrative fee based upon the existence and extent of any  
9 mitigating circumstances that have resulted in the late payment of such  
10 fee. The purpose of the additional administrative fee is to cover the  
11 administrative costs associated with collecting fees, and all money  
12 collected as an additional administrative fee shall be remitted to the  
13 State Treasurer for credit to the Fertilizers and Soil Conditioners  
14 Administrative Fund. Failure to make an accurate statement of tonnage or  
15 to pay the inspection fee or comply as provided in this subsection shall  
16 constitute sufficient cause for the cancellation of all product  
17 registrations or licenses on file for such person.

18 (3 2) The director ~~department~~ shall annually make information  
19 available in such form as he or she may deem proper concerning ~~publish~~  
20 ~~and make available, to each agricultural liming material registrant or~~  
21 ~~licensee and to any other interested person upon his or her request, a~~  
22 ~~composite report showing the tons of agricultural liming material sold in~~  
23 ~~each county~~ in this state. Such report shall in no way divulge the  
24 operation of any registrant or licensee.



**NOTICE OF COMMITTEE HEARING(S)**

Judiciary

Room 1113

Friday, February 6, 2015 1:30 p.m.

LB253

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 17, 2015 1:30 p.m.

LB311

LB568

LB579

Monday, February 23, 2015 1:30 p.m.

LB248

LB373

LB517

Tuesday, February 24, 2015 1:30 p.m.

LB644

LB317

LB192

Monday, March 2, 2015 1:30 p.m.

LB629

LB399

Tuesday, March 3, 2015 1:30 p.m.

LB639

LB564

LB623

Monday, March 9, 2015 1:30 p.m.

LB609

LB626

Tuesday, March 10, 2015 1:30 p.m.

LB535  
LB652

(Signed) Jim Smith, Chairperson

**COMMITTEE REPORT(S)**  
General Affairs

**LEGISLATIVE BILL 160.** Placed on General File.

**LEGISLATIVE BILL 241.** Placed on General File.

**LEGISLATIVE BILL 17.** Indefinitely postponed.

(Signed) Tyson Larson, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 272.** Placed on General File.

**LEGISLATIVE BILL 305.** Placed on General File with amendment.  
AM112

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

(Signed) John Murante, Chairperson

**CONFLICT OF INTEREST STATEMENT(S)**

Pursuant to Rule 1, Sec. 19, Senator Baker 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.

**AMENDMENT(S) - Print in Journal**

Senator Kintner filed the following amendment to LB88:

AM131

- 1 1. On page 2, line 13, strike beginning with "of" through "dollars"
- 2 and show the old matter as stricken; in line 15 after the period insert "
- 3 Such fee shall be set by each county board in an amount up to thirty-
- 4 five dollars.".

**UNANIMOUS CONSENT - Room Change**

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 17, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

**MOTION - Print in Journal**

Senator Campbell filed the following motion to LB346:

MO15

Suspend the rules, Rule 3, Section 14, to permit cancellation of the hearing scheduled for February 4, 2015.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Campbell, Morfeld, Scheer, Watermeier - LR23

Coash, Hughes, Kintner - LB427

Bloomfield - LB118

Coash, Mello - LR23

Krist - LB187

Groene - LB651

Bloomfield - LB427

**VISITORS**

Visitors to the Chamber were 4 members of the Nebraska State Bar Association: Amie Martinez, Bob Rossiter, Liz Neeley, and Sam Clinch; and Senator Krist's wife, Peggy Krist.

**ADJOURNMENT**

At 12:02 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, January 30, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

