

THIRTIETH DAY - FEBRUARY 20, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 20, 2015

PRAYER

The prayer was offered by Senator Garrett.

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 Senators Craighead, Kolowski, Kuehn, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 19, 2015, 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

Ashworth, Bill
 Yahoo, Inc.
Castleberry, William
 Facebook
Coburn, Tom
 Convention of States Action
Hladik, Johnathan
 Center for Rural Affairs
Mueller Robak
 PLL Performance Group

O'Hara Lindsay & Associates, Inc.
Vandelay Investments, LLC
Wright, Lee
Farmers Group, Inc.

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 - Return LB40 to Select File

Senator Chambers moved to return LB40 to Select File for the following specific amendment:

FA14
Strike the enacting clause.

Senator Chambers requested a record vote on the motion to return.

Voting in the affirmative, 0.

Voting in the negative, 43:

Bloomfield	Friesen	Howard	McCoy	Schumacher
Bolz	Garrett	Hughes	Mello	Seiler
Brasch	Gloor	Johnson	Morfeld	Smith
Campbell	Groene	Kintner	Murante	Sinner
Coash	Haar, K.	Kolterman	Nordquist	Sullivan
Cook	Hadley	Kuehn	Pansing Brooks	Watermeier
Craighead	Hansen	Larson	Riepe	Williams
Crawford	Harr, B.	Lindstrom	Scheer	
Ebke	Hilkemann	McCollister	Schnoor	

Present and not voting, 4:

Baker Chambers Davis Krist

Excused and not voting, 2:

Kolowski Schilz

The Chambers motion to return failed with 0 ayes, 43 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following motion:

MO34
Reconsider the motion to return to Select File for purposes of striking the enacting clause.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

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 LB40 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 40.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2305.01, 23-2322, 24-704.01, 79-904.01, 79-948, 79-9,104, 81-2019.01, 81-2032, 84-1305.02, 84-1324, 84-1503, and 84-1505, Reissue Revised Statutes of Nebraska, and sections 14-2111, 24-710.02, and 48-1401, Revised Statutes Cumulative Supplement, 2014; to eliminate unconstitutional provisions related to payment of benefits or annuities for civil damages; to grant the Public Employees Retirement Board certain investigative powers; 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:

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

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.

SPEAKER HADLEY PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB41 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to retirement; to amend sections 23-1118 and 23-2301, Revised Statutes Cumulative Supplement, 2014; to change the size of a county for purposes of county employees retirement; 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:

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

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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to retirement; to amend section 13-2402, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to annual reports; 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:

Baker	Davis	Howard	McCollister	Schnoor
Bloomfield	Ebke	Hughes	McCoy	Schumacher
Bolz	Friesen	Johnson	Mello	Seiler
Brasch	Garrett	Kintner	Morfeld	Smith
Campbell	Gloor	Kolowski	Murante	Stinner
Chambers	Groene	Kolterman	Nordquist	Sullivan
Coash	Hadley	Krist	Pansing Brooks	Watermeier
Cook	Hansen	Kuehn	Riepe	Williams
Craighead	Harr, B.	Larson	Scheer	
Crawford	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

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

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2619, 30-3002, 30-3003, 30-3004, and 30-3005, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for appointment of standby guardians for incapacitated persons; to transfer and change provisions regarding recovery of estate assets; to provide for recovery of assets of wards as prescribed; to provide enforcement procedures; 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:

Baker	Davis	Howard	McCollister	Schnoor
Bloomfield	Ebke	Hughes	McCoy	Schumacher
Bolz	Friesen	Johnson	Mello	Seiler
Brasch	Garrett	Kintner	Morfeld	Smith
Campbell	Gloor	Kolowski	Murante	Stinner
Chambers	Haar, K.	Kolterman	Nordquist	Sullivan
Coash	Hadley	Krist	Pansing Brooks	Watermeier
Cook	Hansen	Kuehn	Riepe	Williams
Craighead	Harr, B.	Larson	Scheer	
Crawford	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Groene

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

LEGISLATIVE BILL 65. With Emergency Clause.

A BILL FOR AN ACT relating to counties; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to provide powers and duties for county boards upon termination of a township board; 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, 49:

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

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.

LEGISLATIVE BILL 91.

A BILL FOR AN ACT relating to livestock; to repeal provisions regarding scabies, diseased swine, and hog cholera; to repeal the Hog Cholera Control and Eradication Act; and to outright repeal sections 54-724.01, 54-724.02, 54-726.04, 54-1401, 54-1402, 54-1403, 54-1404, 54-1405, 54-1406, 54-1407, 54-1408, 54-1409, 54-1410, 54-1411, 54-1501, 54-1503, 54-1505, 54-1508, 54-1509, 54-1510, 54-1511, 54-1512, 54-1513, 54-1514, 54-1515, 54-1516, 54-1517, 54-1518, 54-1519, 54-1520, 54-1521, 54-1522, and 54-1523, 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:

Baker	Davis	Hilkemann	Lindstrom	Schilz
Bloomfield	Ebke	Howard	McCollister	Schnoor
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Groene	Kolowski	Murante	Sinner
Coash	Haar, K.	Kolterman	Nordquist	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Riepe	Williams
Crawford	Harr, B.	Larson	Scheer	

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.

