

**FORTY-FIFTH DAY - MARCH 16, 2015****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 16, 2015

**PRAYER**

The prayer was offered by Senator Watermeier.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Sullivan presiding.

The roll was called and all members were present except Senators Garrett, Johnson, and Seiler who were excused; and Senators Coash, Cook, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**ANNOUNCEMENT(S)**

Speaker Hadley designates LBs 47, 196, 200, 231, 240, 315, 317, 325, 347, 361, 382, 415, 452, 457, 458, 500, 539, 540, 547, 577, 581, 591, 605, 607, and 642 as Speaker priority bills.

**MESSAGE(S) FROM THE GOVERNOR**

March 12, 2015

Patrick J. O'Donnell  
Clerk of the Nebraska Legislature  
2018 State Capitol  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446 were received in my office on March 6, 2015.

These bills were signed and delivered to the Secretary of State on March 12, 2015.

Sincerely,  
(Signed) Pete Ricketts  
Governor

PR/lhk

**CORRECTED COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 320.** Corrected amendment.

AM767

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be  
4 cited as the Aging and Disability Resource Center Demonstration Project  
5 Act.

6 Sec. 2. The Legislature finds that:

7 (1) The state should anticipate and prepare for significant growth  
8 in the number of older Nebraskans and the future needs of individuals  
9 with disabilities, both of which will require costly long-term care  
10 services;

11 (2) The state should improve access to existing services and support  
12 for individuals with disabilities;

13 (3) The state should provide a streamlined approach to identify the  
14 needs of older Nebraskans and individuals with disabilities through  
15 uniform assessments and a single point of contact;

16 (4) Nebraskans would benefit from statewide public information  
17 campaigns to educate older Nebraskans, individuals with disabilities, and  
18 their caregivers on the availability of services and support; and

19 (5) It is in the interest of Nebraskans that the state engage in  
20 demonstration projects to determine the effectiveness of aging and  
21 disability resource centers in enhancing the efficiency and effectiveness  
22 of delivery of long-term care services and support to persons who require  
23 those services.

24 Sec. 3. A collaboration of organizations that serve aging persons  
25 and persons with disabilities, including, but not limited to, area  
26 agencies on aging, centers for independent living, and the University  
27 Center for Excellence in Developmental Disability Education, Research and  
1 Service, shall establish three aging and disability resource center  
2 demonstration projects which shall:

3 (1) Provide information which properly utilizes and presents all  
4 available public and private long-term care resources to ensure that  
5 Nebraskans are receiving the appropriate information necessary to support  
6 their needs;

7 (2) Facilitate access to options counseling to help arrange services  
8 that will support community living;

9 (3) Comprise a visible and accessible support system for Nebraskans

10 who may benefit from the services offered; and  
11 (4) Develop information that will support establishment of a system  
12 of standards, certification, and funding in order to implement and  
13 operate aging and disability resource centers efficiently and  
14 responsibly.  
15 Sec. 4. The purpose of the Aging and Disability Resource Center  
16 Demonstration Project Act is to evaluate the feasibility of establishing  
17 aging and disability resource centers which will provide information  
18 about long-term care services and support available in the home and  
19 community to older Nebraskans or individuals with disabilities, family  
20 caregivers, and people who inquire about or request assistance on behalf  
21 of members of these groups and to assist eligible individuals to access  
22 the most appropriate public and private resources to meet the  
23 individual's long-term care needs.  
24 Sec. 5. For purposes of the Aging and Disability Resource Center  
25 Demonstration Project Act:  
26 (1) Aging and disability resource center means a community-based  
27 entity established to provide the services described in section 6 of this  
28 act;  
29 (2) Area agency on aging has the meaning found in section 81-2208;  
30 (3) Center for independent living has the definition found in 29  
31 U.S.C. 796a(2), as such section existed on January 1, 2015;  
1 (4) Department means State Unit on Aging of the Long-Term Care  
2 Services Section of the Division of Medicaid and Long-Term Care of the  
3 Department of Health and Human Services or any successor agency  
4 designated by the state to fulfill the responsibilities of section 305(a)  
5 (1) of the federal Older Americans Act of 1965, 42 U.S.C 3025(a)(1), as  
6 such section existed on January 1, 2015;  
7 (5) Eligible individual means a person who has lost, never acquired,  
8 or has one or more conditions that impact the ability to perform basic  
9 activities of daily living that are necessary to live independently;  
10 (6) Options counseling means a service that assists eligible  
11 individuals in need of long-term care and their representatives to make  
12 informed choices about the services and settings that best meet their  
13 long-term care needs, using uniform assessments and encouraging  
14 the widest possible use of community-based options to allow eligible  
15 individuals to live as independently as possible in the setting of their  
16 choice;  
17 (7) Representative means an individual designated as a legal  
18 guardian, designated by a power of attorney or a health care power of  
19 attorney, or chosen by law, by a court, or by an individual seeking  
20 services, but use of the term representative shall not be construed to  
21 disqualify an individual who retains all legal and personal autonomy;  
22 (8) Uniform assessment means a single standardized tool used to  
23 assess a defined population at a specific time; and  
24 (9) University Center for Excellence in Developmental Disability  
25 Education, Research and Service means the federally designated University  
26 Center for Excellence in Developmental Disability Education, Research and  
27 Service of the Munroe-Meyer Institute at the University of Nebraska

