

**FORTY-THIRD DAY - MARCH 11, 2015**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**FIRST SESSION**

**FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, March 11, 2015

**PRAYER**

The prayer was offered by Pastor Jon Solberger, Immanuel Lutheran Church, Louisville.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Craighead, Davis, and Kolowski who were excused; and Senators B. Harr and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 424.** Placed on General File.

**LEGISLATIVE BILL 356.** Placed on General File with amendment.  
 AM803

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 77-1333, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 77-1333 (1) For purposes of this section, rent-restricted housing
- 6 project means a project consisting of five or more houses or residential
- 7 units that has received an allocation of federal low-income housing tax
- 8 credits under section 42 of the Internal Revenue Code from the Nebraska
- 9 Investment Finance Authority or its successor agency and, for the year of
- 10 assessment, is a project as defined in section 58-219.
- 11 (2) The Legislature finds that:
- 12 (a) The provision of safe, decent, and affordable housing to all

13 residents of the State of Nebraska is a matter of public concern and  
14 represents a legitimate and compelling state need, affecting the general  
15 welfare of all residents;  
16 (b) Rent-restricted housing projects effectively provide safe,  
17 decent, and affordable housing for residents of Nebraska;  
18 (c) Such projects are restricted by federal law as to the rents paid  
19 by the tenants thereof;  
20 (d) Of all the professionally accepted mass appraisal methodologies,  
21 which include the sales comparison approach, the income approach, and the  
22 cost approach, the utilization of the income-approach methodology results  
23 in the most accurate determination of the actual value of such projects;  
24 and  
25 (e) This section is intended to (i) further the provision of safe,  
26 decent, and affordable housing to all residents of Nebraska and (ii)  
27 comply with Article VIII, section 1, of the Constitution of Nebraska,  
1 which empowers the Legislature to prescribe standards and methods for the  
2 determination of value of real property at uniform and proportionate  
3 values.  
4 (3) Except as otherwise provided in this section, the ~~The~~ county  
5 assessor shall ~~utilize~~ ~~perform~~ an income-approach calculation to  
6 determine the actual value of a ~~for all~~ rent-restricted housing project  
7 ~~projects constructed to allow an allocation of low income housing tax~~  
8 ~~credits under section 42 of the Internal Revenue Code and approved by the~~  
9 ~~Nebraska Investment Finance Authority when determining considering the~~  
10 assessed valuation to place on the property for each assessment year. The  
11 income-approach calculation shall be consistent with ~~this section and any~~  
12 rules and regulations adopted and promulgated by the Tax Commissioner and  
13 shall comply with professionally accepted mass appraisal techniques.  
14 (4) The Rent-Restricted Housing Projects Valuation Committee is  
15 created. For administrative purposes only, the committee shall be within  
16 the Department of Revenue. The committee's purpose shall be to develop a  
17 market-derived capitalization rate to be used by county assessors in  
18 determining the assessed valuation for rent-restricted housing projects.  
19 The committee shall consist of the following four persons:  
20 (a) A representative of county assessors appointed by the Tax  
21 Commissioner. Such representative shall be skilled in the valuation of  
22 property and shall hold a certificate issued under section 77-422;  
23 (b) A representative of the low-income housing industry appointed by  
24 the Tax Commissioner. The appointment shall be based on a recommendation  
25 made by the Nebraska Commission on Housing and Homelessness;  
26 (c) The Property Tax Administrator or a designee of the Property Tax  
27 Administrator who holds a certificate issued under section 77-422. Such  
28 person shall serve as the chairperson of the committee; and  
29 (d) An appraiser from the private sector appointed by the Tax  
30 Commissioner. Such appraiser must hold either a valid credential as a  
31 certified general real property appraiser under the Real Property  
1 Appraiser Act or an MAI designation from the Appraisal Institute.  
2 (5) The owner of a rent-restricted housing project shall file a  
3 statement with the Rent-Restricted Housing Projects Valuation Committee

4 and the county assessor on or before October 1 of each year that details  
5 income and expense data for the prior year, a description of any land-use  
6 restrictions, a description of the terms of any mortgage loans, including  
7 loan amount, interest rate, and amortization period, and such other  
8 information as the committee or the county assessor may require for  
9 purposes of this section.

10 (6) The Rent-Restricted Housing Projects Valuation Committee shall  
11 meet annually in November to examine the information on rent-restricted  
12 housing projects that was provided pursuant to subsection (5) of this  
13 section. The Department of Revenue shall electronically publish notice of  
14 such meeting no less than thirty days in advance. The committee shall  
15 also solicit information on the sale of any such rent-restricted housing  
16 projects and information on the yields generated to investors in rent-  
17 restricted housing projects. The committee shall, after reviewing all  
18 such information, calculate a market-derived capitalization rate on an  
19 annual basis using the band-of-investment technique or other generally  
20 accepted technique used to derive capitalization rates depending upon the  
21 data available. The capitalization rate shall be a composite rate  
22 weighted by the proportions of total property investment represented by  
23 equity and debt, with equity weighted at eighty percent and debt weighted  
24 at twenty percent unless a substantially different market capital  
25 structure can be verified to the county assessor. The yield for equity  
26 shall be calculated using the data on investor returns gathered by the  
27 committee. The yield for debt shall be calculated using the data provided  
28 to the committee pursuant to subsection (5) of this section. If the  
29 committee determines that a particular county or group of counties  
30 requires a different capitalization rate than that calculated for the  
31 rest of the state pursuant to this subsection, then the committee may  
1 calculate an additional capitalization rate that will apply only to such  
2 county or group of counties.

3 (7) After the Rent-Restricted Housing Projects Valuation Committee  
4 has calculated the capitalization rate or rates under subsection (6) of  
5 this section, the committee shall provide such rate or rates and the  
6 information reviewed by the committee in calculating such rate or rates  
7 in an annual report. Such report shall be forwarded by the Property Tax  
8 Administrator to each county assessor in Nebraska no later than December  
9 1 of each year for his or her use in determining the valuation of rent-  
10 restricted housing projects. The Department of Revenue shall publish the  
11 annual report electronically but may charge a fee for paper copies. The  
12 Tax Commissioner shall set the fee based on the reasonable cost of  
13 producing the report.

14 (8) Except as provided in subsections (9) through (11) of this  
15 section, each county assessor shall use the capitalization rate or rates  
16 contained in the report received under subsection (7) of this section and  
17 the income and expense data filed by owners of rent-restricted housing  
18 projects under subsection (5) of this section in the county assessor's  
19 income-approach calculation. Any low-income housing tax credits  
20 authorized under section 42 of the Internal Revenue Code that were  
21 granted to owners of the project shall not be considered income for

22 purposes of the calculation.

23 (9) If the income and expense data required to be filed for a rent-  
24 restricted housing project under subsection (5) of this section is not  
25 filed in a timely manner, the county assessor may use any method for  
26 determining actual value for such rent-restricted housing project that is  
27 consistent with professionally accepted mass appraisal methods described  
28 in section 77-112 but may be considered in determining the capitalization  
29 rate to be used when capitalizing the income stream. The county assessor,  
30 in determining the actual value of any specific property, may consider  
31 other methods of determining value that are consistent with  
1 professionally accepted mass appraisal methods described in section  
2 77-112.

3 (10) If a county assessor, based on the facts and circumstances,  
4 believes that the income-approach calculation does not result in a  
5 valuation of a rent-restricted housing project at actual value, then the  
6 county assessor shall present such facts and circumstances to the county  
7 board of equalization. If the county board of equalization, based on such  
8 facts and circumstances, concurs with the county assessor, then the  
9 county board of equalization shall petition the Tax Equalization and  
10 Review Commission to consider the county assessor's utilization of  
11 another professionally accepted mass appraisal technique that, based on  
12 the facts and circumstances presented by a county board of equalization,  
13 would result in a substantially different determination of actual value  
14 of the rent-restricted housing project. Petitions must be filed within  
15 thirty days after the property's valuation date. The burden of proof is  
16 on the petitioning county board of equalization to show that failure to  
17 make a determination that a different methodology should be used would  
18 result in a value that is not equitable and in accordance with the law.  
19 At the hearing, the commission may receive testimony from any interested  
20 person. After a hearing, the commission shall, within the powers granted  
21 in section 77-5007, enter its order based on evidence presented to it at  
22 such hearing.

23 (11) If the Tax Commissioner, based on the facts and circumstances,  
24 believes that the applicable capitalization rate set by the Rent-  
25 Restricted Housing Projects Valuation Committee to value a rent-  
26 restricted housing project does not result in a valuation at actual value  
27 for such rent-restricted housing project, then the Tax Commissioner shall  
28 petition the Tax Equalization and Review Commission to consider an  
29 adjustment to the capitalization rate of such rent-restricted housing  
30 project. Petitions must be filed within thirty days after the property's  
31 valuation date. The burden of proof is on the Tax Commissioner to show  
1 that failure to make an adjustment to the capitalization rate employed  
2 would result in a value that is not equal to the rent-restricted housing  
3 project's actual value. At the hearing, the commission may receive  
4 testimony from any interested person. After a hearing, the commission  
5 shall, within the powers granted in section 77-5007, enter its order  
6 based on evidence presented to it at such hearing.

7 (2) The owner of a rent restricted housing project shall file a  
8 statement with the county assessor on or before October 1 of each year

9 ~~that details income and expense data for the prior year, a description of~~  
 10 ~~any land use restrictions, and such other information as the county~~  
 11 ~~assessor may require.~~

12 Sec. 2. Section 77-5007, Revised Statutes Cumulative Supplement,  
 13 2014, is amended to read:

14 77-5007 The commission has the power and duty to hear and determine  
 15 appeals of:

- 16 (1) Decisions of any county board of equalization equalizing the
  - 17 value of individual tracts, lots, or parcels of real property so that all
  - 18 real property is assessed uniformly and proportionately;
  - 19 (2) Decisions of any county board of equalization granting or
  - 20 denying tax-exempt status for real or personal property or an exemption
  - 21 from motor vehicle taxes and fees;
  - 22 (3) Decisions of the Tax Commissioner determining the taxable
  - 23 property of a railroad company, car company, public service entity, or
  - 24 air carrier within the state;
  - 25 (4) Decisions of the Tax Commissioner determining adjusted valuation
  - 26 pursuant to section 79-1016;
  - 27 (5) Decisions of any county board of equalization on the valuation
  - 28 of personal property or any penalties imposed under sections 77-1233.04
  - 29 and 77-1233.06;
  - 30 (6) Decisions of any county board of equalization on claims that a
  - 31 levy is or is not for an unlawful or unnecessary purpose or in excess of
  - 1 the requirements of the county;
  - 2 (7) Decisions of any county board of equalization granting or
  - 3 rejecting an application for a homestead exemption;
  - 4 (8) Decisions of the Department of Motor Vehicles determining the
  - 5 taxable value of motor vehicles pursuant to section 60-3,188;
  - 6 (9) Decisions of the Tax Commissioner made under section 77-1330;
  - 7 (10) Any other decision of any county board of equalization;
  - 8 (11) Any other decision of the Tax Commissioner regarding property
  - 9 valuation, exemption, or taxation;
  - 10 (12) Decisions of the Tax Commissioner pursuant to section 77-3520;
  - 11 (13) Final decisions of a county board of equalization appealed by
  - 12 the Tax Commissioner or Property Tax Administrator pursuant to section
  - 13 77-701;
  - 14 (14) Determinations of the Rent-Restricted Housing Projects
  - 15 Valuation Committee regarding the capitalization rate to be used to value
  - 16 rent-restricted housing projects pursuant to section 77-1333 or the
  - 17 requirement under such section that an income-approach calculation be
  - 18 used by county assessors to value rent-restricted housing projects;
  - 19 ~~(15 14)~~ The requirement under section 77-1314 that the income
  - 20 approach, including the use of a discounted cash-flow analysis, be used
  - 21 by county assessors; and
  - 22 ~~(16 15)~~ Any other decision, determination, action, or order from
  - 23 which an appeal to the commission is authorized.
  - 24 The commission has the power and duty to hear and grant or deny
  - 25 relief on petitions.
- 26 Sec. 3. Original section 77-1333, Reissue Revised Statutes of

27 Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement, 28 2014, are repealed.

(Signed) Mike Gloor, Chairperson

**ANNOUNCEMENT(S)**

Senator Watermeier designates LB106 as his priority bill.

Senator Scheer designates LB294 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB139 and LB348 as its priority bills.

Senator Groene designates LB367 as his priority bill.

Senator Campbell designates LB89 as her priority bill.

The Natural Resources Committee designates LB141 as its priority bill.

The Nebraska Retirement Systems Committee designates LB468 and LB448 as its priority bills.

Senator Garrett designates LB643 as his priority bill.

Senator Stinner designates LB561 as his priority bill.

The Business and Labor Committee designates LB480 as its priority bill.

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

Senator Crawford filed the following amendment to LB539:  
AM653

(Amendments to Standing Committee amendments, AM487)

- 1 1. On page 23, line 28, after the first comma insert "any community
- 2 redevelopment authority or limited community redevelopment authority
- 3 established under the Community Development Law,".

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105.

**ANNOUNCEMENT**

The Chair announced the birthday of Senator Seiler.

**GENERAL FILE**

**LEGISLATIVE BILL 242.** Senator Larson withdrew his motion, MO44, found on page 751, to bracket until May 31, 2015.

Senator Larson offered the following motion:

MO48

Unanimous consent to bracket until May 31, 2015.

Senator Stinner objected.

Senator Stinner offered the following amendment:

AM748

1 1. Insert the following new section:

2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 2-3753 The commission shall have the following powers and duties:

5 (1) To adopt and devise a dry bean program consisting of research,  
6 education, advertising, publicity, and promotion to increase total  
7 consumption of dry beans on a state, national, and international basis;

8 (2) To prepare and approve a budget consistent with limited receipts  
9 and the scope of the dry bean program;

10 (3) To adopt and promulgate reasonable rules and regulations  
11 necessary to carry out the dry bean program;

12 (4) To procure and evaluate data and information necessary for the  
13 proper administration and operation of the dry bean program;

14 (5) To employ personnel and contract for services which are  
15 necessary for the proper operation of the dry bean program;

16 (6) To establish a means whereby the grower and processor of dry  
17 beans has the opportunity at least annually to offer his or her ideas and  
18 suggestions relative to commission policy for the coming year;

19 (7) To authorize the expenditure of funds and contracting of  
20 expenditures to conduct proper activities of the program;

21 (8) To bond such persons as may be necessary in order to insure  
22 adequate protection of funds;

23 (9) To keep minutes of its meetings and other books and records  
24 which will clearly reflect all of the acts and transactions of the

25 commission and to keep such records open to examination by any grower or  
26 processor participant during normal business hours;

27 (10) To prohibit any funds collected by the commission from being  
1 expended directly or indirectly to promote or oppose any candidate for

2 public office or to influence state legislation. The board shall not  
3 expend more than ~~fifteen~~ ~~twenty-five~~ percent of its annual budget to

4 influence federal legislation. The purpose of such expenditures for  
5 federal lobbying activity shall be limited to activity supporting the

6 underlying objectives of the dry bean program relating to market  
7 development, education, and research;  
8 (11) To establish an administrative office at such place in the  
9 state as may be suitable for the proper discharge of the functions of the  
10 commission; and  
11 (12) To adopt and promulgate rules and regulations to carry out the  
12 Dry Bean Resources Act.  
13 2. Renumber the remaining sections and correct the repealer  
14 accordingly.

Senator Stinner moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Stinner amendment was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO49

Reconsider the vote taken on AM748.

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

Pending.

#### **ANNOUNCEMENT(S)**

The Executive Board designates LR7CA as its priority resolution.

Senator McCoy designates LB649 as his priority bill.

The Health and Human Services Committee designates LB472 and LB320 as its priority bills.

Senator Smith designates LB357 as his priority bill.

Senator Kolterman designates LB232 as his priority bill.

Senator Pansing Brooks designates LB586 as her priority bill.

The Natural Resources Committee designates LB413 as its priority bill.

The Judiciary Committee designates LB482 and LB265 as its priority bills.

Senator B. Harr designates LB414 as his priority bill.



**MESSAGE(S) FROM THE GOVERNOR**

March 6, 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 individuals are being appointed to the State Board of Health:

Douglas Vander Broek, DC, 6511 Shenandoah Drive, Lincoln, NE 68510  
Kevin C. Low, DDS, 599 Dana Avenue, Chappell, NE 69129

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 110.** Introduced by McCollister, 20.

WHEREAS, the Omaha Westside High School girls' basketball team won the 2015 Class A Girls' State Basketball Championship by defeating Norfolk High School by a score of 53-40; and

WHEREAS, this is the Westside Warriors second state title in girls' basketball and their first state title since 1999; and

WHEREAS, three Westside Warriors were named Class A scoring leaders and two were named to the Class A All-tournament team; and

WHEREAS, the Westside Warriors brought great pride to their school, community, friends, and family as they demonstrated discipline, efficiency, and tenacity throughout the 2014-15 basketball season.

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

1. That the Legislature congratulates the Omaha Westside High School girls' basketball team for winning the 2015 Class A Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Omaha Westside High School girls' basketball team.

Laid over.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 489.** Placed on General File.

**LEGISLATIVE BILL 382.** Placed on General File with amendment.  
AM728

1 1. On page 2, line 16, strike "[\$XX]" and insert "four hundred  
2 thousand dollars".

(Signed) Kate Sullivan, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 242.** Senator Larson asked unanimous consent to withdraw his amendment, AM701, found on page 754, and replace it with his substitute amendment, AM794. No objections. So ordered.

AM794

1 1. Insert the following new section:  
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is  
3 amended to read:  
4 2-3753 The commission shall have the following powers and duties:  
5 (1) To adopt and devise a dry bean program consisting of research,  
6 education, advertising, publicity, and promotion to increase total  
7 consumption of dry beans on a state, national, and international basis;  
8 (2) To prepare and approve a budget consistent with limited receipts  
9 and the scope of the dry bean program;  
10 (3) To adopt and promulgate reasonable rules and regulations  
11 necessary to carry out the dry bean program;  
12 (4) To procure and evaluate data and information necessary for the  
13 proper administration and operation of the dry bean program;  
14 (5) To employ personnel and contract for services which are  
15 necessary for the proper operation of the dry bean program;  
16 (6) To establish a means whereby the grower and processor of dry  
17 beans has the opportunity at least annually to offer his or her ideas and  
18 suggestions relative to commission policy for the coming year;  
19 (7) To authorize the expenditure of funds and contracting of  
20 expenditures to conduct proper activities of the program;  
21 (8) To bond such persons as may be necessary in order to insure  
22 adequate protection of funds;  
23 (9) To keep minutes of its meetings and other books and records  
24 which will clearly reflect all of the acts and transactions of the  
25 commission and to keep such records open to examination by any grower or  
26 processor participant during normal business hours;  
27 (10) To prohibit any funds collected by the commission from being  
1 expended directly or indirectly to promote or oppose any candidate for  
2 public office or to influence state legislation. The board shall not

3 expend more than one hundred ~~twenty-five~~ percent of its annual budget to  
 4 influence federal legislation;  
 5 (11) To establish an administrative office at such place in the  
 6 state as may be suitable for the proper discharge of the functions of the  
 7 commission; and  
 8 (12) To adopt and promulgate rules and regulations to carry out the  
 9 Dry Bean Resources Act.  
 10 2. Renumber the remaining sections and correct the repealer  
 11 accordingly.

### SENATOR KRIST PRESIDING

The Larson amendment lost with 0 ayes, 21 nays, 24 present and not voting,  
 and 4 excused and not voting.

Senator Larson offered the following motion:

MO50

Reconsider the vote taken on AM794.

The Larson motion to reconsider failed with 0 ayes, 21 nays, 23 present and  
 not voting, and 5 excused and not voting.

Senator Larson asked unanimous consent to withdraw his amendment,  
 AM702, found on page 755, and replace it with his substitute amendment,  
 AM793. No objections. So ordered.

AM793

1 1. Insert the following new section:

2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 2-3753 The commission shall have the following powers and duties:

5 (1) To adopt and devise a dry bean program consisting of research,  
 6 education, advertising, publicity, and promotion to increase total  
 7 consumption of dry beans on a state, national, and international basis;  
 8 (2) To prepare and approve a budget consistent with limited receipts  
 9 and the scope of the dry bean program;

10 (3) To adopt and promulgate reasonable rules and regulations  
 11 necessary to carry out the dry bean program;

12 (4) To procure and evaluate data and information necessary for the  
 13 proper administration and operation of the dry bean program;

14 (5) To employ personnel and contract for services which are  
 15 necessary for the proper operation of the dry bean program;

16 (6) To establish a means whereby the grower and processor of dry  
 17 beans has the opportunity at least annually to offer his or her ideas and  
 18 suggestions relative to commission policy for the coming year;

19 (7) To authorize the expenditure of funds and contracting of  
 20 expenditures to conduct proper activities of the program;

21 (8) To bond such persons as may be necessary in order to insure  
 22 adequate protection of funds;

23 (9) To keep minutes of its meetings and other books and records

24 which will clearly reflect all of the acts and transactions of the  
 25 commission and to keep such records open to examination by any grower or  
 26 processor participant during normal business hours;  
 27 (10) To prohibit any funds collected by the commission from being  
 1 expended directly or indirectly to promote or oppose any candidate for  
 2 public office or to influence state legislation. The board shall not  
 3 expend more than ~~fifty~~ ~~twenty-five~~ percent of its annual budget to  
 4 influence federal legislation;  
 5 (11) To establish an administrative office at such place in the  
 6 state as may be suitable for the proper discharge of the functions of the  
 7 commission; and  
 8 (12) To adopt and promulgate rules and regulations to carry out the  
 9 Dry Bean Resources Act.  
 10 2. Renumber the remaining sections and correct the repealer  
 11 accordingly.

Senator Larson withdrew his amendment.

Senator Stinner moved for a call of the house. The motion prevailed with 23  
 ayes, 0 nays, and 26 not voting.

Senator Larson requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

|          |           |             |                |            |
|----------|-----------|-------------|----------------|------------|
| Baker    | Ebke      | Hughes      | McCoy          | Schnoor    |
| Bolz     | Friesen   | Johnson     | Mello          | Schumacher |
| Brasch   | Gloor     | Kintner     | Morfeld        | Seiler     |
| Campbell | Haar, K.  | Kolterman   | Murante        | Smith      |
| Chambers | Hadley    | Krist       | Pansing Brooks | Stinner    |
| Coash    | Harr, B.  | Kuehn       | Riepe          | Williams   |
| Cook     | Hilkemann | Lindstrom   | Scheer         |            |
| Crawford | Howard    | McCollister | Schilz         |            |

Voting in the negative, 1:

Larson

Present and not voting, 5:

|            |         |        |        |            |
|------------|---------|--------|--------|------------|
| Bloomfield | Garrett | Groene | Hansen | Watermeier |
|------------|---------|--------|--------|------------|

Excused and not voting, 5:

|           |       |          |           |          |
|-----------|-------|----------|-----------|----------|
| Craighead | Davis | Kolowski | Nordquist | Sullivan |
|-----------|-------|----------|-----------|----------|

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 5 present  
 and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 245.** ER46, found on page 732, was adopted.

Senator B. Harr offered the following amendment:

FA29

Strike Section 1.

Pending.

**COMMITTEE REPORT(S)**

Health and Human Services

**LEGISLATIVE BILL 240.** Placed on General File.

**LEGISLATIVE BILL 28.** Placed on General File with amendment.

AM708

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

2 sections:

3 Section 1. Sections 1 to 5 of this act shall be known and may be

4 cited as the Radon Resistant New Construction Act.

5 Sec. 2. The Legislature finds that:

6 (1) Radon is a radioactive element that is part of the radioactive

7 decay chain of naturally occurring uranium in soil;

8 (2) Radon is the leading cause of lung cancer among nonsmokers and

9 the number one risk in homes according to the Harvard School of Public

10 Health, Harvard Center for Risk Analysis;

11 (3) The World Health Organization Handbook on Indoor Radon includes

12 key messages which state:

13 (a) "There is no known threshold concentration below which radon

14 exposure presents no risk."; and

15 (b) "The majority of radon-induced lung cancers are caused by low

16 and moderate radon concentrations rather than by high radon

17 concentrations, because in general less people are exposed to high indoor

18 radon concentrations.";

19 (4) The Surgeon General of the United States urged Americans to test

20 their homes to find out how much radon they might be breathing;

21 (5) The United States Environmental Protection Agency estimates that

22 more than twenty thousand Americans die of radon-related lung cancer each

23 year; and

24 (6) The United States Environmental Protection Agency has identified

25 radon levels in Nebraska as the third highest in the United States

26 because of the high concentration of uranium in the soil.

27 Sec. 3. For purposes of the Radon Resistant New Construction Act:

1 (1) Active radon mitigation system means a family of radon

2 mitigation systems involving mechanically driven soil depressurization,

3 including subslab depressurization, drain tile depressurization, block

4 wall depressurization, and submembrane depressurization. Active radon  
5 mitigation system is also known as active soil depressurization;  
6 (2) Building code means an ordinance, resolution, or law that  
7 establishes standards applicable to new construction;  
8 (3) Building contractor means any individual, corporation,  
9 partnership, limited liability company, or other business entity that  
10 engages in new construction;  
11 (4) Department means the Department of Health and Human Services;  
12 (5) New construction means any original construction of a single-  
13 family home or a multifamily dwelling, including apartments, group homes,  
14 condominiums, and townhouses, or any original construction of a building  
15 used for commercial, industrial, educational, or medical purposes. New  
16 construction does not include additions to existing structures or  
17 remodeling of existing structures;  
18 (6) Passive new construction pipe means a pipe installed in new  
19 construction that relies solely on the convective flow of air upward for  
20 soil gas depressurization and may consist of multiple pipes routed  
21 through conditioned space from below the foundation to above the roof;  
22 and  
23 (7) Radon mitigation specialist means an individual who is licensed  
24 by the department as a radon mitigation specialist in accordance with the  
25 Radiation Control Act.  
26 Sec. 4. (1) The Radon Resistant New Construction Task Force is  
27 created. The task force shall consist of the chief medical officer of the  
28 Division of Public Health of the Department of Health and Human Services  
29 as designated in section 81-3115 or his or her designee, who shall serve  
30 as the chairperson of the task force, and the following additional  
31 members to be appointed by the Governor:  
1 (a) Three representatives of home builders' associations in  
2 Nebraska, each from a different congressional district;  
3 (b) A representative of a home inspectors' association in Nebraska;  
4 (c) Two representatives of commercial construction associations, one  
5 of whom must have experience related to large-scale projects and one of  
6 whom must have experience related to medium-scale to small-scale  
7 projects;  
8 (d) A representative of a Nebraska realtors' organization;  
9 (e) A representative of a respiratory disease organization;  
10 (f) A representative of a cancer research and prevention  
11 organization;  
12 (g) A representative of the League of Nebraska Municipalities;  
13 (h) Three community public health representatives, each from a  
14 different congressional district;  
15 (i) A professional engineer as defined in section 81-3422;  
16 (j) An architect as defined in section 81-3404; and  
17 (k) A representative with expertise in residential or commercial  
18 building codes.  
19 (2) The task force shall meet at the call of the chairperson. The  
20 appointed members of the task force shall serve without compensation but  
21 shall be reimbursed for their actual and necessary expenses as provided

22 in sections 81-1174 to 81-1177. The department shall provide staff and  
 23 support for the operation of the task force.  
 24 (3) The task force shall develop minimum standards for radon  
 25 resistant new construction and shall recommend such minimum standards to  
 26 the Governor and to the Health and Human Services Committee of the  
 27 Legislature. In developing such minimum standards, the task force shall:  
 28 (a) Design the minimum standards so that they may be enforced by a  
 29 county, city, or village as part of its local building code;  
 30 (b) Consider Appendix F of the International Residential Code for  
 31 One- and Two-Family Dwellings, 2012 edition, published by the  
 1 International Code Council; and  
 2 (c) Consider including the following provisions in such minimum  
 3 standards:  
 4 (i) A requirement that the installation of an active radon  
 5 mitigation system only be performed by a building contractor or his or  
 6 her subcontractors or by a radon mitigation specialist;  
 7 (ii) A requirement that the installation of radon resistant new  
 8 construction only be performed by a building contractor or his or her  
 9 subcontractors or by a radon mitigation specialist; and  
 10 (iii) A requirement that only a building contractor or his or her  
 11 subcontractors or a radon mitigation specialist be allowed to install a  
 12 radon vent fan or upgrade a passive new construction pipe to an active  
 13 radon mitigation system.  
 14 (4) The task force shall provide its recommendations by December 15,  
 15 2015. The task force and this section terminate on January 1, 2016.  
 16 Sec. 5. It is the intent of the Legislature that the recommendations  
 17 provided by the Radon Resistant New Construction Task Force under section  
 18 4 of this act be used by the Legislature during the 2016 legislative  
 19 session to establish, in statute, minimum standards for radon resistant  
 20 new construction.

**LEGISLATIVE BILL 243.** Placed on General File with amendment.  
 AM787

1 1. On page 3, line 8, strike "evidence-based"; in line 20 strike  
 2 "each service area" and insert "at least two service areas"; in lines 20  
 3 and 21 strike "one or more"; and in line 21 strike "in each service  
 4 area".  
 5 2. On page 4, lines 16 and 17, strike "three million" and insert  
 6 "one million five hundred thousand"; in line 22 strike "and"; and in line  
 7 26 after "outcomes" insert "; and (3) provide contract monitoring,  
 8 oversight of the pilot project and pay evaluation costs".

**LEGISLATIVE BILL 287.** Placed on General File with amendment.  
 AM730

1 1. On page 4, lines 16 and 17, strike "American Sign Language" and  
 2 insert "effective".

**LEGISLATIVE BILL 320.** Placed on General File with amendment.

AM418

- 1 1. On page 5, lines 7 and 8, strike "within" through the comma.
- 2 2. On page 7, line 26, strike "on" through "month" and insert "in
- 3 accordance with section 81-2403".

**LEGISLATIVE BILL 405.** Placed on General File with amendment.

AM649

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-1107, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 68-1107 (1) The Aging Nebraskans Task Force is created. The purposes
- 6 ~~purpose~~ of the task force are (a) is to develop and facilitate
- 7 implementation of a statewide strategic plan for addressing the needs of
- 8 the aging population in the state and (b) to develop a state plan
- 9 regarding persons with Alzheimer's or related disorders as provided in
- 10 section 4 of this act. The task force shall provide a forum for
- 11 collaboration among state, local, community, public, and private
- 12 stakeholders in long-term care programs.
- 13 (2)(a) The executive committee of the task force shall include as
- 14 voting members the chairperson of the Health and Human Services Committee
- 15 of the Legislature, a member of the Appropriations Committee of the
- 16 Legislature appointed by the Executive Board of the Legislative Council,
- 17 a member of the Health and Human Services Committee of the Legislature
- 18 appointed by the Executive Board of the Legislative Council, a member of
- 19 the Legislature's Planning Committee appointed by the Executive Board of
- 20 the Legislative Council, and an at-large member appointed by the
- 21 Executive Board of the Legislative Council. The voting members of the
- 22 executive committee shall choose a chairperson and vice-chairperson from
- 23 among the voting members.
- 24 (b) The chief executive officer of the Department of Health and
- 25 Human Services or his or her designee and the Chief Justice of the
- 26 Supreme Court or his or her designee shall be nonvoting, ex officio
- 27 members of the executive committee of the task force.
- 1 (c) The remaining four members of the task force shall be nonvoting
- 2 members appointed by the executive committee of the task force through an
- 3 application and selection process, representing stakeholders in the long-
- 4 term care system and may include a representative of the Division of
- 5 Medicaid and Long-Term Care Advisory Committee on Aging, representatives
- 6 of health care providers, elder law attorneys, representatives of the
- 7 long-term care ombudsman program, health care economists, geriatric
- 8 specialists, family caregivers of seniors in at-home care, providers of
- 9 services to the elderly, seniors currently or previously in institutional
- 10 care, and aging advocacy organizations.
- 11 (3) The executive committee of the task force shall advise the task
- 12 force regarding the interaction among the three branches of government
- 13 related to long-term care programs and services. The members of the
- 14 executive committee shall each represent his or her own branch of



15 government, and no member of the executive committee shall participate in  
16 actions that could be deemed to be the exercise of the duties and  
17 prerogatives of another branch of government or that improperly delegate  
18 the powers and duties of any branch of government to another branch of  
19 government.

20 (4) The task force shall work with administrators of area agencies  
21 on aging, nursing home and assisted-living residence providers,  
22 hospitals, rehabilitation centers, managed care companies, senior citizen  
23 centers, community stakeholders, advocates for elder services and  
24 programs, the Center for Public Affairs Research of the College of Public  
25 Affairs and Community Service at the University of Nebraska at Omaha, and  
26 seniors statewide to establish effective community collaboration for  
27 informed decisionmaking that supports the provisions of effective and  
28 efficient long-term care services.

29 (5) The task force shall create a statewide strategic plan for long-  
30 term care services in Nebraska which shall consider, but not be limited  
31 to:

1 (a) Promotion of independent living through provision of long-term  
2 care services and support that enable an individual to live in the  
3 setting of his or her choice;

4 (b) Provision of leadership to support sound fiscal management of  
5 long-term care budgets so that Nebraska will be able to meet the  
6 increasing demand for long-term care services as a growing portion of the  
7 state's population reaches the age of eighty years;

8 (c) Expedited creation of workforce development and training  
9 programs specific to the needs of and in response to Nebraska's growing  
10 aging population;

11 (d) The identification of gaps in the service delivery system that  
12 contribute to the inefficient and ineffective delivery of services; and

13 (e) Development of a process for evaluating the quality of  
14 residential and home and community-based long-term care services and  
15 support.

16 Sec. 2. Section 68-1108, Revised Statutes Cumulative Supplement,  
17 2014, is amended to read:

18 68-1108 (1) On or before December 15, 2014, the Aging Nebraskans  
19 Task Force shall present electronically to the Legislature a report of  
20 recommendations for the statewide strategic plan described in section  
21 68-1107. The Department of Health and Human Services shall also annually  
22 report electronically to the Legislature the percentage growth of  
23 medicaid spending for people over sixty-five years of age for no fewer  
24 than five years following acceptance of the application to the State  
25 Balancing Incentive Payments Program pursuant to section 81-3138.

26 (2) The task force shall develop a state plan as provided in section  
27 4 of this act and electronically deliver the state plan to the Governor  
28 and the Legislature on or before December 15, 2016. The task force shall  
29 make a presentation of the state plan to the Health and Human Services  
30 Committee of the Legislature on or before December 15, 2016.

31 Sec. 3. Section 68-1109, Revised Statutes Cumulative Supplement,  
1 2014, is amended to read:

2 68-1109 The Aging Nebraskans Task Force terminates on January 1,  
3 2017 June 30, 2016, unless extended by the Legislature.

4 Sec. 4. (1) The Aging Nebraskans Task Force shall develop a state  
5 plan regarding persons with Alzheimer's and related disorders. The task  
6 force shall work with the chief executive officer of the Department of  
7 Health and Human Services, the Public Guardian, the area agencies on  
8 aging, organizations advocating for patients and caregivers for patients  
9 with Alzheimer's or related disorders, the law enforcement community,  
10 patients with Alzheimer's or related disorders, caregivers for patients  
11 with Alzheimer's or related disorders, client advocacy organizations,  
12 health care provider advocacy organizations, private health care  
13 providers, and community-based health professionals.

14 (2) The task force shall:

15 (a) Assess the current and future impact of Alzheimer's and related  
16 disorders on residents of the state;

17 (b) Determine the existing services and resources in the state that  
18 address the needs of individuals with Alzheimer's and related disorders  
19 and their families and caregivers; and

20 (c) Develop recommendations to respond to escalating needs for the  
21 services and resources described in subdivision (b) of this subsection.

22 (3) In fulfilling the duties described in subsection (1) of this  
23 section, the task force shall examine:

24 (a) Trends and needs in the state relating to populations with  
25 Alzheimer's or related disorders, including (i) the state's role in the  
26 provision of long-term care, (ii) family caregiver support, (iii) the  
27 provision of early-stage diagnoses, assistance, support, and medical  
28 services, (iv) younger onset of Alzheimer's or related disorders, (v)  
29 ethnic populations at higher risk, and (vi) risk reduction;

30 (b) Existing services, resources, and capacity available to  
31 individuals with Alzheimer's or related disorders, including:

1 (i) The type, cost, availability, and adequacy of services,  
2 including, (A) home and community-based resources, (B) respite care, (C)  
3 residential long-term care, and (D) geriatric-psychiatric units for  
4 individuals with associated behavioral disorders;

5 (ii) Dementia-specific training requirements for individuals who are  
6 employed to provide care to individuals with Alzheimer's or related  
7 disorders;

8 (iii) Quality of care measures for services delivered across the  
9 continuum of care;

10 (iv) The capacity of public safety and law enforcement to respond to  
11 individuals with Alzheimer's or related disorders; and

12 (v) State support to institutions of higher learning for research on  
13 Alzheimer's or related disorders;

14 (c) The need for state policy or action in order to provide clear,  
15 coordinated services and support to individuals with Alzheimer's or  
16 related disorders and their families and caregivers; and

17 (d) Strategies to identify gaps in services.

18 Sec. 5. Original sections 68-1107, 68-1108, and 68-1109, Revised  
19 Statutes Cumulative Supplement, 2014, are repealed.

20 Sec. 6. Since an emergency exists, this act takes effect when  
21 passed and approved according to law.

**LEGISLATIVE BILL 472.** Placed on General File with amendment.  
AM676

1 1. Strike original section 5 and insert the following new section:

2 Sec. 5. (1) The Medicaid Redesign Task Force is created.

3 (2) The task force shall consist of eleven voting members,  
4 including:

5 (a) The Governor or his or her designee;

6 (b) The chief executive officer of the Department of Health and  
7 Human Services;

8 (c) The Director of Medicaid and Long-Term Care of the Division of  
9 Medicaid and Long-Term Care of the department;

10 (d) The Director of Public Health of the Division of Public Health  
11 of the department;

12 (e) The Director of Behavioral Health of the Division of Behavioral  
13 Health of the department;

14 (f) The Director of Insurance; and

15 (g) Five persons, appointed by the Governor, with expertise in  
16 health care delivery, health insurance, health care workforce, health  
17 education, and health care consumer advocacy who shall each serve a term  
18 of three years and may be reappointed.

19 (3) The chairperson of the Appropriations Committee of the  
20 Legislature, the chairperson of the Banking, Commerce and Insurance  
21 Committee of the Legislature, the chairperson of the Health and Human  
22 Services Committee of the Legislature, the chairperson of the Executive  
23 Board of the Legislative Council, and a member of the Health and Human  
24 Services Committee of the Legislature appointed by the chairperson of the  
25 committee shall be ex officio nonvoting members of the task force.

**LEGISLATIVE BILL 500.** Placed on General File with amendment.  
AM650

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

3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 68-901 Sections 68-901 to 68-974 and section 2 of this act shall be  
6 known and may be cited as the Medical Assistance Act.

7 Sec. 2. (1) On or before July 1, 2015, the department shall submit  
8 an application to the Centers for Medicare and Medicaid Services of the  
9 United States Department of Health and Human Services, amending the  
10 medicaid state plan to provide for utilization of money to allow for  
11 payments for multisystemic therapy and functional family therapy for  
12 youth who are eligible for the medical assistance program and CHIP  
13 pursuant to the federal Children's Health Insurance Program  
14 Reauthorization Act of 2009, Public Law 111-3, as such act existed on  
15 January 1, 2015.

16 (2) For purposes of this section, CHIP means the Children's Health

17 Insurance Program established pursuant to 42 U.S.C. 1397aa et seq., as  
 18 such section existed on January 1, 2015.  
 19 Sec. 3. Original section 68-901, Revised Statutes Cumulative  
 20 Supplement, 2014, is repealed.  
 21 Sec. 4. Since an emergency exists, this act takes effect when  
 22 passed and approved according to law.

**LEGISLATIVE BILL 607.** Placed on General File with amendment.  
 AM782

1 1. Strike original sections 6 and 11 and insert the following new  
 2 section:  
 3 Sec. 10. Any individual violating section 3 of this act is subject  
 4 to a civil penalty of one hundred dollars for each violation, up to a  
 5 maximum of one thousand dollars. Any civil penalty assessed and unpaid  
 6 shall constitute a debt to the State of Nebraska which may be collected  
 7 in the manner of a lien foreclosure or sued for and recovered in a proper  
 8 form of action in the name of the state in the district court of the  
 9 county in which the violator resides or owns property. The state may also  
 10 collect in such action attorney's fees and costs incurred in the  
 11 collection of the civil penalty. Any collected civil penalty shall be  
 12 remitted to the State Treasurer to be disposed of in accordance with  
 13 Article VII, section 5, of the Constitution of Nebraska.  
 14 2. On page 2, strike beginning with "eighteen" in line 5 through the  
 15 first "and" in line 6 and insert "who is"; in lines 20, 22, and 25 after  
 16 "consumer" insert "or, in the case of a home care consumer who is a minor  
 17 child, his or her parent or guardian,"; and in line 26 strike "that the  
 18 consumer".  
 19 3. On page 3, lines 2 and 3, strike "he or she" and insert "the  
 20 consumer or, in the case of a home care consumer who is a minor child,  
 21 his or her parent or guardian,"; in line 4 after "consumer" insert "or,  
 22 in the case of a home care consumer who is a minor child, his or her  
 23 parent or guardian,"; in line 5 after "Act" insert "in the format  
 24 accessible to the consumer or, in the case of a minor child, the  
 25 consumer's parent or guardian, which format may include paper,  
 26 electronic, audio, large print, or Braille"; in line 8 strike "13" and  
 27 insert "9"; in lines 9, 14, and 25 after "consumer" insert "or, in the  
 1 case of a home care consumer who is a minor child, his or her parent or  
 2 guardian,"; in lines 15 and 26 strike "his or her" and insert "the home  
 3 care consumer's"; and in line 17 after the second comma insert "the  
 4 protection and advocacy system in Nebraska designated under 42 U.S.C.  
 5 15041 to 15045, as such sections existed on January 1, 2015.".  
 6 4. On page 4, lines 1, 5, 6, 10, 11, and 16 after "consumer insert"  
 7 "or, in the case of a home care consumer who is a minor child, his or her  
 8 parent or guardian,"; in lines 17, 18, and 21 strike "his or her and"  
 9 insert "the home care consumer's"; and in line 23 after "consumer" insert  
 10 "who is a minor child shall be represented by his or her parent or  
 11 guardian. Such parent or guardian shall act on behalf of the minor child  
 12 in securing the minor child's rights under the Home Care Consumer Bill of  
 13 Rights Act. A home care consumer who is not a minor child".

14 5. Renumber the remaining sections and correct internal references  
15 accordingly.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 541.** Placed on General File.

**LEGISLATIVE BILL 105.** Placed on General File with amendment.  
AM415

1 1. Strike original section 1.  
2 2. On page 2, line 21, after "23-1821" insert "or when a grand jury  
3 is called pursuant to subsection (4) of section 29-1401"; in line 22  
4 strike "an examination, a test", show as stricken, and insert  
5 "examinations, tests"; in line 25 strike "The" and insert "All"; and in  
6 line 26 strike "examination, test, or" and insert "examinations, tests,  
7 and".  
8 3. Renumber the remaining sections and correct the repealer  
9 accordingly.

**LEGISLATIVE BILL 465.** Placed on General File with amendment.  
AM802

1 1. Insert the following new sections:  
2 Sec. 17. Sections 64-101 to 64-119 and 64-211 to 64-215 and the  
3 Uniform Recognition of Acknowledgments Act govern an electronic notary  
4 public unless the provisions of such sections and act are in conflict  
5 with the Electronic Notary Public Act in which case the Electronic Notary  
6 Public Act controls.  
7 Sec. 18. This act becomes operative on July 1, 2016.  
8 2. On page 2, line 1, strike "16" and insert "17"; after line 17  
9 insert the following new subsection:  
10 "(6) Electronic notary solution provider means a provider of any  
11 electronic notary seals or electronic signatures;"; in line 18 strike  
12 "(6)" and insert "(7)"; and in line 21 strike "(7)" and insert "(8)".  
13 3. On page 3, after line 6, insert the following new subsection:  
14 "(2) The registration shall specify the technology the notary public  
15 intends to use to perform an electronic notarial act. Such technology  
16 shall be provided by an electronic notary solution provider approved by  
17 the Secretary of State."; in line 7 strike "(2)" and insert "(3)"; in  
18 line 9 strike "(3)" and insert "(4)"; in line 20 strike "fifty dollars";  
19 and in line 21 after the period insert "The Secretary of State shall  
20 establish the fee by rule and regulation in an amount sufficient to cover  
21 the costs of administering the Electronic Notary Public Act, but the fee  
22 shall not exceed one hundred dollars.".  
23 4. On page 5, line 3, after "resigned" insert ", canceled,"; and in  
24 line 9 after "revoked" insert ", canceled,".  
25 5. On page 6, line 21, after the period insert "Such rules and  
26 regulations shall include procedures for the approval of electronic

27 notary solution providers by the Secretary of State."

(Signed) John Murante, Chairperson

Revenue

**LEGISLATIVE BILL 259.** Placed on General File with amendment.  
AM824 is available in the Bill Room.

**LEGISLATIVE BILL 322.** Placed on General File with amendment.  
AM809

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

3 Section 1. Section 77-2715.07, Revised Statutes Cumulative  
4 Supplement, 2014, is amended to read:

5 77-2715.07 (1) There shall be allowed to qualified resident  
6 individuals as a nonrefundable credit against the income tax imposed by  
7 the Nebraska Revenue Act of 1967:

8 (a) A credit equal to the federal credit allowed under section 22 of  
9 the Internal Revenue Code; and

10 (b) A credit for taxes paid to another state as provided in section  
11 77-2730.

12 (2) There shall be allowed to qualified resident individuals against  
13 the income tax imposed by the Nebraska Revenue Act of 1967:

14 (a) For returns filed reporting federal adjusted gross incomes of  
15 greater than ~~fifty-two twenty-nine~~ thousand dollars, a nonrefundable  
16 credit equal to ~~thirty twenty-five~~ percent of the federal credit allowed  
17 under section 21 of the Internal Revenue Code of 1986, as amended, except  
18 that for taxable years beginning or deemed to begin on or after January  
19 1, 2016, such nonrefundable credit shall be allowed only if the  
20 individual would have received the federal credit allowed under section  
21 21 of the code after adding back in any carryforward of a net operating  
22 loss that was deducted pursuant to such section in determining  
23 eligibility for the federal credit;

24 (b) For returns filed reporting federal adjusted gross income of  
25 ~~fifty-two twenty-nine~~ thousand dollars or less, a refundable credit equal  
26 to a percentage of the federal credit allowable under section 21 of the  
27 Internal Revenue Code of 1986, as amended, whether or not the federal  
1 credit was limited by the federal tax liability. The percentage of the  
2 federal credit shall be one hundred percent for incomes not greater than  
3 ~~thirty-two twenty-two~~ thousand dollars, and the percentage shall be  
4 reduced by ~~three and one-half ten~~ percent for each one thousand dollars,  
5 or fraction thereof, by which the reported federal adjusted gross income  
6 exceeds ~~thirty-two twenty-two~~ thousand dollars, except that for taxable  
7 years beginning or deemed to begin on or after January 1, 2016, such  
8 refundable credit shall be allowed only if the individual would have  
9 received the federal credit allowed under section 21 of the code after  
10 adding back in any carryforward of a net operating loss that was deducted  
11 pursuant to such section in determining eligibility for the federal

12 credit;

13 (c) A refundable credit as provided in section 77-5209.01 for  
14 individuals who qualify for an income tax credit as a qualified beginning  
15 farmer or livestock producer under the Beginning Farmer Tax Credit Act  
16 for all taxable years beginning or deemed to begin on or after January 1,  
17 2006, under the Internal Revenue Code of 1986, as amended;

18 (d) A refundable credit for individuals who qualify for an income  
19 tax credit under the Angel Investment Tax Credit Act, the Nebraska  
20 Advantage Microenterprise Tax Credit Act, or the Nebraska Advantage  
21 Research and Development Act; and

22 (e) A refundable credit equal to ten percent of the federal credit  
23 allowed under section 32 of the Internal Revenue Code of 1986, as  
24 amended.

25 (3) There shall be allowed to all individuals as a nonrefundable  
26 credit against the income tax imposed by the Nebraska Revenue Act of  
27 1967:

28 (a) A credit for personal exemptions allowed under section  
29 77-2716.01;

30 (b) A credit for contributions to certified community betterment  
31 programs as provided in the Community Development Assistance Act. Each  
1 partner, each shareholder of an electing subchapter S corporation, each  
2 beneficiary of an estate or trust, or each member of a limited liability  
3 company shall report his or her share of the credit in the same manner  
4 and proportion as he or she reports the partnership, subchapter S  
5 corporation, estate, trust, or limited liability company income;

6 (c) A credit for investment in a biodiesel facility as provided in  
7 section 77-27,236;

8 (d) A credit as provided in the New Markets Job Growth Investment  
9 Act; and

10 (e) A credit as provided in the Nebraska Job Creation and Mainstreet  
11 Revitalization Act.

12 (4) There shall be allowed as a credit against the income tax  
13 imposed by the Nebraska Revenue Act of 1967:

14 (a) A credit to all resident estates and trusts for taxes paid to  
15 another state as provided in section 77-2730;

16 (b) A credit to all estates and trusts for contributions to  
17 certified community betterment programs as provided in the Community  
18 Development Assistance Act; and

19 (c) A refundable credit for individuals who qualify for an income  
20 tax credit as an owner of agricultural assets under the Beginning Farmer  
21 Tax Credit Act for all taxable years beginning or deemed to begin on or  
22 after January 1, 2009, under the Internal Revenue Code of 1986, as  
23 amended. The credit allowed for each partner, shareholder, member, or  
24 beneficiary of a partnership, corporation, limited liability company, or  
25 estate or trust qualifying for an income tax credit as an owner of  
26 agricultural assets under the Beginning Farmer Tax Credit Act shall be  
27 equal to the partner's, shareholder's, member's, or beneficiary's portion  
28 of the amount of tax credit distributed pursuant to subsection (4) of  
29 section 77-5211.

30 (5)(a) For all taxable years beginning on or after January 1, 2007,  
31 and before January 1, 2009, under the Internal Revenue Code of 1986, as  
1 amended, there shall be allowed to each partner, shareholder, member, or  
2 beneficiary of a partnership, subchapter S corporation, limited liability  
3 company, or estate or trust a nonrefundable credit against the income tax  
4 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the  
5 partner's, shareholder's, member's, or beneficiary's portion of the  
6 amount of franchise tax paid to the state under sections 77-3801 to  
7 77-3807 by a financial institution.

8 (b) For all taxable years beginning on or after January 1, 2009,  
9 under the Internal Revenue Code of 1986, as amended, there shall be  
10 allowed to each partner, shareholder, member, or beneficiary of a  
11 partnership, subchapter S corporation, limited liability company, or  
12 estate or trust a nonrefundable credit against the income tax imposed by  
13 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,  
14 member's, or beneficiary's portion of the amount of franchise tax paid to  
15 the state under sections 77-3801 to 77-3807 by a financial institution.

16 (c) Each partner, shareholder, member, or beneficiary shall report  
17 his or her share of the credit in the same manner and proportion as he or  
18 she reports the partnership, subchapter S corporation, limited liability  
19 company, or estate or trust income. If any partner, shareholder, member,  
20 or beneficiary cannot fully utilize the credit for that year, the credit  
21 may not be carried forward or back.

22 Sec. 2. This act becomes operative for all taxable years beginning  
23 or deemed to begin on or after January 1, 2016, under the Internal  
24 Revenue Code of 1986, as amended.

25 Sec. 3. Original section 77-2715.07, Revised Statutes Cumulative  
26 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

#### **ANNOUNCEMENT(S)**

Senator K. Haar designates LB407 as his priority bill.

Senator Kintner designates LB481 as his priority bill.

Senator Morfeld designates LB264 as his priority bill.

The State-Tribal Relations Committee designates LB566 as its priority bill.

The Revenue Committee designates LB259 and LB356 as its priority bills.

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

Senator Krist filed the following amendment to LB504:

AM710

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:



3 Section 1. Section 29-2261, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 29-2261 (1) Unless it is impractical to do so, when an offender has  
6 been convicted of a felony other than murder in the first degree, the  
7 court shall not impose sentence without first ordering a presentence  
8 investigation of the offender and according due consideration to a  
9 written report of such investigation. When an offender has been convicted  
10 of murder in the first degree and (a) a jury renders a verdict finding  
11 the existence of one or more aggravating circumstances as provided in  
12 section 29-2520 or (b)(i) the information contains a notice of  
13 aggravation as provided in section 29-1603 and (ii) the offender waives  
14 his or her right to a jury determination of the alleged aggravating  
15 circumstances, the court shall not commence the sentencing determination  
16 proceeding as provided in section 29-2521 without first ordering a  
17 presentence investigation of the offender and according due consideration  
18 to a written report of such investigation.

19 (2) A court may order a presentence investigation in any case,  
20 except in cases in which an offender has been convicted of a Class IIIA  
21 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic  
22 infraction, or any corresponding city or village ordinance.

23 (3) The presentence investigation and report shall include, when  
24 available, an analysis of the circumstances attending the commission of  
25 the crime, the offender's history of delinquency or criminality, physical  
26 and mental condition, family situation and background, economic status,  
27 education, occupation, and personal habits, and any other matters that  
1 the probation officer deems relevant or the court directs to be included.

2 All local and state police agencies and Department of Correctional  
3 Services adult correctional facilities shall furnish to the probation  
4 officer copies of such criminal records, in any such case referred to the  
5 probation officer by the court of proper jurisdiction, as the probation  
6 officer shall require without cost to the court or the probation officer.

7 Such investigation shall also include:

8 (a) Any written statements submitted to the county attorney by a  
9 victim; and

10 (b) Any written statements submitted to the probation officer by a  
11 victim.

12 (4) If there are no written statements submitted to the probation  
13 officer, he or she shall certify to the court that:

14 (a) He or she has attempted to contact the victim; and

15 (b) If he or she has contacted the victim, such officer offered to  
16 accept the written statements of the victim or to reduce such victim's  
17 oral statements to writing.

18 For purposes of subsections (3) and (4) of this section, the term  
19 victim shall be as defined in section 29-119.

20 (5) Before imposing sentence, the court may order the offender to  
21 submit to psychiatric observation and examination for a period of not  
22 exceeding sixty days or such longer period as the court determines to be  
23 necessary for that purpose. The offender may be remanded for this purpose  
24 to any available clinic or mental hospital, or the court may appoint a

25 qualified psychiatrist to make the examination. The report of the  
26 examination shall be submitted to the court.

27 (6) Any presentence report, substance abuse evaluation, or  
28 psychiatric examination shall be privileged and shall not be disclosed  
29 directly or indirectly to anyone other than a judge, probation officers  
30 to whom an offender's file is duly transferred, the probation  
31 administrator or his or her designee, alcohol and drug counselors, mental  
1 health practitioners, psychiatrists, and psychologists licensed or  
2 certified under the Uniform Credentialing Act to conduct substance abuse  
3 evaluations and treatment, or others entitled by law to receive such  
4 information, including personnel and mental health professionals for the  
5 Nebraska State Patrol specifically assigned to sex offender registration  
6 and community notification for the sole purpose of using such report,  
7 evaluation, or examination for assessing risk and for community  
8 notification of registered sex offenders. For purposes of this  
9 subsection, mental health professional means (a) a practicing physician  
10 licensed to practice medicine in this state under the Medicine and  
11 Surgery Practice Act, (b) a practicing psychologist licensed to engage in  
12 the practice of psychology in this state as provided in section 38-3111,  
13 or (c) a practicing mental health professional licensed or certified in  
14 this state as provided in the Mental Health Practice Act.

15 (7) The court shall permit inspection of the presentence report,  
16 substance abuse evaluation, or psychiatric examination or parts of the  
17 report, evaluation, or examination, as determined by the court, by the  
18 prosecuting attorney and defense counsel. Beginning July 1, 2016, such  
19 inspection shall be by electronic access only unless the court determines  
20 such access is not available to the prosecuting attorney or defense  
21 counsel. The State Court Administrator shall determine and develop the  
22 means of electronic access to such presentence reports, evaluations, and  
23 examinations. Upon application by the prosecuting attorney or defense  
24 counsel, the court may order that addresses, telephone numbers, and other  
25 contact information for victims or witnesses named in the report,  
26 evaluation, or examination be redacted upon a showing by a preponderance  
27 of the evidence that such redaction is warranted in the interests of  
28 public safety. The court may permit inspection of the presentence report,  
29 substance abuse evaluation, or psychiatric examination or examination of  
30 parts of the report, evaluation, or examination thereof by any the  
31 offender or his or her attorney, or other person having a proper interest  
1 therein, whenever the court finds it is in the best interest of a  
2 particular offender. The court may allow fair opportunity for an offender  
3 to provide additional information for the court's consideration.

4 (8 7) If an offender is sentenced to imprisonment, a copy of the  
5 report of any presentence investigation, substance abuse evaluation, or  
6 psychiatric examination shall be transmitted immediately to the  
7 Department of Correctional Services. Upon request, the Board of Parole or  
8 the Office of Parole Administration may receive a copy of the report from  
9 the department.

10 (9 8) Notwithstanding subsections subsection (6) and (7) of this  
11 section, the Supreme Court or an agent of the Supreme Court acting under

12 the direction and supervision of the Chief Justice shall have access to  
13 psychiatric examinations, substance abuse evaluations, and presentence  
14 investigations and reports for research purposes. The Supreme Court and  
15 its agent shall treat such information as confidential, and nothing  
16 identifying any individual shall be released.  
17 Sec. 2. Original section 29-2261, Revised Statutes Cumulative  
18 Supplement, 2014, is repealed.

Senator Pansing Brooks filed the following amendment to LB366A:  
AM718

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. There is hereby appropriated (1) \$40,000 from the  
4 General Fund for FY2015-16 and (2) \$48,000 from the General Fund for  
5 FY2016-17 to the Department of Health and Human Services, for Program  
6 347, to aid in carrying out the provisions of Legislative Bill 366, One  
7 Hundred Fourth Legislature, First Session, 2015.  
8 No expenditures for permanent and temporary salaries and per diems  
9 for state employees shall be made from funds appropriated in this  
10 section.  
11 Sec. 2. There is hereby appropriated (1) \$347,687 from the General  
12 Fund and \$390,776 from federal funds for FY2015-16 and (2) \$421,802 from  
13 the General Fund and \$464,124 from federal funds for FY2016-17 to the  
14 Department of Health and Human Services, for Program 348, to aid in  
15 carrying out the provisions of Legislative Bill 366, One Hundred Fourth  
16 Legislature, First Session, 2015.  
17 No expenditures for permanent and temporary salaries and per diems  
18 for state employees shall be made from funds appropriated in this  
19 section.  
20 Sec. 3. There is hereby appropriated (1) \$6,377 from the General  
21 Fund for FY2015-16 and (2) \$7,736 from the General Fund for FY2016-17 to  
22 the Department of Health and Human Services, for Program 421, to aid in  
23 carrying out the provisions of Legislative Bill 366, One Hundred Fourth  
24 Legislature, First Session, 2015.  
25 No expenditures for permanent and temporary salaries and per diems  
26 for state employees shall be made from funds appropriated in this  
27 section.  
1 Sec. 4. There is hereby appropriated (1) \$11,160 from the General  
2 Fund for FY2015-16 and (2) \$13,538 from the General Fund for FY2016-17 to  
3 the Department of Health and Human Services, for Program 424, to aid in  
4 carrying out the provisions of Legislative Bill 366, One Hundred Fourth  
5 Legislature, First Session, 2015.  
6 No expenditures for permanent and temporary salaries and per diems  
7 for state employees shall be made from funds appropriated in this  
8 section.

Senator Bloomfield filed the following amendment to LB431:  
AM703

1 1. On page 2, strike beginning with "The" on line 16 through the  
2 period in line 23.

Senator Scheer filed the following amendment to LB53:

AM762

- 1 1. On page 3, line 4, strike "nonrefundable" and insert "annual
- 2 nonrefundable registration".

Senator Hadley filed the following amendment to LB497:

AM807

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 42-365, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 42-365 (1) When dissolution of a marriage is decreed, the court may
- 6 order payment of such alimony by one party to the other and division of
- 7 property as may be reasonable, having regard for the circumstances of the
- 8 parties, duration of the marriage, a history of the contributions to the
- 9 marriage by each party, including contributions to the care and education
- 10 of the children, and interruption of personal careers or educational
- 11 opportunities, and the ability of the supported party to engage in
- 12 gainful employment without interfering with the interests of any minor
- 13 children in the custody of such party. Reasonable security for payment
- 14 may be required by the court. A proceeding to modify or revoke an order
- 15 for alimony for good cause shall be commenced by filing a complaint to
- 16 modify. Service of process and other procedure shall comply with the
- 17 requirements for a dissolution action. Amounts accrued prior to the date
- 18 of filing of the complaint to modify may not be modified or revoked. A
- 19 decree may not be modified to award alimony if alimony was not allowed in
- 20 the original decree dissolving a marriage. A decree may not be modified
- 21 to award additional alimony if the entire amount of alimony allowed in
- 22 the original decree had accrued before the date of filing of the
- 23 complaint to modify. Except as otherwise agreed by the parties in writing
- 24 or by order of the court, alimony orders shall terminate upon the death
- 25 of either party or the remarriage of the recipient.
- 26 (2) In any action for divorce, annulment, or legal separation, the
- 27 court shall divide the marital property of the parties equitably. The
- 1 court shall presume that an equal division is an equitable distribution
- 2 of the property and shall distribute the marital property equally unless
- 3 the court specifically finds in the decree that such a division is
- 4 inequitable and sets forth the reasons. In the event the court finds that
- 5 an equal division of the marital estate is inequitable, the court shall
- 6 specifically state its basis for the finding in the decree and shall take
- 7 into consideration the following in determining the distribution of the
- 8 marital estate:
- 9 (a) The length of the marriage;
- 10 (b) Any antenuptial or prenuptial agreement of the parties. The
- 11 court shall have no authority, except as otherwise provided, to amend or
- 12 rescind any such agreement;
- 13 (c) The age, health, occupation, amount and source of income,

14 vocational skills, employability, and liabilities of each spouse;  
 15 (d) Contributions of each spouse to the marriage, including  
 16 contributions to the care and education of the children and the care and  
 17 management of the home;  
 18 (e) The expectation of pension or retirement rights acquired prior  
 19 to or during the marriage;  
 20 (f) The amount and duration of any spousal support awarded to either  
 21 party or a property division in lieu of such support; and  
 22 (g) The tax consequences to each party.  
 23 (3) While the criteria for reaching ~~an equitable~~ a reasonable  
 24 division of property and a reasonable award of alimony may overlap, the  
 25 two serve different purposes and are to be considered separately. The  
 26 purpose of a property division is to distribute the marital assets  
 27 equitably between the parties. The purpose of alimony is to provide for  
 28 the continued maintenance or support of one party by the other when the  
 29 relative economic circumstances and the other criteria enumerated in this  
 30 section make it appropriate.  
 31 Sec. 2. Original section 42-365, Reissue Revised Statutes of  
 1 Nebraska, is repealed.

Senator Larson filed the following amendments to LB242:

AM765

1 1. On page 3, strike beginning with the underscored period in line  
 2 10 through "to" in line 11 and insert "and filed electronically with".

AM758

1 1. On page 2, line 26, strike "an annual", show as stricken, and  
 2 insert "a quarterly" and after "1" insert ", April 1, July 1, and October  
 3 1".  
 4 2. On page 3, line 9, strike "The", show as stricken, and insert  
 5 "Each"; and in line 11 strike "such" and insert "each".

AM757

1 1. On page 2, line 18, strike "twenty-four" and insert "twenty".

AM756

1 1. On page 2, line 13, strike "fifteen" and insert "ten".

AM755

1 1. On page 2, lines 4, 9, 19, and 22, strike all occurrences of  
 2 "fee", show as stricken, and insert "tax"; in line 7 strike "fees", show  
 3 as stricken, and insert "taxes"; in lines 12 and 16 strike "fee" and  
 4 insert "tax"; and in line 14 strike "fees" and insert "taxes".

AM764

1 1. On page 3, line 10, after "available" insert "in electronic  
 2 format".

## AM763

- 1 1. Insert the following new section:
- 2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 2-3753 The commission shall have the following powers and duties:
- 5 (1) To adopt and devise a dry bean program consisting of research,
- 6 education, advertising, publicity, and promotion to increase total
- 7 consumption of dry beans on a state, national, and international basis;
- 8 (2) To prepare and approve a budget consistent with limited receipts
- 9 and the scope of the dry bean program;
- 10 (3) To adopt and promulgate reasonable rules and regulations
- 11 necessary to carry out the dry bean program;
- 12 (4) To procure and evaluate data and information necessary for the
- 13 proper administration and operation of the dry bean program;
- 14 (5) To employ personnel and contract for services which are
- 15 necessary for the proper operation of the dry bean program;
- 16 (6) To establish a means whereby the grower and processor of dry
- 17 beans has the opportunity at least annually to offer his or her ideas and
- 18 suggestions relative to commission policy for the coming year;
- 19 (7) To authorize the expenditure of funds and contracting of
- 20 expenditures to conduct proper activities of the program;
- 21 (8) To bond such persons as may be necessary in order to insure
- 22 adequate protection of funds;
- 23 (9) To keep minutes of its meetings and other books and records
- 24 which will clearly reflect all of the acts and transactions of the
- 25 commission and to keep such records open to examination by any grower or
- 26 processor participant during normal business hours;
- 27 (10) To prohibit any funds collected by the commission from being
- 1 expended directly or indirectly to promote or oppose any candidate for
- 2 public office or to influence state legislation. The board shall not
- 3 expend more than ~~twenty~~ twenty-five percent of its annual budget to
- 4 influence federal legislation;
- 5 (11) To establish an administrative office at such place in the
- 6 state as may be suitable for the proper discharge of the functions of the
- 7 commission; and
- 8 (12) To adopt and promulgate rules and regulations to carry out the
- 9 Dry Bean Resources Act.
- 10 2. Renumber the remaining sections and correct the repealer
- 11 accordingly.

## AM761

- 1 1. Strike section 6.

## AM760

- 1 1. On page 3, line 12, after the first underscored comma insert
- 2 "Chairperson of the Agriculture Committee of the Legislature".

## AM759

- 1 1. On page 2, line 26, strike "thirty", show as stricken, and insert
- 2 "fifteen".

Senator Larson filed the following amendment to LB619:

AM103

1 1. Strike section 9.

Senator B. Harr filed the following amendment to LB245:

AM827

1 1. Insert the following new sections:

2 Section 1. For purposes of a motion for new trial:

3 (1) Newly discovered evidence means evidence discovered following

4 the conclusion of the trial which was not available prior to or during

5 the trial and that is of such a nature that, if it had been offered and

6 admitted at trial, it is probable that it would have produced a

7 substantially different result; and

8 (2) Newly discovered evidence does not include (a) evidence that was

9 discovered as a result of delayed or belated diligence, (b) the testimony

10 or statement of a codefendant or accomplice who did not testify at the

11 trial and who subsequently came forward to offer testimony exculpating

12 the defendant, or (c) any testimony or statement of any witness, prior to

13 or during trial, who subsequently changed such testimony or statement.

14 Sec. 2. Section 29-2102, Reissue Revised Statutes of Nebraska, is

15 amended to read:

16 29-2102 (1) A motion for new trial must set forth all material facts

17 constituting the grounds for relief. A motion for new trial must make a

18 prima facie showing that the facts alleged in the motion materially

19 affect the defendant's substantial rights and that he or she is entitled

20 to a hearing on the merits. Conclusions of law are insufficient to

21 support a motion for new trial.

22 (2) The grounds set forth in subdivisions (2), (3), and (6) of

23 section 29-2101 shall be supported by affidavits showing the truth of

24 such grounds, and the grounds may be controverted by affidavits. The

25 ground set forth in subdivision (5) of section 29-2101 shall be supported

26 by evidence of the truth of the ground in the form of affidavits,

27 depositions, or oral testimony.

1 (3) Upon initial review of a motion for new trial and supporting

2 documents, a court shall determine whether the motion and documents set

3 forth facts which, if true, would materially affect the defendant's

4 substantial rights. If the motion and supporting documents fail to set

5 forth sufficient facts, the court shall, on its own motion, dismiss the

6 motion for new trial without a hearing. If the motion for new trial and

7 supporting documents set forth facts which, if true, would materially

8 affect the defendant's substantial rights, the court shall cause notice

9 of the motion to be served on the prosecuting attorney, grant a hearing

10 on the motion, and determine the issues and make findings of fact and

11 conclusions of law with respect thereto.

12 Sec. 4. Section 29-4123, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 29-4123 (1) The results of the final DNA or other forensic testing

15 ordered under subsection (5) of section 29-4120 shall be disclosed to the  
16 county attorney, to the person filing the motion, and to the person's  
17 attorney.

18 (2) Upon receipt of the results of such testing, any party may  
19 request a hearing before the court when such results exonerate or  
20 exculpate the person. Following such hearing, the court may, on its own  
21 motion or upon the motion of any party, vacate and set aside the judgment  
22 and release the person from custody based upon final testing results  
23 exonerating or exculpating the person.

24 (3) If the court does not grant the relief contained in subsection  
25 (2) of this section, any party may file a motion for a new trial under  
26 sections 29-2101 to 29-2103 and section 1 of this act.

27 2. In the Standing Committee amendments, AM197, on page 1, line 19,  
28 after the period insert "A defendant is limited to one motion for new  
29 trial based on the grounds set forth in subdivision (5) of section  
30 29-2101.".

31 3. Renumber the remaining sections and correct the repealer  
1 accordingly.

### RESOLUTION(S)

#### LEGISLATIVE RESOLUTION 111. Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart School girls' basketball team won the 2015 Class D-2 Girls' State Basketball Championship by defeating four-time defending champion Wynot High School by a score of 44-39; and

WHEREAS, the Sacred Heart Irish girls' basketball team also won state championships in 1998, 1999, and 2000; and

WHEREAS, Head Coach Luke Santo guided the team to an outstanding 28-2 season; and

WHEREAS, throughout the year the Sacred Heart Irish girls' basketball team has demonstrated that hard work, dedication, and discipline produces remarkable results; and

WHEREAS, the members of the Sacred Heart Irish girls' basketball team are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature congratulates the Falls City Sacred Heart School girls' basketball team on winning the 2015 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Falls City Sacred Heart School girls' basketball team.

Laid over.



**LEGISLATIVE RESOLUTION 112.** Introduced by Friesen, 34.

WHEREAS, Taylor Brandl, 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, Taylor 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, Taylor created a Mars rover and marscape exhibit for the Edgerton Explorit Center and Plainsman Museum in Aurora; and

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

WHEREAS, Taylor, 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 Taylor Brandl on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Taylor Brandl.

Laid over.

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

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

Coash - LB516

**VISITORS**

Visitors to the Chamber were 4 twelfth-grade students from Duchesne Academy, Omaha; 134 fourth-grade students and teachers from Crete; 8 high school students and teacher from Arcadia Public School; 25 members of Youth Leadership Kearney; 12 twelfth-grade students and teachers from Southwest Public School, Bartley; and 30 members from Leadership Kearney.

The Doctor of the Day was Dr. Christopher Jensen from Omaha.

**ADJOURNMENT**

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

Patrick J. O'Donnell  
Clerk of the Legislature