LEGISLATIVE BILL 92.

A BILL FOR AN ACT relating to the Agricultural Liming Materials Act; to amend sections 2-4323, 2-4324, 2-4326, and 2-4327, Reissue Revised Statutes of Nebraska; to change requirements for annual report filing and report publication; to change provisions relating to enforcement; to provide for seizure and disposal of noncompliant agricultural liming materials; to change penalties; to provide a duty for the Attorney General and local county attorneys; to remove an obsolete provision; 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, 48:

Baker	Davis	Hilkemann	Lindstrom	Schilz
Bloomfield	Ebke	Howard	McCollister	Schnoor
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Groene	Kolowski	Murante	Sullivan
Coash	Haar, K.	Kolterman	Nordquist	Watermeier
Cook	Hadley	Krist	Pansing Brooks	Williams
Craighead	Hansen	Kuehn	Riepe	
Crawford	Harr, B.	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Stinner

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

MOTION - Return LB93 to Select File

Senator Chambers moved to return LB93 to Select File for the following specific amendment:

FA15

Strike the enacting clause.

The Chambers motion to return failed with 2 ayes, 39 nays, and 8 present and not voting.

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 LB93 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to the Nebraska Commercial Fertilizer and Soil Conditioner Act; to amend sections 81-2,162.02, 81-2,162.04, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.08, 81-2,162.11, 81-2,162.23, and 81-2,162.27, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change labeling requirements; to change penalties; to change requirements for publishing sales information; to remove a license application requirement; to change provisions relating to a fund; 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:

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

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.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 62. Introduced by Cook, 13.

WHEREAS, Dr. Paulette C. Walker is the 25th National President of Delta Sigma Theta Sorority, Incorporated; and

WHEREAS, Dr. Walker was initiated into Delta Sigma Theta Sorority, Incorporated, through the Epsilon Epsilon Chapter of Michigan State University in 1966; and

WHEREAS, Dr. Walker has served the sorority on the local, regional, and national levels; and

WHEREAS, Dr. Walker spent her professional career as an educator, a nationally recognized researcher, and an advocate for excellence in public education before her retirement in 2011; and

WHEREAS, Dr. Walker has received the distinguished Ronald McNair Scholars Research Mentor Award and the Ronald McNair Scholars Role Model Mentor Award; and

WHEREAS, Delta Sigma Theta Sorority, Incorporated, is celebrating its 102nd anniversary in 2015; and

WHEREAS, the mission of Delta Sigma Theta Sorority, Incorporated, is to provide assistance and support through established programs in local communities and throughout the world and to confront the challenges facing African-Americans; and

WHEREAS, Delta Sigma Theta Sorority, Incorporated, has been serving Nebraska communities since the University of Nebraska-Lincoln chapter was established in 1922.

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

1. That the Legislature congratulates Dr. Paulette C. Walker for her outstanding service with Delta Sigma Theta Sorority, Incorporated.
2. That a copy of this resolution be sent to Dr. Paulette C. Walker.

Laid over.

LEGISLATIVE RESOLUTION 63. Introduced by Cook, 13.

WHEREAS, Soror Jan M. Carpenter Baker was elected the 30th Mid-Western Regional Director of Alpha Kappa Alpha Sorority, Incorporated, in 2014; and

WHEREAS, Jan began her membership in Alpha Kappa Alpha Sorority, Incorporated, at the University of Missouri in Columbia in 1977, and has been a member of Mu Omega Chapter in Kansas City, Missouri, since 1981; and

WHEREAS, Jan has been active in the Alpha Kappa Alpha Sorority, Incorporated, at the local, regional, and international levels, serving in numerous key leadership positions; and

WHEREAS, Alpha Kappa Alpha Sorority, Incorporated, is celebrating its 107th anniversary in 2015; and

WHEREAS, the mission of Alpha Kappa Alpha Sorority, Incorporated, is to encourage lifelong personal and professional development in its members and to organize its members to effectively advocate for social change that results in equality and equity for all citizens of the world; and

WHEREAS, Alpha Kappa Alpha Sorority, Incorporated, has been serving Nebraska communities since the Gamma Beta Chapter was chartered in 1940 at the University of Nebraska Omaha.

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

1. That the Legislature congratulates Soror Jan M. Carpenter Baker on her election and for her outstanding service with Alpha Kappa Alpha Sorority, Incorporated.
2. That a copy of this resolution be sent to Soror Jan M. Carpenter Baker.

Laid over.

LEGISLATIVE RESOLUTION 64. Introduced by Friesen, 34.

WHEREAS, Nathan Olsufka, a member of Troop 28 from Aurora, 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, Nathan 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 Eagle Scout community service project, Nathan removed the old fence and sign at the George Western Cemetery near Marquette and replaced them with a new fence and sign; and

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

WHEREAS, Nathan, 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 FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

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

Laid over.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 290. Placed on General File.

LEGISLATIVE BILL 189. Placed on General File with amendment.

AM412

- 1 1. Renumber section 5 as section 3.
- 2 2. On page 7, strike lines 20 through 22 and insert "whether growing
- 3 or not, which contains any quantifiable amount of tetrahydrocannabinols.
- 4 Marijuana includes every manufacture or preparation of such plant or its
- 5 seeds which contain any quantifiable amount of tetrahydrocannabinols.
- 6 Marijuana does not include marijuana concentrate, industrial hemp as
- 7 defined in section 2-5701, or any product made from the mature stalks or
- 8 sterilized seeds of a plant of the genus cannabis;".
- 9 3. On page 9, line 26, after the semicolon insert "and"; and strike
- 10 lines 27 through 31.
- 11 4. On page 10, line 1, strike "44" and insert "43".
- 12 5. On page 13, line 14, strike "5" and insert "3".
- 13 6. On page 17, strike line 31 and show as stricken.
- 14 7. On page 18, strike line 1; in line 2 strike "9" and insert "7";

- 15 in line 3 strike "10" and insert "8"; in line 8 strike "11" and insert
 16 "9"; in line 9 strike "12" and insert "10"; after line 9 insert the
 17 following new subdivision:
 18 "(11) Tetrahydrocannabinols"; in line 23 strike "(13)", show as
 19 stricken, and insert "(12)"; in line 24 strike "(14)", show as stricken,
 20 and insert "(13)"; in line 25 strike "(15)", show as stricken, and insert
 21 "(14)"; and in line 29 strike "16" and insert "15".
 22 8. On page 19, line 1, strike "17" and insert "16"; in line 5 strike
 23 "18" and insert "17"; in line 8 strike "19" and insert "18"; in line 11
 24 strike "20" and insert "19"; in line 12 strike "21" and insert "20"; in
 25 line 13 strike "22" and insert "21"; in line 14 strike "23" and insert
 26 "22"; and in line 22 strike "24" and insert "23".
 27 9. On page 20, line 4, strike "contained" and insert "occurring";
 1 and in line 5 after "cannabis" insert an underscored comma.
 2 10. On page 23, line 20, strike "25" and insert "24".
 3 11. On page 26, line 18, strike "26" and insert "25".
 4 12. On page 27, line 14, strike "(28)", show as stricken, and insert
 5 "(26)".
 6 13. On page 43, line 9, after "unless" insert "(a)"; and in line 11
 7 after "practice" insert "or (b) such substance is in the possession of a
 8 person as authorized under section 2-5701, in compliance with rules and
 9 regulations adopted and promulgated by the Department of Agriculture".
 10 14. On page 46, strike beginning with the last "or" in line 21
 11 through "concentrate" in line 22 and show the older matter as stricken.
 12 15. On page 47, line 6, after "of" insert "marijuana concentrate or
 13 ;" and in line 7 strike "(c)(24)" and insert "(c)(23)".
 14 16. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 253. Placed on General File with amendment.
 AM278

- 1 1. On page 2, line 6, strike "husband and wife", show as stricken,
 2 and insert "spouses".

LEGISLATIVE BILL 505. Placed on General File with amendment.
 AM391

- 1 1. On page 2, line 7, after "agency" insert ", except as provided in
 2 subsection (4) of this section or"; in line 12 strike "except" and show
 3 as stricken; and in line 26 after "(1)" insert "or (4)".
 4 2. On page 3, line 27, after "agencies" insert ", except as provided
 5 in subsection (4) of this section".
 6 3. On page 4, line 2, strike "offense" and insert "case"; strike
 7 lines 5 through 8 and insert the following new subsections:
 8 "(4) That part of the criminal history record information described
 9 in subsection (3) of this section may be disseminated to individuals or
 10 agencies for the express purpose of research, evaluative, or statistical
 11 activities pursuant to an agreement with a criminal justice agency that
 12 specifically authorizes access to the information, limits the use of the
 13 information to research, evaluative, or statistical activities, and
 14 ensures the confidentiality and security of the information.

15 (5) In any application for employment, bonding, license, education,
 16 or other right or privilege, any appearance as a witness, or any other
 17 public inquiry, a person cannot be questioned with respect to any offense
 18 for which the record is sealed. If an inquiry is made in violation of
 19 this subsection, the person may respond as if the offense never
 20 occurred."; in line 9 strike "(5) A" and insert "(6) Except as provided
 21 in subsections (1) and (4) of this section, a"; in line 11 strike "a
 22 Class III misdemeanor" and insert "an infraction, and may be fined up to
 23 five hundred dollars"; and in line 12 strike "6" and insert "7".

(Signed) Les Seiler, Chairperson

Agriculture

LEGISLATIVE BILL 183. Placed on General File with amendment.
 AM445

1 1. On page 4, strike beginning with "File" in line 12 through
 2 "States" in line 14, show the old matter as stricken, and insert "File a
 3 reviewed or audited fiscal year-end financial statement prepared by an
 4 independent certified public accounting firm"; and in line 30 strike
 5 "accountant's", show as stricken, and insert "accounting firm's".

(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 430. Placed on Final Reading.
 ST7

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

1. On page 1, line 2, "funds" has been struck and "and reappropriate
 funds; to eliminate an appropriation" inserted.

(Signed) Matt Hansen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hadley, Marilyn - Nebraska Educational Telecommunications Commission
 - Education

Hicks-Sorensen, Brenda L., Director - Department of Economic
 Development - Banking, Commerce and Insurance

Patlan, Virgil J., Sr. - Board of Parole - Judiciary

(Signed) Bob Krist, Chairperson
 Executive Board

COMMITTEE REPORT(S)

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.

Scott R. Frakes, Director - Department of Correctional Services

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

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 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 19, 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 being reappointed to the Commission for the Deaf and Hard of Hearing:

John Hogue, 924 West 14th Street, Falls City, NE 68355

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

Enclosures

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 173. Placed on General File with amendment.
AM472 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 32. Reported to the Legislature for further consideration with the following amendment:

AM331

1 1. Strike the original provisions and insert the following new
2 provisions:
3 WHEREAS, the One Hundredth Legislature, Second Session, 2008,
4 adopted Legislative Resolution 283 to establish the Developmental
5 Disabilities Special Investigative Committee of the Legislature. The
6 committee was then reauthorized by the One Hundred First Legislature,
7 First Session, 2009, in Legislative Resolution 11, by the One Hundred
8 Second Legislature, First Session, 2011, in Legislative Resolution 47, by
9 the One Hundred Second Legislature, Second Session, 2012, in Legislative
10 Resolution 365, and by the One Hundred Third Legislature, First Session,
11 2013, in Legislative Resolution 20. The committee was authorized to study
12 the quality of care and related staffing issues at the Beatrice State
13 Developmental Center, investigate the placement and quality of care
14 statewide for the developmentally disabled in Nebraska, and determine how
15 and why such services to the developmentally disabled were permitted to
16 decline to the level documented in the United States Department of
17 Justice report.

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

20 1. That the Legislature hereby calls for the Executive Board of the
21 Legislative Council to meet forthwith and appoint a special committee of
22 the Legislature to be known as the Developmental Disabilities Special
23 Investigative Committee of the Legislature. The committee shall consist
24 of seven members of the Legislature appointed by the Executive Board. The
25 Executive Board shall appoint the chairperson and vice-chairperson of the
26 committee. The Executive Board is hereby authorized to provide the
27 committee with a legal counsel, committee clerk, and other staff as
1 required by the committee from existing legislative staff. The Executive
2 Board is also authorized to hire outside legal counsel, consultants, and
3 investigators as required by the committee. The committee shall be an
4 investigative committee and is hereby authorized to hold hearings and
5 issue subpoenas as is deemed necessary by the committee.

6 2. That the Developmental Disabilities Special Investigative
7 Committee shall provide oversight to ensure that the terms of the United
8 States Department of Justice Consent Decree and the recommendations from
9 the Report of the Developmental Disabilities Special Investigative

10 Committee dated December 15, 2008, are implemented in a timely fashion.
11 3. That the Developmental Disabilities Special Investigative
12 Committee is hereby authorized to continue to study the quality of care
13 and related staffing issues at the Beatrice State Developmental Center
14 and other such facilities, including options and funding for services for
15 residents.

16 4. That the Developmental Disabilities Special Investigative
17 Committee is hereby authorized to continue investigation of the placement
18 and quality of care statewide for the developmentally disabled in
19 Nebraska, including a determination of whether adequate staffing,
20 funding, and capacity exist for persons to receive community-based
21 services, a review of staffing practices at community-based care
22 facilities, and an analysis of the relationship of those practices to the
23 quality of care provided to the developmentally disabled.

24 5. That the Developmental Disabilities Special Investigative
25 Committee shall review the processes of how the Division of Developmental
26 Disabilities of the Department of Health and Human Services determines
27 eligibility for services for individuals who are in need of services, as
28 well as the processes utilized by the division to determine when
29 individuals who have received services are no longer eligible for such
30 services.

31 6. That the Developmental Disabilities Special Investigative
1 Committee shall brief the Health and Human Services Committee of the
2 Legislature by December 15, 2015, and December 15, 2016, and issue a
3 report with its findings and recommendations to the Legislature as
4 circumstances warrant.

5 7. That the Developmental Disabilities Special Investigative
6 Committee is hereby authorized to continue its work until the beginning
7 of the One Hundred Fifth Legislature, First Session.

LEGISLATIVE RESOLUTION 33. Reported to the Legislature for
further consideration with the following amendment:

AM310

1 1. Strike the original provisions and insert the following new
2 provisions:

3 WHEREAS, in 2008, the Department of Health and Human Services (DHHS)
4 began to develop the ACCESSNebraska system. ACCESSNebraska is a system
5 that is intended to efficiently determine public assistance eligibility
6 and provide service delivery. Since the implementation of this system,
7 the Legislature has conducted several hearings on bills and resolutions
8 related to ACCESSNebraska. In these hearings, the realities and problems
9 faced by clients navigating the ACCESSNebraska system were revealed,
10 including long call wait times, lost documentation, erroneous public
11 assistance decisions, and a general difficulty for clients to get the
12 assistance they needed in a timely manner; and

13 WHEREAS, the One Hundred Third Legislature, Second Session, adopted
14 Legislative Resolution 400, which created the ACCESSNebraska Special
15 Investigative Committee of the Legislature to study the ACCESSNebraska
16 system; and

17 WHEREAS, on December 15, 2014, the committee issued a report and
18 recommendations related to ACCESSNebraska. The committee found the
19 ACCESSNebraska system has been and continues to be plagued with problems.

20 The committee also found ACCESSNebraska front-line workers have not been
21 given the proper tools to complete daunting work loads; and

22 WHEREAS, the committee recommended among other things that the
23 ACCESSNebraska Special Investigative Committee be continued to provide
24 ongoing oversight for the ACCESSNebraska system.

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

27 1. That the Legislature hereby calls for the Executive Board of the
1 Legislative Council to meet forthwith and appoint a special committee of
2 the Legislature to be known as the ACCESSNebraska Special Investigative
3 Committee of the Legislature. The committee shall consist of seven
4 members of the Legislature appointed by the Executive Board. The
5 Executive Board shall appoint the chairperson and vice-chairperson of the
6 committee. The Executive Board is hereby authorized to provide the
7 committee with a legal counsel, committee clerk, and other staff as
8 required by the committee from existing legislative staff. The Executive
9 Board is also authorized to hire outside legal counsel, consultants, and
10 investigators as required by the committee. The committee shall be an
11 investigative committee and is hereby authorized to hold hearings and
12 issue subpoenas as is deemed necessary by the committee.

13 2. That the ACCESSNebraska Special Investigative Committee of the
14 Legislature is hereby authorized to study the adequacy of staffing and
15 training of DHHS employees working within the ACCESSNebraska system,
16 including the number of employees for local offices, the number of
17 employees for call centers and document imaging centers, the type and
18 amount of training received, the education levels and years of experience
19 of employees, client access to employees, and the need for and
20 availability of dedicated caseworkers for clients. The scope of the
21 committee's investigation shall include, but not be limited to, the
22 adequacy of technology used within the ACCESSNebraska system, including
23 telephone systems, computer software, case management, information
24 technology, and use of and access to databases to allow for data
25 matching. The committee shall also investigate the effectiveness of
26 processes and structures used by the ACCESSNebraska system, including
27 system design, management structure, and system goals. The committee
28 shall also investigate the need for new or additional data collection to
29 determine system effectiveness. The committee shall analyze the
30 experiences of clients and their family members and examine customer
31 service experience, access to benefits, and responses to changing family
1 needs. The committee shall utilize existing studies and reports and
2 legislation developed to address the current conditions. The committee
3 shall not be limited to such studies, reports, or legislation.

4 3. That the ACCESSNebraska Special Investigative Committee shall
5 brief the Health and Human Services Committee of the Legislature by
6 December 15, 2015, and issue a report with its findings and
7 recommendations to the Legislature as circumstances warrant.

8 4. That the ACCESSNebraska Special Investigative Committee is hereby
 9 authorized to continue its work until the beginning of the One Hundred
 10 Fourth Legislature, Second Session.

(Signed) Bob Krist, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 37. Placed on Select File with amendment.

ER41

- 1 1. On page 6, line 21, strike "the"; and in line 22 strike the
- 2 second "the".
- 3 2. On page 7, line 20, after "(g)" insert "the"; in line 22 after
- 4 "(h)" insert "the" and after "(i)" insert "the"; and in line 24 after
- 5 "(j)" insert "the".
- 6 3. On page 23, strike beginning with the period in line 6 through
- 7 "earlier" in line 8 and show the old matter as stricken.
- 8 4. On page 28, line 15, strike the first "the"; in lines 20 and 27
- 9 strike "the"; and in line 22 strike "section" and insert "sections".
- 10 5. On page 30, line 29, after "66" insert "of this act".

(Signed) Matt Hansen, Chairperson

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 LB95 with 47 ayes, 1 nay, and 1 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT relating to bicycles; to amend sections 28-109, 39-101, 60-122, 60-338, 60-611, 60-637, 60-638, and 60-640, Reissue Revised Statutes of Nebraska, and sections 60-123, 60-339, 60-471, 60-4,182, and 60-501, Revised Statutes Cumulative Supplement, 2014; to redefine bicycle to include certain electric-powered bicycles; to exclude bicycles from certain definitions of motor vehicle; 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:

Baker	Davis	Howard	McCollister	Schnoor
Bloomfield	Ebke	Hughes	McCoy	Schumacher
Bolz	Friesen	Johnson	Mello	Seiler
Brasch	Garrett	Kintner	Morfeld	Smith
Campbell	Gloor	Kolowski	Murante	Stinner
Chambers	Groene	Kolterman	Nordquist	Sullivan
Coash	Hadley	Krist	Pansing Brooks	Watermeier
Cook	Hansen	Kuehn	Riepe	Williams
Craighead	Harr, B.	Larson	Scheer	
Crawford	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

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 99. With Emergency Clause.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1429, Reissue Revised Statutes of Nebraska; to eliminate a duty for the Education Committee of the Legislature as prescribed; 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, 49:

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

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.

LEGISLATIVE BILL 100.

A BILL FOR AN ACT relating to the Community College Aid Act; to amend sections 85-1503 and 85-2234, Reissue Revised Statutes of Nebraska; to provide for allocation of state aid amounts to tribally controlled community colleges; 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:

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

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.

SENATOR KRIST PRESIDING

LEGISLATIVE BILL 109. With Emergency Clause.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Reissue Revised Statutes of Nebraska; to change residency provisions for veterans and their spouses and dependents and other eligible persons; 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, 49:

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

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 LB118 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 118. With Emergency Clause.

A BILL FOR AN ACT relating to tobacco; to amend sections 53-103.08, 53-1,120.01, 71-5716, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-101, 53-131, and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as prescribed; to provide for a nonrefundable application fee; to provide and change requirements for cigar shops; to state and restate intent; to preempt county resolutions and city ordinances relating to smoking in cigar shops; to exempt tobacco retail outlets and cigar shops from the Nebraska Clean Indoor Air Act; to provide requirements for tobacco retail outlets; to harmonize provisions; 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, 45:

Baker	Friesen	Howard	Lindstrom	Schilz
Bloomfield	Garrett	Hughes	McCollister	Schnoor
Bolz	Gloor	Johnson	McCoy	Schumacher
Brasch	Groene	Kintner	Mello	Seiler
Coash	Haar, K.	Kolowski	Morfeld	Smith
Craighead	Hadley	Kolterman	Murante	Stinner
Crawford	Hansen	Krist	Nordquist	Sullivan
Davis	Harr, B.	Kuehn	Riepe	Watermeier
Ebke	Hilkemann	Larson	Scheer	Williams

Voting in the negative, 3:

Chambers Cook Pansing Brooks

Present and not voting, 1:

Campbell

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 126.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Cumulative Supplement, 2014; to change the applicability of certain county retirement provisions; to change a combined contribution rate as prescribed; to provide for an irrevocable election regarding future contributions; 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, 49:

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

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.

LEGISLATIVE BILL 149.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures; 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, 49:

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

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.

LEGISLATIVE BILL 150.

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 Cumulative Supplement, 2014; to redefine terms; 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:

Baker	Ebke	Howard	McCoy	Schumacher
Bloomfield	Friesen	Hughes	Mello	Seiler
Bolz	Garrett	Johnson	Morfeld	Smith
Brasch	Gloor	Kolowski	Murante	Sinner
Campbell	Groene	Kolterman	Nordquist	Sullivan
Coash	Haar, K.	Krist	Pansing Brooks	Watermeier
Cook	Hadley	Kuehn	Riepe	Williams
Craighead	Hansen	Larson	Scheer	
Crawford	Harr, B.	Lindstrom	Schilz	
Davis	Hilkemann	McCollister	Schnoor	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kintner

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

LEGISLATIVE BILL 151.

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.

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:

Baker	Davis	Hilkemann	Lindstrom	Schilz
Bloomfield	Ebke	Howard	McCollister	Schnoor
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Groene	Kolowski	Murante	Sinner
Coash	Haar, K.	Kolterman	Nordquist	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Riepe	Williams
Crawford	Harr, B.	Larson	Scheer	

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 LB157 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to corporations; to amend sections 21-245, 21-2,127, 21-2,128, 21-2,133, 21-2,134, 21-2,143, 21-2,145, 21-2,230, and 21-2,231, Revised Statutes Cumulative Supplement, 2014, and Laws 2014, LB 749, section 295; to change operative date provisions relating to the Nebraska Model Business Corporation Act; 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, 49:

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

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.

SPEAKER HADLEY PRESIDING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 159.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-105 and 1-106, Reissue Revised Statutes of Nebraska; to define

and redefine terms; to provide for peer review; 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:

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

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 LB168 with 49 ayes, 0 nays, and 0 not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 168.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4015, 19-4016, 19-4017, 19-4017.01, 19-4020, 19-4021, 19-4025, 19-4026, 19-4027, 19-4028, 19-4029, 19-4030, 19-4033, 19-4037, and 19-4038, Reissue Revised Statutes of Nebraska; to authorize expansion of existing district boundaries; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 19-4024, 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:

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

Voting in the negative, 0.

Present and not voting, 1:

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 170.

A BILL FOR AN ACT relating to the Sports Arena Facility Support Fund; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2014; to change distribution 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, 49:

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

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.

LEGISLATIVE BILL 171. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2014; 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, 49:

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

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 LB198 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3904, 44-3909, 44-4049, 44-4054, and 44-4055, Reissue Revised Statutes of Nebraska; to change prelicensing and continuing education requirements; to define terms; to authorize licenses for limited line pre-need funeral insurance; 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:

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

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 LB219 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 219.

A BILL FOR AN ACT relating to child custody and visitation; to amend sections 43-2922 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Deployed Parents Custody and Visitation Act; to change and eliminate provisions relating to military parents; to provide an operative date; to repeal the original sections; and to outright repeal section 43-2929.01, Revised Statutes Cumulative Supplement, 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:

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

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 LB220 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 220.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 81-8,310 and 82-108.02, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Nebraska 150 Sesquicentennial Plates; to create a fund; to provide powers and duties; 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:

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

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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 220A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 220, One Hundred Fourth Legislature, First Session, 2015.

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:

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

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.

LEGISLATIVE BILL 247.

A BILL FOR AN ACT relating to the Uniform Partnership Act of 1998; to amend section 67-405, Reissue Revised Statutes of Nebraska; to change the interest rate for obligations arising under the Uniform Partnership Act of 1998; 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, 49:

Baker	Davis	Hilkemann	Lindstrom	Schilz
Bloomfield	Ebke	Howard	McCollister	Schnoor
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Groene	Kolowski	Murante	Sinner
Coash	Haar, K.	Kolterman	Nordquist	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Riepe	Williams
Crawford	Harr, B.	Larson	Scheer	

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.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 52. Placed on Final Reading.
LEGISLATIVE BILL 87. Placed on Final Reading.
LEGISLATIVE BILL 90. Placed on Final Reading.
LEGISLATIVE BILL 94. Placed on Final Reading.
LEGISLATIVE BILL 107. Placed on Final Reading.
LEGISLATIVE BILL 116. Placed on Final Reading.
LEGISLATIVE BILL 194. Placed on Final Reading.
LEGISLATIVE BILL 241. Placed on Final Reading.
LEGISLATIVE BILL 252. Placed on Final Reading.
LEGISLATIVE BILL 260. Placed on Final Reading.
LEGISLATIVE BILL 261. Placed on Final Reading.
LEGISLATIVE BILL 266. Placed on Final Reading.
LEGISLATIVE BILL 269. Placed on Final Reading.
LEGISLATIVE BILL 271. Placed on Final Reading.
LEGISLATIVE BILL 286. Placed on Final Reading.
LEGISLATIVE BILL 301. Placed on Final Reading.
LEGISLATIVE BILL 305. Placed on Final Reading.
LEGISLATIVE BILL 312. Placed on Final Reading.
LEGISLATIVE BILL 314. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB284:
AM468

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

3 Section 1. Section 13-3101, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 13-3101 Sections 13-3101 to 13-3109 and section 4 of this act shall
6 be known and may be cited as the Sports Arena Facility Financing
7 Assistance Act.

8 Sec. 2. Section 13-3102, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 13-3102 For purposes of the Sports Arena Facility Financing
11 Assistance Act:

12 (1) Board means a board consisting of the Governor, the State
13 Treasurer, the chairperson of the Nebraska Investment Council, the
14 chairperson of the Nebraska State Board of Public Accountancy, and a
15 professor of economics on the faculty of a state postsecondary
16 educational institution appointed to a two-year term on the board by the
17 Coordinating Commission for Postsecondary Education. For administrative
18 and budget purposes only, the board shall be considered part of the
19 Department of Revenue;

20 (2) Bond means a general obligation bond, redevelopment bond, lease-
21 purchase bond, revenue bond, or combination of any such bonds;

22 (3) Eligible sports arena facility means:

23 (a) Any publicly owned, enclosed, and temperature-controlled
24 building primarily used for sports that has a permanent seating capacity
25 of at least three thousand but no more than seven thousand seats and in
26 which initial occupancy occurs on or after July 1, 2010. Eligible sports
27 arena facility includes stadiums, arenas, dressing and locker facilities,
1 concession areas, parking facilities, and onsite administrative offices
2 connected with operating the facilities; and

3 (b) Any racetrack enclosure licensed by the State Racing Commission
4 in which initial occupancy occurs on or after July 1, 2010, including
5 concession areas, parking facilities, and onsite administrative offices
6 connected with operating the racetrack;

7 (4) General obligation bond means any bond or refunding bond issued
8 by a political subdivision and which is payable from the proceeds of an
9 ad valorem tax;

10 (5) Increase in state sales tax revenue means the amount of state
11 sales tax revenue collected by a nearby retailer during the fiscal year
12 for which state assistance is calculated minus the amount of state sales
13 tax revenue collected by the nearby retailer in the fiscal year that
14 ended immediately preceding the date of occupancy of the eligible sports
15 arena facility, except that the amount of state sales tax revenue of a
16 nearby retailer shall not be less than zero;

17 (6) Nearby retailer means a retailer as defined in section
18 77-2701.32 that is located within one thousand ~~six hundred~~ yards of an

19 eligible sports arena facility, measured from the facility but not from
20 any parking facility or other structure. The term includes a subsequent
21 owner of a nearby retailer operating at the same location;

22 (7) New state sales tax revenue means:

23 (a) For nearby retailers that commenced collecting state sales tax
24 during the period of time beginning twenty-four months prior to occupancy
25 of the eligible sports arena facility and ending one hundred twenty
26 ~~twenty-four~~ months after the occupancy of the eligible sports arena
27 facility, one hundred percent of the state sales tax revenue collected by
28 the nearby retailer and sourced under sections 77-2703.01 to 77-2703.04
29 to a location within one thousand six hundred yards of the eligible
30 sports arena facility; and

31 (b) For nearby retailers that commenced collecting state sales tax
1 prior to twenty-four months prior to occupancy of the eligible sports
2 arena facility, the increase in state sales tax revenue collected by the
3 nearby retailer and sourced under sections 77-2703.01 to 77-2703.04 to a
4 location within one thousand six hundred yards of the facility;

5 (8) Political subdivision means any city, village, or county; and

6 (9) Revenue bond means any bond or refunding bond issued by a
7 political subdivision which is limited or special rather than a general
8 obligation bond of the political subdivision and which is not payable
9 from the proceeds of an ad valorem tax.

10 Sec. 3. Section 13-3108, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 13-3108 (1) The Sports Arena Facility Support Fund is created. Any
13 money in the fund available for investment shall be invested by the state
14 investment officer pursuant to the Nebraska Capital Expansion Act and the
15 Nebraska State Funds Investment Act.

16 (2)(a) Upon receiving the certification described in subsection (3)
17 of section 13-3107, the State Treasurer shall transfer the amount
18 certified to the fund.

19 (b) Upon receiving the quarterly certification described in
20 subsection (4) of section 13-3107, the State Treasurer shall transfer the
21 amount certified to the fund.

22 (3)(a) It is the intent of the Legislature to appropriate from the
23 fund money to be distributed as provided in subsections (4) and (5) of
24 this section to any political subdivision for which an application for
25 state assistance under the Sports Arena Facility Financing Assistance Act
26 has been approved an amount not to exceed seventy percent of the (i)
27 state sales tax revenue collected by retailers doing business at eligible
28 sports arena facilities on sales at such facilities, (ii) state sales tax
29 revenue collected on primary and secondary box office sales of admissions
30 to such facilities, and (iii) new state sales tax revenue collected by
31 nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to a
1 location within one thousand six hundred yards of the eligible facility.

2 (b) The amount to be appropriated for distribution as state
3 assistance to a political subdivision under this subsection for any one
4 year after the tenth year shall not exceed the highest such amount
5 appropriated under subdivision (3)(a) of this section during any one year

6 of the first ten years of such appropriation. If seventy percent of the
7 state sales tax revenue as described in subdivision (3)(a) of this
8 section exceeds the amount to be appropriated under this subdivision,
9 such excess funds shall be transferred to the General Fund.

10 (4) The amount certified under subsection (3) of section 13-3107
11 shall be distributed as state assistance on or before April 15, 2014.

12 (5) Beginning in 2014, quarterly distributions of state assistance
13 shall be made. Such quarterly distributions shall be based on the
14 certifications provided under subsection (4) of section 13-3107 and shall
15 occur within fifteen days after receipt of such certification.

16 (6) The total amount of state assistance approved for an eligible
17 sports arena facility shall not (a) exceed fifty million dollars or (b)
18 be paid out for more than twenty years after the issuance of the first
19 bond for the sports arena facility.

20 (7) State assistance to the political subdivision shall no longer be
21 available upon the retirement of the bonds issued to acquire, construct,
22 improve, or equip the facility or any subsequent bonds that refunded the
23 original issue or when state assistance reaches the amount determined
24 under subsection (6) of this section, whichever comes first.

25 (8) State assistance shall not be used for an operating subsidy or
26 other ancillary facility.

27 (9) The thirty percent of state sales tax revenue remaining after
28 the appropriation and transfer in subsection (3) of this section shall be
29 appropriated by the Legislature to the Civic and Community Center
30 Financing Fund.

31 (10) Except as provided in subsection (11) of this section for a
1 city of the primary class, any municipality that has applied for and
2 received a grant of assistance under the Civic and Community Center
3 Financing Act shall not receive state assistance under the Sports Arena
4 Facility Financing Assistance Act for the same project for which the
5 grant was awarded under the Civic and Community Center Financing Act.

6 (11) A city of the primary class shall not be eligible to receive a
7 grant of assistance from the Civic and Community Center Financing Act if
8 the city has applied for and received a grant of assistance under the
9 Sports Arena Facility Financing Assistance Act.

10 Sec. 4. The changes made in sections 13-3102 and 13-3108 by this
11 legislative bill apply to applications for state assistance approved
12 prior to, on, or after the operative date of this act.

13 Sec. 5. This act becomes operative on January 1, 2016.

14 Sec. 6. Original sections 13-3101 and 13-3102, Reissue Revised
15 Statutes of Nebraska, and section 13-3108, Revised Statutes Cumulative
16 Supplement, 2014, are repealed.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 40, 41, 42, 43, 65, 91, 92, 93, 95, 99, 100, 109, 118, 126, 149, 150, 151, 157, 159, 168, 170, 171, 198, 219, 220, 220A, and 247.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Chambers - LB483

Krist - LB485

VISITORS

Visitors to the Chamber were 24 dental hygiene students from UNL; 7 third-, fourth-, eighth-, and tenth-grade students and sponsors from Sutton and Auburn; and 25 members of the Nebraska State Bar Association Leadership Academy from across the state.

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

ADJOURNMENT

At 12:11 p.m., on a motion by Senator Watermeier, the Legislature adjourned until 10:00 a.m., Monday, February 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature