

**THIRTY-SIXTH DAY - MARCH 2, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 2, 2015

**PRAYER**

The prayer was offered by Pastor Rick Wheatley, New Life Baptist Church, Bellevue.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Larson who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 91.** Introduced by Bolz, 29.

WHEREAS, National Professional Social Work Month is observed in the month of March; and

WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and

WHEREAS, social work is the profession of hope, fueled by resiliency and advocacy. Social workers make a difference because they help millions of struggling people every day; and

WHEREAS, in the United States, there are more than 600,000 highly trained professional social workers who have helped clients find their strength, resiliency, and self-advocacy to navigate life's challenges; and

WHEREAS, resilience and determination alone cannot overcome all crises, but weaving those strengths with targeted advocacy can change people's lives; and

WHEREAS, the social work profession has a distinguished history of not only providing social safety nets to the most vulnerable people, but also challenging the systems that impede social mobility.

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 Professional Social Work Month in Nebraska.
2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

**LEGISLATIVE RESOLUTION 92.** Introduced by Seiler, 33.

WHEREAS, Lincoln Elementary School in Hastings was selected as a National Model Professional Learning Community School by All Things PLC; and

WHEREAS, Lincoln Elementary School is only the second elementary school in Nebraska to receive this national distinction; and

WHEREAS, with this honor, the students, teachers, and staff of Lincoln Elementary School have been recognized for their exceptional academic performance and extraordinary effectiveness; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the students, teachers, and staff of Lincoln Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.
2. That a copy of this resolution be sent to Principal Montessa Munoz at Lincoln Elementary School.

Laid over.

#### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72 were adopted.

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72.

**GENERAL FILE**

**LEGISLATIVE BILL 10.** Senator Chambers withdrew his motion, MO37, found on page 634 and considered on pages 635 and 639, to recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers offered his amendment, AM366, found on page 514.

**SPEAKER HADLEY PRESIDING**

Senator McCoy offered the following motion:

MO38

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator McCoy requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Baker	Friesen	Johnson	McCollister	Schnoor
Bloomfield	Garrett	Kintner	McCoy	Seiler
Brasch	Gloor	Kolterman	Murante	Smith
Coash	Groene	Krist	Riepe	Stinner
Craighead	Hadley	Kuehn	Scheer	Watermeier
Davis	Hilkemann	Larson	Schilz	Williams
Ebke	Hughes	Lindstrom		

Voting in the negative, 16:

Bolz	Crawford	Harr, B.	Mello	Pansing Brooks
Campbell	Haar, K.	Howard	Morfeld	Schumacher
Chambers	Hansen	Kolowski	Nordquist	Sullivan
Cook				

Not voting, 0.

The McCoy motion to invoke cloture prevailed with 33 ayes, 16 nays, and 0 not voting.

The Chambers amendment, AM366, lost with 17 ayes, 31 nays, and 1 present and not and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Baker	Garrett	Johnson	McCollister	Schnoor
Bloomfield	Gloor	Kintner	McCoy	Seiler
Brasch	Groene	Kolterman	Murante	Smith
Coash	Hadley	Kuehn	Riepe	Stinner
Craighead	Hilkemann	Larson	Scheer	Watermeier
Davis	Hughes	Lindstrom	Schilz	Williams
Friesen				

Voting in the negative, 17:

Bolz	Crawford	Harr, B.	Krist	Nordquist
Campbell	Ebke	Howard	Mello	Pansing Brooks
Chambers	Haar, K.	Kolowski	Morfeld	Sullivan
Cook	Hansen			

Present and not voting, 1:

Schumacher

Advanced to Enrollment and Review Initial with 31 ayes, 17 nays, and 1 present and not voting.

The Chair declared the call raised.

## **PRESIDENT FOLEY PRESIDING**

### **COMMITTEE REPORT(S)**

Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR32.

(Signed) Matt Hansen, Chairperson

### **ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 32.** Introduced by Krist, 10.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365, and by the One Hundred Third Legislature, First Session, 2013, in Legislative Resolution 20. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State

Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report.

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

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

2. That the Developmental Disabilities Special Investigative Committee shall provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center and other such facilities, including options and funding for services for residents.

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

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

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

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

The following resolution was correctly enrolled: LR33.

(Signed) Matt Hansen, Chairperson

### ENROLLED RESOLUTION

**LEGISLATIVE RESOLUTION 33.** Introduced by Krist, 10.

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

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

WHEREAS, on December 15, 2014, the committee issued a report and recommendations related to ACCESSNebraska. The committee found the ACCESSNebraska system has been and continues to be plagued with problems. The committee also found ACCESSNebraska front-line workers have not been given the proper tools to complete daunting workloads; and

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

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative

committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

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

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

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

The following resolution was correctly enrolled: LR34.

(Signed) Matt Hansen, Chairperson

#### **ENROLLED RESOLUTION**

**LEGISLATIVE RESOLUTION 34.** Introduced by Krist, 10; Bolz, 29; Chambers, 11; Mello, 5; Schumacher, 22; Seiler, 33.

WHEREAS, the Department of Correctional Services Special Investigative Committee of the Legislature was created in LR424, One Hundred Third Legislature, Second Session; and

WHEREAS, the committee, having completed its work and issued its report on December 15, 2014, discovered additional problems within the Department of Correctional Services during the course of its LR424 study; and

WHEREAS, the Legislature believes that further study and oversight of the department is necessary in order to prevent additional mistakes and to correct inadequate department procedures and policies.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the Department of Correctional Services Special Investigative Committee of the Legislature. The committee shall consist of up to eleven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the following with respect to the Department of Correctional Services:

- (a) The adequacy of programs designed to rehabilitate inmates;
- (b) The funding history of programs designed to rehabilitate inmates;
- (c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;
- (d) The policies relating to the solitary confinement, segregation, or other isolation of inmates;
- (e) The transition of inmates from incarceration to the community at large;
- (f) The administration of good time laws; and
- (g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted as a result of the evaluation or study, and the reasons if any recommendations were not adopted.

3. That the Department of Correctional Services Special Investigative Committee shall brief the Judiciary Committee of the Legislature by December 15, 2015, and December 15, 2016, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

4. That the Department of Correctional Services Special Investigative Committee is hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 32, 33, and 34.



**NOTICE OF COMMITTEE HEARING(S)**

Education

Room 1525

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

Dennis Baack - Nebraska Educational Telecommunications Commission  
Marilyn Hadley - Nebraska Educational Telecommunications Commission  
Darlene Starman - Nebraska Educational Telecommunications Commission

(Signed) Kate Sullivan, Chairperson

**GENERAL FILE****LEGISLATIVE RESOLUTION 10CA.** Read. Considered.

Senator McCoy offered his motion, MO1, found on page 138, to indefinitely postpone.

Senator McCoy moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The McCoy motion to indefinitely postpone prevailed with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**AMENDMENT(S) - Print in Journal**Senator Cook filed the following amendment to LB10:

AM333

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

2 sections:

3 Section 1. At a special election to be held in conjunction with the  
4 statewide primary election in May 2016, the following proposed amendment  
5 to the Constitution of Nebraska shall be submitted to the electors of the  
6 State of Nebraska for approval or rejection:

7 To add a new section 6 to Article XVII:

8 XVII-6 For purposes of selecting presidential and vice presidential9 candidates, one presidential elector shall be chosen from each10 congressional district, and two presidential electors shall be chosen at11 large.

12 Sec. 2. The proposed amendment shall be submitted to the electors  
13 in the manner prescribed by the Constitution of Nebraska, Article XVI,  
14 section 1, with the following ballot language:

15 A constitutional amendment to require that one presidential elector  
16 be chosen from each congressional district and two presidential electors  
17 be chosen at large.

18 For  
19 Against.

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

**LEGISLATIVE BILL 53.** Placed on General File.

**LEGISLATIVE BILL 311.** Placed on General File with amendment.  
AM386

1 1. On page 2, line 10, strike "(1)"; in line 11 strike "(a)" and  
2 insert "(1)"; in line 14 strike "(b)" and insert "(2)"; in line 17 strike  
3 paragraphing and "(2)"; and in line 23 strike "motor".  
4 2. On page 21, lines 4 and 5, strike the new matter; and in lines 5  
5 through 12 reinstate the stricken matter.

(Signed) Jim Smith, Chairperson

**ANNOUNCEMENT(S)**

Senator Chambers designates LB268 as his priority bill.

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

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

Davis, Kolterman - LB81  
Riepe - LB599  
Davis - LB329

**VISITORS**

Visitors to the Chamber were Laura Wise from Omaha; and Jen Westwood, a student from Doane College.

The Doctor of the Day was Dr. Karina Chiari from Omaha.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Kintner, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature