

THIRTY-FIRST DAY - FEBRUARY 23, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 2015

PRAYER

The prayer was offered by Pastor Mario Hatcher, Bellevue Christian Center, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 2015, at 12:18 p.m. were the following: LBs 40, 41, 42, 43, 65e, 91, 92, 93, 95, 99e, 100, 109e, 118e, 126, 149, 150, 151, 157, 159, 168, 170, 171e, 198, 219, 220, 220A, and 247.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 45. Placed on Final Reading.
LEGISLATIVE BILL 180. Placed on Final Reading.

LEGISLATIVE BILL 298. Placed on Final Reading.

ST10

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

1. On page 10, line 6, "subsection (6) of this section" has been struck and "this subsection" inserted.

LEGISLATIVE BILL 313. Placed on Final Reading.

LEGISLATIVE BILL 352. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 65. Introduced by Seiler, 33.

WHEREAS, Antonio (Levi) Acosta, a member of Troop 207 from Hastings, 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, Levi 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, Levi landscaped the National Weather Service office located in Hastings which took over 150 community service hours to complete; and

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

WHEREAS, Levi, 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 Antonio (Levi) Acosta on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Antonio (Levi) Acosta.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 53, 54, and 55 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 53, 54, and 55.

GENERAL FILE

LEGISLATIVE BILL 10. Title read. Considered.

Senator Cook offered her amendment, AM344, found on page 478.

PRESIDENT FOLEY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

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

Brenda L. Hicks-Sorensen - Department of Economic Development

(Signed) Jim Scheer, Chairperson

COMMITTEE REPORT(S)
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

David Bracht, Director - State Energy Office

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Donald P. Batie - Nebraska Natural Resources Commission
Owen A. Palm - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 97. Placed on General File.

LEGISLATIVE BILL 275. Placed on General File.

LEGISLATIVE BILL 474. Placed on General File with amendment.
AM347

1 1. On page 7, line 19; page 9, line 30; page 10, lines 1, 9, 13, 18,
2 21, and 29; page 11, lines 6, 14, 16, 20, and 24; and page 12, lines 3
3 and 8, strike "Protection" and insert "Conservation".
4 2. On page 10, line 2, strike "protection" and insert
5 "conservation".

LEGISLATIVE BILL 642. Placed on General File with amendment.
AM402

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 37-1214, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 37-1214 (1) Except as otherwise provided in section 37-1211, the
6 owner of each motorboat shall register such vessel or renew the
7 registration every three years as provided in section 37-1226. The owner
8 of such vessel shall file an initial application for a certificate of
9 number pursuant to section 37-1216 with a county treasurer on forms
10 approved and provided by the commission. The application shall be signed
11 by the owner of the vessel, shall contain the year manufactured, and
12 shall be accompanied by a fee for the three-year period of not less than
13 twenty dollars and not more than twenty-three dollars for Class 1 boats,
14 not less than forty dollars and not more than forty-six dollars for Class
15 2 boats, not less than sixty dollars and not more than sixty-seven
16 dollars and fifty cents for Class 3 boats, and not less than one hundred
17 dollars and not more than one hundred fifteen dollars for Class 4 boats,
18 as established by the commission pursuant to section 37-327.

19 (2) This subsection applies beginning on an implementation date
20 designated by the Director of Motor Vehicles in cooperation with the
21 commission. The director shall designate an implementation date on or
22 before January 1, 2020, for motorboat registration. In addition to the
23 information required under subsection (1) of this section, the
24 application for registration shall contain (a) the full legal name as
25 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
26 operator's license number or state identification card number of each
27 owner, if applicable, and one or more of the identification elements as
1 listed in section 60-484 of each owner, if applicable, and (ii) if any
2 owner is a business entity, a nonprofit organization, an estate, a trust,
3 or a church-controlled organization, its tax identification number.

4 Sec. 2. Section 37-1278, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 37-1278 (1) Application for a certificate of title shall be
7 presented to the county treasurer, shall be made upon a form prescribed
8 by the Department of Motor Vehicles, and shall be accompanied by the fee
9 prescribed in section 37-1287. The owner of a motorboat for which a
10 certificate of title is required shall obtain a certificate of title
11 prior to registration required under section 37-1214.

12 (2)(a) If a certificate of title has previously been issued for the
13 motorboat in this state, the application for a new certificate of title
14 shall be accompanied by the certificate of title duly assigned. If a
15 certificate of title has not previously been issued for the motorboat in
16 this state, the application shall be accompanied by a certificate of
17 number from this state, a manufacturer's or importer's certificate, a
18 duly certified copy thereof, proof of purchase from a governmental agency
19 or political subdivision, a certificate of title from another state, or a
20 court order issued by a court of record, a manufacturer's certificate of
21 origin, or an assigned registration certificate, if the motorboat was
22 brought into this state from a state which does not have a certificate of
23 title law. The county treasurer shall retain the evidence of title
24 presented by the applicant on which the certificate of title is issued.
25 When the evidence of title presented by the applicant is a certificate of
26 title or an assigned registration certificate issued by another state,
27 the department shall notify the state of prior issuance that the
28 certificate has been surrendered. If a certificate of title has not
29 previously been issued for the motorboat in this state and the applicant
30 is unable to provide such documentation, the applicant may apply for a
31 bonded certificate of title as prescribed in section 37-1278.01.

1 (b) This subdivision applies beginning on an implementation date
2 designated by the Director of Motor Vehicles. The director shall
3 designate an implementation date which is on or before January 1, 2020.
4 In addition to the information required under subdivision (2)(a) of this
5 section, the application for registration shall contain (i) the full
6 legal name as defined in section 60-468.01 of each owner and (ii)(A) the
7 motor vehicle operator's license number or state identification card
8 number of each owner, if applicable, and one or more of the
9 identification elements as listed in section 60-484 of each owner, if

10 applicable, and (B) if any owner is a business entity, a nonprofit
11 organization, an estate, a trust, or a church-controlled organization,
12 its tax identification number.

13 (3) The county treasurer shall use reasonable diligence in
14 ascertaining whether or not the statements in the application for a
15 certificate of title are true by checking the application and documents
16 accompanying the same with the records of motorboats in his or her
17 office. If he or she is satisfied that the applicant is the owner of the
18 motorboat and that the application is in the proper form, the county
19 treasurer shall issue a certificate of title over his or her signature
20 and sealed with his or her seal.

21 (4) In the case of the sale of a motorboat, the certificate of title
22 shall be obtained in the name of the purchaser upon application signed by
23 the purchaser, except that for titles to be held by husband and wife,
24 applications may be accepted by the county treasurer upon the signature
25 of either spouse as a signature for himself or herself and as an agent
26 for his or her spouse.

27 (5) In all cases of transfers of motorboats, the application for a
28 certificate of title shall be filed within thirty days after the delivery
29 of the motorboat. A dealer need not apply for a certificate of title for
30 a motorboat in stock or acquired for stock purposes, but upon transfer of
31 a motorboat in stock or acquired for stock purposes, the dealer shall
1 give the transferee a reassignment of the certificate of title on the
2 motorboat or an assignment of a manufacturer's or importer's certificate.
3 If all reassignments printed on the certificate of title have been used,
4 the dealer shall obtain title in his or her name prior to any subsequent
5 transfer.

6 Sec. 3. Section 60-144, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
9 (d) of this subsection, the county treasurer shall be responsible for
10 issuing and filing certificates of title for vehicles, and each county
11 shall issue and file such certificates of title using the vehicle titling
12 and registration computer system prescribed by the department.
13 Application for a certificate of title shall be made upon a form
14 prescribed by the department. All applications shall be accompanied by
15 the appropriate fee or fees.

16 (ii) This subdivision applies beginning on an implementation date
17 designated by the director. The director shall designate an
18 implementation date which is on or before January 1, 2020. In addition to
19 the information required under subdivision (1)(a)(i) of this section, the
20 application for registration shall contain (A) the full legal name as
21 defined in section 60-468.01 of each owner and (B)(I) the motor vehicle
22 operator's license number or state identification card number of each
23 owner, if applicable, and one or more of the identification elements as
24 listed in section 60-484 of each owner, if applicable, and (II) if any
25 owner is a business entity, a nonprofit organization, an estate, a trust,
26 or a church-controlled organization, its tax identification number.

27 (b) The department shall issue and file certificates of title for

28 Nebraska-based fleet vehicles. Application for a certificate of title
29 shall be made upon a form prescribed by the department. All applications
30 shall be accompanied by the appropriate fee or fees.

31 (c) The department shall issue and file certificates of title for
1 state-owned vehicles. Application for a certificate of title shall be
2 made upon a form prescribed by the department. All applications shall be
3 accompanied by the appropriate fee or fees.

4 (d) The department shall issue certificates of title pursuant to
5 section 60-142.06. Application for a certificate of title shall be made
6 upon a form prescribed by the department. All applications shall be
7 accompanied by the appropriate fee or fees.

8 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,
9 or a minibike resides in Nebraska, the application shall be filed with
10 the county treasurer of the county in which the owner resides.

11 (3)(a) Except as otherwise provided in subdivision (b) of this
12 subsection, if a vehicle, other than an all-terrain vehicle, a utility-
13 type vehicle, or a minibike, has situs in Nebraska, the application shall
14 be filed with the county treasurer of the county in which the vehicle has
15 situs.

16 (b) If a motor vehicle dealer licensed under the Motor Vehicle
17 Industry Regulation Act, applies for a certificate of title for a
18 vehicle, the application may be filed with the county treasurer of any
19 county.

20 (4) If the owner of a vehicle is a nonresident, the application
21 shall be filed in the county in which the transaction is consummated.

22 (5) The application shall be filed within thirty days after the
23 delivery of the vehicle.

24 (6) All applicants registering a vehicle pursuant to section
25 60-3,198 shall file the application for a certificate of title with the
26 Division of Motor Carrier Services of the department. The division shall
27 deliver the certificate to the applicant if there are no liens on the
28 vehicle. If there are one or more liens on the vehicle, the certificate
29 of title shall be handled as provided in section 60-164. All certificates
30 of title issued by the division shall be issued in the manner prescribed
31 for the county treasurer in section 60-152.

1 Sec. 4. Section 60-386, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 60-386 (1) Each new application shall contain, in addition to other
4 information as may be required by the department, the name and
5 residential and mailing address of the applicant and a description of the
6 motor vehicle or trailer, including the color, the manufacturer, the
7 identification number, the United States Department of Transportation
8 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations
9 existed on January 1, 2015, and the weight of the motor vehicle or
10 trailer required by the Motor Vehicle Registration Act. With the
11 application the applicant shall pay the proper registration fee and shall
12 state whether the motor vehicle is propelled by alternative fuel and, if
13 alternative fuel, the type of fuel. The application shall also contain a
14 notification that bulk fuel purchasers may be subject to federal excise

15 tax liability. The department shall include such notification in the
 16 notices required by section 60-3,186.
 17 (2) This subsection applies beginning on an implementation date
 18 designated by the director. The director shall designate an
 19 implementation date which is on or before January 1, 2020. In addition to
 20 the information required under subsection (1) of this section, the
 21 application for registration shall contain (a) the full legal name as
 22 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
 23 operator's license number or state identification card number of each
 24 owner, if applicable, and one or more of the identification elements as
 25 listed in section 60-484 of each owner, if applicable, and (ii) if any
 26 owner is a business entity, a nonprofit organization, an estate, a trust,
 27 or a church-controlled organization, its tax identification number.
 28 Sec. 5. Original sections 37-1214, 37-1278, 60-144, and 60-386,
 29 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Jim Smith, Chairperson

Judiciary

LEGISLATIVE BILL 415. Placed on General File with amendment.
 AM200

1 1. Insert the following new section:
 2 Sec. 65. Since an emergency exists, this act takes effect when
 3 passed and approved according to law.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 66. Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely
 affected by problem gambling; and

WHEREAS, the State of Nebraska allocates funds to provide education,
 counseling, and support to families affected by problem gambling; and

WHEREAS, the key to recognizing problem gambling is awareness; and

WHEREAS, in order to promote prevention of problem gambling in the
 future, educating citizens about the dangers of problem gambling is crucial.

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

1. That the Legislature recognizes March 2015 as Problem Gambling
 Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on
 Problem Gambling, the Nebraska Council on Compulsive Gambling, and
 the Nebraska Commission on Problem Gambling.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 77A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 77, One Hundred Fourth Legislature, First Session, 2015; to change appropriations; and to declare an emergency.

LEGISLATIVE BILL 586A. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 586, One Hundred Fourth Legislature, First Session, 2015.

GENERAL FILE

LEGISLATIVE BILL 10. Senator Chambers offered the following motion:

MO35

Bracket until June 5, 2015.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 88. Placed on Final Reading.

LEGISLATIVE BILL 122. Placed on Final Reading.

LEGISLATIVE BILL 142. Placed on Final Reading.

ST8

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

1. On page 1, line 1, "section 37-1220" has been struck and "sections 37-1220 and 37-1273" inserted.

LEGISLATIVE BILL 142A. Placed on Final Reading.

LEGISLATIVE BILL 160. Placed on Final Reading.

LEGISLATIVE BILL 167. Placed on Final Reading.

LEGISLATIVE BILL 181. Placed on Final Reading.

LEGISLATIVE BILL 272. Placed on Final Reading.

LEGISLATIVE BILL 446. Placed on Final Reading.

ST9

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

1. On page 1, line 2, "79-904.01," has been inserted after the first comma; and in line 5 "to prohibit refund of certain contributions as prescribed;" has been inserted after the semicolon.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ronnie Mitchell, Director - Department of Aeronautics

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 283. Placed on General File.

LEGISLATIVE BILL 365. Placed on General File.

LEGISLATIVE BILL 514. Placed on General File.

LEGISLATIVE BILL 561. Placed on General File.

LEGISLATIVE RESOLUTION 26CA. Placed on General File.

LEGISLATIVE BILL 282. Indefinitely postponed.

(Signed) John Murante, Chairperson

General Affairs

LEGISLATIVE BILL 330. Placed on General File with amendment.

AM113

1 1. Strike original sections 1, 8, 15, and 18 to 20 and insert the
2 following new sections:
3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 53-101 Sections 53-101 to 53-1,122 and sections 6, 8, and 13 of this
6 act shall be known and may be cited as the Nebraska Liquor Control Act.
7 Sec. 8. (1) The holder of a Class C license may obtain a limited
8 bottling endorsement for such license as prescribed in this section. The
9 endorsement shall be issued for the same period and may be renewed in the
10 same manner as the Class C license. A limited bottling endorsement may
11 not be used in conjunction with a special designated license.

12 (2) A licensee desiring to obtain a limited bottling endorsement for
13 a license shall file with the commission an application upon such forms
14 as the commission prescribes and a fee of three hundred dollars payable
15 to the commission.

16 (3) The holder of a limited bottling endorsement may sell beer for
17 consumption off the licensed premises in sealed containers filled as
18 provided in this subsection if:

19 (a) The sale occurs on the licensed premises of the licensee during
20 the hours the licensee is authorized to sell beer;

21 (b) The licensee uses sanitary containers purchased by the customer
22 from the licensee or exchanged for containers previously purchased by the
23 customer from the licensee. The containers shall prominently display the
24 endorsement holder's trade name or logo or some other mark that is unique
25 to the endorsement holder and shall hold no more than thirty-two ounces;

26 (c) The licensee seals the container in a manner designed so that it
27 is visibly apparent whether the sealed container has been tampered with
1 or opened or seals the container and places the container in a bag
2 designed so that it is visibly apparent whether the sealed container has
3 been tampered with or opened; and

4 (d) The licensee provides a dated receipt to the customer and
5 attaches a copy of the dated receipt to the sealed container or, if the
6 sealed container is placed in a bag, to the bag.

7 Sec. 10. Section 53-131, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 53-131 (1) Any person desiring to obtain a new license to sell
10 alcoholic liquor at retail, a craft brewery license, or a microdistillery
11 license shall file with the commission:

12 (a) An application ~~in triplicate original~~ upon forms the commission
13 prescribes, including the information required by subsection (3) of this
14 section for an application to operate a cigar bar;

15 (b) The license fee if under sections 53-124 and 53-124.01 such fee
16 is payable to the commission, which fee shall be returned to the
17 applicant if the application is denied; and

18 (c) The nonrefundable application fee in the sum of four hundred
19 dollars, except that the nonrefundable application fee for an application
20 for a cigar bar shall be one thousand dollars.

21 (2) The commission shall notify the clerk of the city or village in
22 which such license is sought or, if the license sought is not sought
23 within a city or village, the county clerk of the county in which such
24 license is sought, of the receipt of the application and shall include
25 one copy of the application with the notice. No such license shall be
26 issued or denied by the commission until the expiration of the time
27 allowed for the receipt of a recommendation of denial or an objection
28 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
29 During the period of forty-five days after the date of receipt by mail or
30 electronic delivery of such application from the commission, the local
31 governing body of such city, village, or county may make and submit to
1 the commission recommendations relative to the granting or refusal to
2 grant such license to the applicant.

3 (3) For an application to operate a cigar bar, the application shall
4 include proof of the cigar bar's annual gross revenue as requested by the
5 commission and such other information as requested by the commission to
6 establish the intent to operate as a cigar bar. The commission may adopt
7 and promulgate rules and regulations to regulate cigar bars.

8 (4) For renewal of a license under this section, a licensee shall
9 file with the commission an application, the license fee as provided in
10 subdivision (1)(b) of this section, and a renewal fee of forty-five
11 dollars.

12 Sec. 13. (1) The Legislature finds that encouraging manufacturers
13 of beer to use beer-related crops grown in this state in their
14 manufacturing operations stimulates the creation of jobs and investments
15 in small communities in this state, encourages the use of lands upon
16 which beer-related crops may be grown, and provides tax revenue to the
17 state which would not otherwise be realized. It is the intent of the
18 Legislature to encourage the use of such beer-related crops by providing
19 a nonrefundable tax credit as provided in this section.

20 (2) For purposes of this section, beer-related crop means barley,
21 hops, or any other grain customarily used in the manufacture of beer.
22 (3) A nonrefundable credit against the tax imposed in section 53-160
23 shall be allowed to any manufacturer of beer if at least ten percent of
24 the beer-related crops used by such manufacturer in the previous calendar
25 year were grown in this state. The credit shall be an amount equal to the
26 percentage specified in subsection (4) of this section multiplied by the
27 total amount of tax paid under section 53-160 in the previous calendar
28 year on the first twenty thousand barrels of beer sold by such
29 manufacturer.

30 (4) The percentage used to determine the credit shall be as follows:

31 (a) If at least ten percent but less than forty percent of the beer-
1 related crops used by the manufacturer in the previous calendar year were
2 grown in this state, the percentage used to determine the credit shall be
3 fifteen percent;

4 (b) If at least forty percent but less than seventy percent of the
5 beer-related crops used by the manufacturer in the previous calendar year
6 were grown in this state, the percentage used to determine the credit
7 shall be twenty-five percent; and

8 (c) If at least seventy percent of the beer-related crops used by
9 the manufacturer in the previous calendar year were grown in this state,
10 the percentage used to determine the credit shall be thirty-five percent.

11 (5) A manufacturer of beer shall apply for the credit to the
12 commission on a form prescribed by the commission. The application shall
13 be submitted on or before January 25 of each year and shall contain the
14 following information:

15 (a) The name of the manufacturer;

16 (b) The total number of barrels of beer sold and the total amount of
17 tax paid under section 53-160 during the previous calendar year;

18 (c) The percentage of beer-related crops used by the manufacturer in
19 the previous calendar year that were grown in this state; and

20 (d) Such other information as required by the commission to verify

21 that the manufacturer is qualified to receive the credit allowed under
 22 this section and to calculate the amount of the credit.
 23 (6) If the manufacturer of beer qualifies for the credit, the
 24 commission shall approve the application and notify the manufacturer of
 25 the amount of the credit approved. The manufacturer may then claim the
 26 credit on the reports due each month under section 53-164.01 as an offset
 27 against the taxes due pursuant to such reports until the credit is fully
 28 utilized or until the following December 31, whichever occurs first.
 29 Sec. 19. Original sections 53-103.01, 53-103.02, 53-130, 53-135,
 30 53-167.02, 53-167.03, 53-1,111, and 53-1,113, Reissue Revised Statutes of
 31 Nebraska, and sections 53-101, 53-103, 53-103.03, 53-123.15, 53-131,
 1 53-133, and 53-177, Revised Statutes Cumulative Supplement, 2014, are
 2 repealed.
 3 Sec. 20. Since an emergency exists, this act takes effect when
 4 passed and approved according to law.
 5 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 460. Placed on General File with amendment.
 AM396 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 231. Placed on General File with amendment.
 AM296 is available in the Bill Room.

LEGISLATIVE BILL 498. Placed on General File with amendment.
 AM413 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB37:
 AM470

1 1. Insert the following new section:
 2 Sec. 28. Section 28-411, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 28-411 (1) Every practitioner who is authorized to administer or
 5 professionally use controlled substances shall keep a record of such
 6 controlled substances received by him or her and a record of all such
 7 controlled substances administered or professionally used by him or her,
 8 other than by medical order issued by a practitioner authorized to
 9 prescribe, in accordance with subsection (4) of this section.
 10 (2) Manufacturers, wholesalers, distributors, and reverse
 11 distributors shall keep records of all controlled substances compounded,
 12 mixed, cultivated, grown, or by any other process produced or prepared
 13 and of all controlled substances received and disposed of by them, in

14 accordance with subsection (4) of this section.
 15 (3) Pharmacies shall keep records of all controlled substances
 16 received and disposed of by them, in accordance with subsection (4) of
 17 this section.
 18 (4) The record of controlled substances received shall in every case
 19 show (a) the date of receipt, (b) the name, address, and Drug Enforcement
 20 Administration number of the person receiving the controlled substances,
 21 (c) the name, address, and Drug Enforcement Administration number of the
 22 person from whom received, (d) the kind and quantity of controlled
 23 substances received, (e) the kind and quantity of controlled substances
 24 produced or removed from process of manufacture, and (f) the date of such
 25 production or removal from process of manufacture. The record shall in
 26 every case show the proportion of morphine, cocaine, or ecgonine
 27 contained in or producible from crude opium or coca leaves received or
 1 produced. The record of all controlled substances sold, administered,
 2 dispensed, or otherwise disposed of shall show the date of selling,
 3 administering, or dispensing, the name and address of the person to whom
 4 or for whose use or the owner and species of animal for which the
 5 controlled substances were sold, administered, or dispensed, and the kind
 6 and quantity of controlled substances. For any lost, destroyed, or stolen
 7 controlled substances, the record shall list the kind and quantity of
 8 such controlled substances and the discovery date of such loss,
 9 destruction, or theft. Every such record shall be kept for a period of
 10 five years from the date of the transaction recorded.
 11 (5) Any person authorized to compound controlled substances shall
 12 comply with section 45 of this act.
 13 2. On page 17, line 2, strike "The" and insert "Beginning January 1,
 14 2017, the"; and strike beginning with the comma in line 2 through the
 15 second comma in line 3.
 16 3. On page 36, line 10, strike beginning with "Each" through the
 17 last comma and insert "Beginning January 1, 2016, each hospital shall".
 18 4. On page 50, line 27, after "sections" insert "28-411".
 19 5. Renumber the remaining sections and correct the internal
 20 references accordingly.

Senator Kolowski filed the following amendment to LB558:
 AM489

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 81-2,245.01, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 81-2,245.01 Food establishment shall mean an operation that stores,
 5 prepares, packages, serves, sells, vends, or otherwise provides food for
 6 human consumption. The term does not include:
 7 (1) An establishment or vending machine operation that offers only
 8 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled
 9 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato
 10 or corn chips; pretzels; cheese puffs and curls; crackers; popped
 11 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other
 12 pastries, that are not potentially hazardous foods;

- 13 (2) A produce stand that only offers whole, uncut fresh fruits and
 14 vegetables;
- 15 (3) A food processing plant;
- 16 (4) A salvage operation;
- 17 (5) A private home where food is prepared or served for personal
 18 use, a small day care in the home, or a hunting lodge, guest ranch, or
 19 other operation where no more than ten paying guests eat meals in the
 20 home;
- 21 (6) A private home or other area where food that is not potentially
 22 hazardous food is prepared:
- 23 (a) For sale or service at a religious, charitable, or fraternal
 24 organization's bake sale or similar function; ~~or~~
- 25 (b) ~~For~~ ~~for~~ sale directly to the consumer at a farmer's farmers
 26 market if the consumer is informed by a clearly visible placard at the
 27 sale location that the food was prepared in a kitchen that is not subject
 1 to regulation and inspection by the regulatory authority; or
- 2 (c) For sale directly to a consumer or indirectly to a consumer
 3 through a food establishment if:
- 4 (i) The private home or other area is required to obtain a permit by
 5 the department on forms developed by the department. The permit shall
 6 identify a specific listing of the food products allowed to be produced
 7 by the permittee. Prior to issuing a permit, the department shall inspect
 8 the premises of the private home or other area to determine that it is in
 9 substantial compliance with the following requirements:
- 10 (A) Only those specific foods identified on the permit may be
 11 produced;
- 12 (B) No person other than the permittee, or a person under the direct
 13 supervision of the permittee, may be engaged in the processing,
 14 preparing, packaging, or handling of any food products or be in the
 15 kitchen during the preparation, packaging, or handling of any food
 16 products;
- 17 (C) No preparation, packaging, or handling of food products occurs
 18 in the kitchen concurrent with any other domestic activities such as
 19 family meal preparation, dishwashing, clothes washing or ironing, kitchen
 20 cleaning, or guest entertainment;
- 21 (D) No infants, small children, or pets are in the kitchen during
 22 the preparation, packaging, or handling of any food products;
- 23 (E) All food contact surfaces, equipment, and utensils used for the
 24 preparation, packaging, or handling of any food products are washed,
 25 rinsed, and sanitized before each use;
- 26 (F) All food preparation and food and equipment storage areas are
 27 maintained free of rodents and insects;
- 28 (G) All persons involved in the preparation and packaging of food
 29 products:
- 30 (I) Are not working in the kitchen when ill;
- 31 (II) Wash their hands before any food preparation and food packaging
 1 activities; and
- 2 (III) Avoid bare hand contact with ready-to-eat foods through the
 3 use of single-service gloves, bakery papers, tongs, or other utensils;

4 and

5 (H) Any private home or other area which has a private water supply
6 has had the water supply tested prior to initial permitting and at least
7 annually thereafter and demonstrates through a written record of testing
8 that the water supply is potable. The department may require more
9 frequent testing as deemed necessary.

10 After the initial inspection, the department may inspect at any time
11 and whenever the department has reason to believe the permittee is in
12 violation of the requirements of this subdivision or is operating in an
13 unsanitary manner. The department may also inspect the permitted area in
14 response to a foodborne illness outbreak, consumer complaint, or other
15 public health emergency. All permittees under this subdivision shall sign
16 a document attesting that the permittee expressly grants to the
17 department the right to enter the private home or other area during
18 normal business hours, or at other reasonable times, for the purposes of
19 inspection, including the collection of food samples. The initial permit
20 fee charged under this subdivision shall be eighty-six dollars. The
21 initial and annual inspection fee charged under this subdivision shall be
22 eighty-six dollars. The initial permit fee and initial inspection fee
23 shall be paid at the time of application. The annual inspection fee shall
24 be due on August 1 of each year thereafter.

25 (ii) The consumer is informed by a clearly visible placard at the
26 sale location or on the package or container label that contains the
27 following information printed in English:

28 (A) The name and address of the permittee;

29 (B) The name of the food product;

30 (C) The ingredients of the food product in descending order of
31 predominance by weight;

1 (D) The net weight or net volume of the food product;

2 (E) Allergen information as specified by federal labeling
3 requirements; and

4 (F) The following statement printed in at least ten-point type in a
5 color that provides a clear contrast to the background label: "Homemade
6 Food that is not Subject to Routine Government Food Safety Inspection";

7 (iii) The permittee has not more than fifty thousand dollars in
8 gross annual sales during a calendar year. The department may request, in
9 writing, documentation to verify the calendar year gross annual sales of
10 the permittee;

11 (iv) The permittee does not employ more than one full-time
12 equivalent employee, not including a family member or a member of the
13 permittee's household; and

14 (v) The permittee and his or her employees have undergone food
15 handler training provided online on the department's web site. The
16 department shall develop and make available an online food handler
17 training program on its web site not later than December 31, 2015;

18 (7) A private home or other area where food is prepared for
19 distribution at a fundraising event for a charitable purpose if the
20 consumer is informed by a clearly visible placard at the serving location
21 that the food was prepared in a kitchen that is not subject to regulation

22 and inspection by the regulatory authority. This subdivision does not
23 apply to a caterer or other establishment providing food for the event if
24 the caterer or establishment receives compensation for providing the
25 food;

26 (8) The location where food prepared by a caterer is served so long
27 as the caterer only minimally handles the food at the serving location;

28 (9) Educational institutions, health care facilities, nursing homes,
29 and governmental organizations which are inspected by a state agency or a
30 political subdivision other than the regulatory authority for sanitation
31 in the food preparation areas;

1 (10) A pharmacy as defined in section 71-425 if the pharmacy only
2 sells prepackaged pharmaceutical, medicinal, or health supplement foods
3 that are not potentially hazardous or foods described in subdivision (1)
4 of this section; and

5 (11) An establishment which is not a commercial food establishment
6 and which sells only commercially packaged foods that are not potentially
7 hazardous foods.

VISITORS

Visitors to the Chamber were a group from the Nebraska Grocery Industry Association.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Garrett, the Legislature adjourned until 9:00 a.m., Tuesday, February 24, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