28 Medical Center.

29 Sec. 6. The State of Nebraska shall establish three demonstration  
30 projects to evaluate the feasibility of establishing aging and disability  
31 resource centers as a means of promoting appropriate, effective, and  
1 efficient use of long-term care resources. The demonstration projects  
2 shall operate through June 30, 2018. Each aging and disability resource  
3 center demonstration project shall provide one or more of the following  
4 services:

5 (1) Comprehensive information on the full range of available public  
6 and private long-term care programs, options, financing, service  
7 providers, and resources within a community, including information on the  
8 availability of integrated long-term care;

9 (2) Assistance in accessing and applying for public benefits  
10 programs;

11 (3) Personal counseling to assist individuals in assessing their  
12 existing or anticipated long-term care needs using uniform assessments  
13 and developing and implementing a plan for long-term care designed to  
14 meet their specific needs and circumstances;

15 (4) A convenient point of entry to the range of publicly supported  
16 long-term care programs for eligible individuals;

17 (5) A process for identifying unmet service needs in communities and  
18 developing recommendations to respond to those unmet needs;

19 (6) Facilitation of person-centered transition support to assure  
20 that an eligible individual is able to find the services and support that  
21 are most appropriate to his or her need;

22 (7) Mobility management to promote the appropriate use of public  
23 transportation services by persons who do not own or are unable to  
24 operate an automobile; and

25 (8) A home care provider registry that will provide persons who need  
26 home care with the names of home care providers and information about  
27 their rights and responsibilities as home care consumers.

28 Sec. 7. Aging and disability resource center project grants shall  
29 be awarded by the department. The department shall adopt criteria for  
30 evaluating proposals to operate an aging and disability resource center  
31 demonstration project and release a request for proposal within thirty  
1 days after the effective date of this act.

2 Sec. 8. (1) Within sixty days after the release date of a request  
3 for proposals, each area agency on aging, after consultation with the  
4 collaborating organizations described in section 3 of this act and with  
5 other organizations including, but not limited to, organizations  
6 providing advocacy, protection, and safety for aging persons and persons  
7 with disabilities, may submit to the department a proposal to establish  
8 an aging and disability resource center demonstration project to provide  
9 individuals residing in its planning-and-service area with information  
10 about long-term care services and support and to facilitate access to  
11 options counseling to assist eligible individuals and their  
12 representatives in identifying the most appropriate services to meet  
13 their needs. The proposal shall specify how organizations currently  
14 servicing eligible individuals will be engaged in the process of delivery

15 of services through the aging and disability resource center. The  
16 proposal shall be developed in consultation with eligible individuals and  
17 their representatives. The proposal shall indicate how resources will be  
18 utilized by the collaborating organizations to fulfill the  
19 responsibilities of an aging and disability resource center demonstration  
20 project.  
21 (2) Two or more area agencies on aging may develop a joint proposal  
22 to establish an aging and disability resource center demonstration  
23 project to serve all or a portion of their planning and services areas. A  
24 joint proposal shall provide information on how the services described in  
25 section 6 of this act will be provided in all counties to be served by  
26 the aging and disability resource center demonstration project described  
27 in the joint proposal.  
28 (3) Within ninety days after receipt of a proposal developed  
29 pursuant to subsection (1) or (2) of this section, the department shall  
30 select three proposals for funding. The department shall enter into a  
31 contract with an independent institution having experience in evaluating  
1 aging and disability programs for an evaluation of the aging and  
2 disability resource center demonstration projects. A preliminary report  
3 of the findings of the evaluation shall be presented to the Clerk of the  
4 Legislature prior to December 1, 2016. A final evaluation report will be  
5 completed by September 30, 2018.  
6 Sec. 9. The department shall reimburse each area agency on aging  
7 operating an aging and disability resource center demonstration project  
8 on a schedule agreed to by the department and the area agency on aging.  
9 Such reimbursement shall be made from (1) state funds appropriated by the  
10 Legislature, (2) federal funds allocated to the department for the  
11 purpose of establishing and operating aging and disability resource  
12 centers, and (3) other funds as available.

(Signed) Kathy Campbell, Chairperson

#### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 538A.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Fourth Legislature, First Session, 2015.

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

**LEGISLATIVE RESOLUTION 114.** Introduced by Craighead, 6.

WHEREAS, the Omaha Creighton Prep High School powerlifting team won the 2015 State Powerlifting Championship; and

WHEREAS, the win gives the Omaha Creighton Prep High School powerlifting team its sixth consecutive state championship; 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 Omaha Creighton Prep High School powerlifting team on winning the 2015 State Powerlifting Championship.

2. That a copy of this resolution be sent to the Omaha Creighton Prep High School powerlifting team and Coach Dan Barton.

Laid over.

#### **MOTION(S) - Confirmation Report(s)**

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Board of Emergency Medical Services  
Laura A. Scholl

Voting in the affirmative, 35:

Baker	Davis	Howard	Lindstrom	Riepe
Bloomfield	Ebke	Hughes	McCollister	Scheer
Bolz	Friesen	Kintner	McCoy	Schnoor
Brasch	Gloor	Kolowski	Mello	Schumacher
Campbell	Groene	Kolterman	Morfeld	Stinner
Chambers	Hansen	Kuehn	Murante	Watermeier
Crawford	Hilkemann	Larson	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 8:

Craighead	Hadley	Krist	Smith
Haar, K.	Harr, B.	Nordquist	Sullivan

Excused and not voting, 6:

Coash	Garrett	Schilz
Cook	Johnson	Seiler

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

State Board of Health  
Teresa Konda

Voting in the affirmative, 35:

Baker	Davis	Hilkemann	McCollister	Schnoor
Bloomfield	Ebke	Howard	Mello	Schumacher
Bolz	Friesen	Kintner	Morfeld	Smith
Brasch	Gloor	Kolowski	Murante	Stinner
Campbell	Groene	Kolterman	Pansing Brooks	Sullivan
Chambers	Haar, K.	Larson	Riepe	Watermeier
Crawford	Hansen	Lindstrom	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 8:

Craighead	Harr, B.	Krist	McCoy
Hadley	Hughes	Kuehn	Nordquist

Excused and not voting, 6:

Coash	Garrett	Schilz
Cook	Johnson	Seiler

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Nebraska Rural Health Advisory Commission  
John A. E. Craig

Voting in the affirmative, 33:

Baker	Ebke	Kintner	Mello	Smith
Bolz	Friesen	Kolowski	Murante	Stinner
Brasch	Gloor	Kolterman	Pansing Brooks	Sullivan
Campbell	Haar, K.	Larson	Riepe	Watermeier
Chambers	Hansen	Lindstrom	Scheer	Williams
Crawford	Hilkemann	McCollister	Schnoor	
Davis	Howard	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 10:

Bloomfield	Groene	Harr, B.	Krist	Morfeld
Craighead	Hadley	Hughes	Kuehn	Nordquist

Excused and not voting, 6:

Coash	Garrett	Schilz
Cook	Johnson	Seiler

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

#### ANNOUNCEMENT

The Chair announced the birthday of Senator Kolterman.

#### SELECT FILE

**LEGISLATIVE BILL 10.** Senator Chambers renewed his amendment, AM528, found on page 639 and considered on page 762.

Senator Chambers offered the following amendment to his amendment:

FA30

Amend AM528

In line 23 after "same" insert "proportional".

#### SPEAKER HADLEY PRESIDING

Pending.

#### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 106, 107, and 108 were adopted.

#### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 106, 107, and 108.

#### SELECT FILE

**LEGISLATIVE BILL 10.** The Chambers amendment, FA30, found in this day's Journal, to his amendment, AM528, was renewed.

#### SENATOR KRIST PRESIDING

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



The Chambers amendment lost with 15 ayes, 18 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to his amendment:

FA31

Amend AM528

In line 25 after "is" insert "the".

Pending.

### COMMITTEE REPORT(S)

Natural Resources

**LEGISLATIVE BILL 141.** Placed on General File.

(Signed) Ken Schilz, Chairperson

Executive Board

**LEGISLATIVE BILL 56.** Placed on General File with amendment.

AM845

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Notwithstanding sections 72-811 to 72-818 or any other  
4 provision of law, the Director of Administrative Services shall cause a  
5 survey of the property which comprises the Norfolk Regional Center to be  
6 done and, in consultation with the Department of Health and Human  
7 Services, shall determine what portion is not needed for state purposes.  
8 Pursuant to such survey and determination, the Director of Administrative  
9 Services shall submit a report to the Legislature and the Governor and  
10 request authorization to give the Northeast Community College Area the  
11 right of first refusal to purchase the portion of property not needed for  
12 state purposes at its fair market value for the purpose of development of  
13 the Northeast Community College Technology Park. The report submitted to  
14 the Legislature shall be submitted electronically. Approval of the  
15 Governor and the Legislature or, if the Legislature is not in session,  
16 the Executive Board of the Legislative Council shall be required to give  
17 such right of first refusal to the Northeast Community College Area.  
18 Sec. 2. Since an emergency exists, this act takes effect when  
19 passed and approved according to law.

**LEGISLATIVE RESOLUTION 7CA.** Placed on General File with amendment.

AM822

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

3 Section 1. At the general election in November 2016 the following  
 4 proposed amendment to the Constitution of Nebraska shall be submitted to  
 5 the electors of the State of Nebraska for approval or rejection:

6 To amend Article III, section 12:

7 III-12 (~~4~~) No person shall be eligible to serve as a member of the  
 8 Legislature for four years next after the expiration of ~~three~~ two  
 9 consecutive terms regardless of the district represented.

10 (~~2~~) Service prior to January 1, 2001, as a member of the Legislature  
 11 shall not be counted for the purpose of calculating consecutive terms in  
 12 subsection (1) of this section.

13 (~~3~~) For the purpose of this section, service in office for more than  
 14 one half of a term shall be deemed service for a term.

15 Sec. 2. The proposed amendments shall be submitted to the electors  
 16 in the manner prescribed by the Constitution of Nebraska, Article XVI,  
 17 section 1, with the following ballot language:

18 A constitutional amendment to change the limit on legislative terms  
 19 from two consecutive terms to three consecutive terms and to eliminate  
 20 obsolete provisions.

21 For

22 Against.

23 A constitutional amendment to eliminate the provision that service  
 24 for more than one-half of a legislative term constitutes one term for  
 25 purposes of the limit on legislative terms and to eliminate obsolete  
 26 provisions.

27 For

1 Against.

(Signed) Bob Krist, Chairperson

#### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 610A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, One Hundred Fourth Legislature, First Session, 2015.

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

**LEGISLATIVE RESOLUTION 115.** Introduced by Williams, 36.

WHEREAS, Kendra Staab, age 18, of Broken Bow, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals,

honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Staab earned this honor by giving generously of her time and energy to construct a frisbee golf course at Melham Park in Broken Bow after securing \$340 in sponsorship dollars to pay for the materials. Ms. Staab plotted a course layout, secured the approval of the city, and built and mounted the baskets; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Staab who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Kendra Staab for being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to Kendra Staab.

Laid over.

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

Senator Bloomfield filed the following amendment to LB242:  
AM851

(Amendments to E and R amendments, ER49)

- 1 1. On page 2, line 31, strike "twenty-four" and insert "twenty".

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

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

Crawford - LB268

Haar, K., Hughes, Morfeld, Pansing Brooks, Schnoor - LB323

Hansen - LB268

Lindstrom - LB591

#### **VISITORS**

Visitors to the Chamber were UNL students, Caitlin Summerlin and Sarah O'Neill; Lexus Johnson and Amber Root from Lincoln; and 15 key women educators of Delta Kappa Gamma Society International Rho State from across the state.

The Doctor of the Day was Dr. Brady Fickenscher from Omaha.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature