

FORTY-NINTH DAY - MARCH 20, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

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

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

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 Davis, Kolowski, Larson, and Nordquist who were excused; and Senators Hansen and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 362. Placed on General File.

LEGISLATIVE BILL 254. Placed on General File with amendment.
AM768

1 1. On page 5, lines 17 and 18, strike "lien on real estate" and
2 insert "conveyance of or a lien on any interest in real estate;
3 (5) a power of attorney"; and in line 19 strike "(5)" and insert
4 "(6)".

LEGISLATIVE BILL 265. Placed on General File with amendment.
AM878 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

Health and Human Services

LEGISLATIVE RESOLUTION 41. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 21. Placed on General File with amendment. AM834

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 71-801, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 71-801 Sections 71-801 to 71-831 and section 2 of this act shall be
6 known and may be cited as the Nebraska Behavioral Health Services Act.
7 Sec. 2. (1) All rate increases for providers of behavioral health
8 services under the medical assistance program shall be passed on in their
9 entirety to such providers by any contractor governing at-risk managed
10 care service delivery for behavioral health services.
11 (2) All rate increases described in subsection (1) of this section
12 shall go into effect on the first day of the next fiscal year following
13 enactment of such rate increases.
14 (3) In an annual report submitted electronically to the Clerk of the
15 Legislature and the Legislative Fiscal Analyst, the department shall
16 provide assurances that all provider rate increases have been distributed
17 to providers of behavioral health services for the direct provision of
18 services under the Nebraska Behavioral Health Services Act.
19 Sec. 3. Section 71-806, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:
21 71-806 (1) The division shall act as the chief behavioral health
22 authority for the State of Nebraska and shall direct the administration
23 and coordination of the public behavioral health system, including, but
24 not limited to: (a) Administration and management of the division,
25 regional centers, and any other facilities and programs operated by the
26 division; (b) integration and coordination of the public behavioral
27 health system; (c) comprehensive statewide planning for the provision of
1 an appropriate array of community-based behavioral health services and
2 continuum of care; (d) coordination and oversight of regional behavioral
3 health authorities, including approval of regional budgets and audits of
4 regional behavioral health authorities; (e) development and management of
5 data and information systems; (f) subject to section 2 of this act,
6 prioritization and approval of all expenditures of funds received and
7 administered by the division, including: The establishment of rates to be
8 paid; reimbursement methodologies for behavioral health services;
9 methodologies to be used by regional behavioral health authorities in
10 determining a consumer's financial eligibility as provided in subsection
11 (2) of section 71-809; and fees and copays to be paid by consumers of
12 such services; (g) cooperation with the department in the licensure and
13 regulation of behavioral health professionals, programs, and facilities;
14 (h) cooperation with the department in the provision of behavioral health
15 services under the medical assistance program; (i) audits of behavioral

16 health programs and services; and (j) promotion of activities in research
17 and education to improve the quality of behavioral health services,
18 recruitment and retention of behavioral health professionals, and access
19 to behavioral health programs and services.

20 (2) The department shall adopt and promulgate rules and regulations
21 to carry out the Nebraska Behavioral Health Services Act.

22 Sec. 4. Section 71-831, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 71-831 All contracts and agreements relating to the medical
25 assistance program governing at-risk managed care service delivery for
26 behavioral health services entered into by the department on or after
27 July 1, 2012, shall:

28 (1) Provide a definition and cap on administrative spending that (a)
29 shall not exceed seven percent unless the implementing department
30 includes detailed requirements for tracking administrative spending to
31 ensure (i) that administrative expenditures do not include additional
1 profit and (ii) that any administrative spending is necessary to improve
2 the health status of the population to be served and (b) shall not under
3 any circumstances exceed ten percent;

4 (2) Provide a definition of annual contractor profits and losses and
5 restrict such profits and losses under the contract so that (a) profit
6 shall not exceed three percent per year and (b) losses shall not exceed
7 three percent per year, as a percentage of the aggregate of all income
8 and revenue earned by the contractor and related parties, including
9 parent and subsidiary companies and risk-bearing partners, under the
10 contract;

11 (3) Provide for reinvestment of (a) any profits in excess of the
12 contracted amount, (b) performance contingencies imposed by the
13 department, and (c) any unearned incentive funds, to fund additional
14 behavioral health services for children, families, and adults according
15 to a plan developed with input from stakeholders, including consumers and
16 their family members, the office of consumer affairs within the division,
17 and the regional behavioral health authority and approved by the
18 department. Such plan shall address the behavioral health needs of adults
19 and children, including filling service gaps and providing system
20 improvements;

21 (4) Provide for a minimum medical loss ratio of eighty-five percent
22 of the aggregate of all income and revenue earned by the contractor and
23 related parties under the contract;

24 (5) Provide that contractor incentives, in addition to potential
25 profit, be at least one and one-half percent of the aggregate of all
26 income and revenue earned by the contractor and related parties under the
27 contract;

28 (6) Provide that a minimum of one-quarter percent of the aggregate
29 of all income and revenue earned by the contractor and related parties
30 under the contract be at risk as a penalty if the contractor fails to
31 meet the minimum performance metrics defined in the contract, and such
1 penalties, if charged, shall be accounted for in a manner that shall not
2 reduce or diminish service delivery in any way; ~~and~~

3 (7) Comply with the requirements of section 2 of this act; and
 4 (8) Be reviewed and awarded competitively and in full compliance
 5 with the procurement requirements of the State of Nebraska.
 6 Sec. 5. Original sections 71-801, 71-806, and 71-831, Revised
 7 Statutes Cumulative Supplement, 2014, are repealed.
 8 Sec. 6. Since an emergency exists, this act takes effect when
 9 passed and approved according to law.

LEGISLATIVE BILL 264. Placed on General File with amendment.
 AM798

1 1. Strike original section 3 and insert the following new section:
 2 Sec. 3. Beginning December 15, 2015, upon presentation of
 3 satisfactory evidence that the education, training, or service completed
 4 by an applicant for a credential while a member of the armed forces of
 5 the United States, active or reserve, the National Guard of any state,
 6 the military reserves of any state, or the naval militia of any state is
 7 substantially similar to the education required for the credential, the
 8 department, with the recommendation of the appropriate board, if any,
 9 shall accept such education, training, or service toward the minimum
 10 standards for the credential.

LEGISLATIVE BILL 547. Placed on General File with amendment.
 AM785

1 1. On page 2, line 15, strike "Beginning" through "2015-16" and
 2 insert "(i) For the biennium beginning July 1, 2015, and ending June 30,
 3 2017"; in line 19 strike beginning with the period through "2017-18" and
 4 insert ";
 5 (ii) For the biennium beginning July 1, 2017, and ending June 30,
 6 2019"; in line 22 strike beginning with the period through "in" and
 7 insert ";
 8 (iii) For"; and strike line 31 and insert the following new
 9 subsection:
 10 "(4)(a)(i) For the biennium beginning July 1, 2015, and ending June
 11 30, 2017, the increase from four percent to seven percent in reservation
 12 of federal funds for activities relating to the quality of child care
 13 services described in subdivision (3)(a)(i) of this section shall be
 14 allocated for quality rating and improvement system incentives and
 15 support under the Step Up to Quality Child Care Act.
 16 (ii) For the biennium beginning July 1, 2017, and ending June 30,
 17 2019, the increase from seven to eight percent in the reservation of
 18 federal funds for activities relating to the quality of child care
 19 services described in subdivision (3)(a)(ii) of this section, plus the
 20 percentage allocated as described in subdivision (4)(a)(i) of this
 21 section, which together total four percent, shall be allocated for
 22 quality rating and improvement system incentives and support under the
 23 Step Up to Quality Child Care Act.
 24 (iii) For fiscal year 2019-20, the increase from eight percent to
 25 nine percent in the reservation of federal funds for activities relating
 26 to the quality of child care services described in subdivision (3)(a)

27 (iii) of this section, plus the percentage allocated as described in
 1 subdivision (4)(a)(ii) of this section, which together total five
 2 percent, shall be allocated for quality rating and improvement system
 3 incentives and support under the Step Up to Quality Child Care Act.
 4 (iv) For each fiscal year after fiscal year 2019-20, five percent of
 5 federal funds provided to the State of Nebraska pursuant to the Child
 6 Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as
 7 such act and sections existed on January 1, 2015, which have been
 8 reserved for activities relating to the quality of child care services as
 9 described in subdivision (3)(a)(iii) of this section, shall be allocated
 10 for quality rating and improvement system incentives and support under
 11 the Step Up to Quality Child Care Act.
 12 (b) For fiscal year 2015-16 and each fiscal year thereafter, the
 13 three-percent reservation of federal funds for activities relating to the
 14 quality of care for infants and toddlers described in subdivision (3)(b)
 15 of this section shall be allocated to the Early Childhood Education
 16 Endowment Cash Fund created pursuant to section 79-1104.01 to provide
 17 grants to programs described in section 79-1104.02 that enter into
 18 agreements with child care providers.
 19 (c) Funds distributed pursuant to this subsection shall comply with
 20 federal regulations contained in 45 C.F.R. 98.11, as such regulations
 21 existed on January 1, 2015."
 22 2. On page 3, strike lines 1 through 14.

(Signed) Kathy Campbell, Chairperson

Revenue

LEGISLATIVE BILL 414. Placed on General File.

(Signed) Mike Gloor, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hadley filed the following amendment to LB498:
 AM895

(Amendments to Standing Committee amendments, AM413)

1 1. Insert the following new section:
 2 Sec. 18. Section 77-2701.24, Reissue Revised Statutes of Nebraska,
 3 is amended to read:
 4 77-2701.24 Occasional sale means:
 5 (1) A sale, but not a lease or rental, of property which is the
 6 subject of any intercompany sale or transfer involving any parent,
 7 subsidiary, or brother-sister company relationship under section
 8 77-2704.28 and which was either originally acquired prior to June 1,
 9 1967, or, if acquired thereafter, the seller or transferor directly or
 10 indirectly has previously paid a sales or use tax thereon, including:
 11 (a) From one corporation to another corporation pursuant to a
 12 reorganization. For purposes of this subdivision, reorganization means a

13 statutory merger or consolidation or the acquisition by a corporation of
14 substantially all of the properties of another corporation when the
15 consideration is solely all or a part of the voting stock of the
16 acquiring corporation or of its parent or subsidiary corporation;
17 (b) In connection with the winding up, dissolution, or liquidation
18 of a corporation only when there is a distribution of the property of
19 such corporation to the shareholders in kind if the portion of the
20 property so distributed to the shareholder is substantially in proportion
21 to the share of stock or securities held by the shareholder;
22 (c) To a corporation for the purpose of organization of such
23 corporation or the contribution of additional capital to such corporation
24 when the former owners of the property transferred are immediately after
25 the transfer in control of the corporation and the stock or securities
26 received by each is substantially in proportion to his or her interest in
1 the property prior to the transfer;
2 (d) To a partnership in the organization of such partnership if the
3 former owners of the property transferred are immediately after the
4 transfer members of such partnership and the interest in the partnership
5 received by each is substantially in proportion to his or her interest in
6 the property prior to the transfer;
7 (e) From a partnership to the members thereof when made in kind in
8 the dissolution of such partnership if the portion of the property so
9 distributed to the members of the partnership is substantially in
10 proportion to the interest in the partnership held by the members;
11 (f) To a limited liability company in the organization of such
12 limited liability company if the former owners of the property
13 transferred are immediately after the transfer members of such limited
14 liability company and the interest in the limited liability company
15 received by each is substantially in proportion to his or her interest in
16 the property prior to the transfer;
17 (g) From a limited liability company to the members thereof when
18 made in kind in the dissolution of such limited liability company if the
19 portion of the property so distributed to the members of the limited
20 liability company is substantially in proportion to the interest in the
21 limited liability company held by the members;
22 (h) From one limited liability company to another limited liability
23 company pursuant to a reorganization; or
24 (i) Any transaction between two persons that qualifies as a tax-free
25 transaction under the Internal Revenue Code;
26 (2) A sale of household goods, personal effects, and services if
27 each of the following conditions is met and if any one condition is not
28 met then the entire gross receipts shall be subject to the tax imposed by
29 section 77-2703:
30 (a) Such sales are by an individual at his or her residence or if
31 more than one individual's property is involved such sales are by one of
1 the individuals involved at the residence of one of the individuals or
2 such sales are by an individual on an online auction site;
3 (b) Such sales do not occur at any residence or on an online auction
4 site for more than three days during a calendar year;

5 (c) Such individual or individuals or any member of any of their
6 households does not conduct or engage in a trade or business in which
7 similar items are sold or services provided;

8 (d) Such property sold was originally acquired for and used for
9 personal use or the service provided may be performed at any individual
10 residence without specialized equipment or supplies; and

11 (e) Such property is not otherwise excepted from the definition of
12 occasional sale;

13 (3) Commencing with any transaction occurring on or after October 1,
14 1985, any sale of business or farm machinery and equipment if each of the
15 following conditions is met and if any one condition is not met the
16 entire gross receipts shall be subject to the tax imposed by section
17 77-2703:

18 (a) Such machinery or equipment was used by the seller or seller's
19 predecessor in a sale described in subdivision (1) of this section as a
20 depreciable capital asset in connection with the farm or business for a
21 period of at least one year;

22 (b) Such property was originally acquired prior to June 1, 1967, or
23 if acquired thereafter, the seller or seller's predecessor in a sale
24 described in subdivision (1) of this section directly or indirectly has
25 previously paid a sales or use tax thereon; and

26 (c) Such property is not otherwise excepted from the definition of
27 occasional sale;

28 (4) Commencing October 1, 1985, a sale by an organization created
29 exclusively for religious purposes or an agent of the organization for
30 such sale if each of the following conditions is met and if any one
31 condition is not met then the entire gross receipts shall be subject to
1 the tax imposed by section 77-2703:

2 (a) All sales occur during an activity conducted by such
3 organization or, if more than one organization is involved, by one of the
4 organizations owning property being sold;

5 (b) The organization only sells property it owns or provides the
6 service during one such activity in a calendar year; and

7 (c) The activity does not last longer than three consecutive days;
8 and

9 (5) Any sale that is made in connection with the sale to a single
10 buyer of all or substantially all of a trade or business if the seller or
11 seller's predecessor in a sale described in subdivision (1) of this
12 section directly or indirectly has previously paid a sales or use tax
13 thereon. This subdivision shall apply to any transaction occurring on or
14 after October 1, 1985.

15 Commencing October 1, 1985, occasional sale does not include any
16 sale directly by or any sale which is supervised or aided by an
17 auctioneer or an agent or employee of an auctioneer.

18 Except for a sale listed in subdivision (1) of this section, an
19 occasional sale does not mean any sale of motor vehicles, semitrailers,
20 ~~or~~ trailers, all-terrain vehicles, or utility-type vehicles as defined in
21 the Motor Vehicle Registration Act or any sale of a motorboat as defined
22 in section 37-1204.

23 2. Renumber the remaining sections and correct the repealer
24 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 133. Introduced by Stinner, 48.

WHEREAS, Michael Downing, a member of Troop 17 from Gering, 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, Michael 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, Michael painted the parking lot lines for the First Assembly of God church in Scottsbluff; and

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

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

Laid over.

LEGISLATIVE RESOLUTION 134. Introduced by Stinner, 48.

WHEREAS, David Misner, a member of Troop 17 from Gering, 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, David

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; and

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

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

Laid over.

LEGISLATIVE RESOLUTION 135. Introduced by Stinner, 48.

WHEREAS, Joey Eaton, a member of Troop 17, 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, Joey 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; and

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

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

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 19, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris - Public Affairs Group
MasterCard
Amack, Angela K.
Everytown for Gun Safety Action Fund
Blaney, Joseph
Everytown for Gun Safety Action Fund (Withdrawn 03/18/2015)
Connealy, Matt
Center for Rural Affairs
Lautenbaugh, Scott
Heartland Strategy Group, LLC

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 31. Committee AM359, found on page 765 and considered on page 908, was renewed.

Senator Baker offered the following amendment to the committee amendment:

AM870

(Amendments to Standing Committee amendments, AM359)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-6,279 (1) A person shall not operate or be a passenger on a
6 motorcycle or moped on any highway in this state unless such person is
7 wearing a protective helmet of the type and design manufactured for use
8 by operators of such vehicles and unless such helmet is secured properly
9 on his or her head with a chin strap while the vehicle is in motion. All
10 such protective helmets shall be designed to reduce injuries to the user
11 resulting from head impacts and shall be designed to protect the user by
12 remaining on the user's head, deflecting blows, resisting penetration,
13 and spreading the force of impact. Each such helmet shall consist of
14 lining, padding, and chin strap and shall meet or exceed the standards

15 established in the United States Department of Transportation's Federal
 16 Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
 17 helmets.

18 (2) A person operating a motorcycle who is at least twenty-one years
 19 of age shall not be subject to the requirements of subsection (1) of this
 20 section if the motorcycle is being operated, not in excess of thirty
 21 miles per hour, in a parade or exhibition and the parade or exhibition is
 22 being conducted in accordance with applicable state law and local
 23 ordinances and resolutions.
 24 Sec. 2. Original section 60-6,279, Reissue Revised Statutes of
 25 Nebraska, is repealed.

SENATOR COASH PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 242A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 242, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 489A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 489, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 356. Placed on Select File with amendment.
 ER54

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new 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 involving rental
 11 housing as defined in section 58-220.
 12 (2) The Legislature finds that:

13 (a) The provision of safe, decent, and affordable housing to all
14 residents of the State of Nebraska is a matter of public concern and
15 represents a legitimate and compelling state need, affecting the general
16 welfare of all residents;
17 (b) Rent-restricted housing projects effectively provide safe,
18 decent, and affordable housing for residents of Nebraska;
19 (c) Such projects are restricted by federal law as to the rents paid
20 by the tenants thereof;
21 (d) Of all the professionally accepted mass appraisal methodologies,
22 which include the sales comparison approach, the income approach, and the
23 cost approach, the utilization of the income-approach methodology results
24 in the most accurate determination of the actual value of such projects;
25 and
26 (e) This section is intended to (i) further the provision of safe,
27 decent, and affordable housing to all residents of Nebraska and (ii)
1 comply with Article VIII, section 1, of the Constitution of Nebraska,
2 which empowers the Legislature to prescribe standards and methods for the
3 determination of value of real property at uniform and proportionate
4 values.

5 (3) Except as otherwise provided in this section, the ~~The~~ county
6 assessor shall ~~utilize~~ ~~perform~~ an income-approach calculation to
7 determine the actual value of a ~~for all~~ rent-restricted housing ~~project~~
8 ~~projects constructed to allow an allocation of low income housing tax~~
9 ~~credits under section 42 of the Internal Revenue Code and approved by the~~
10 ~~Nebraska Investment Finance Authority~~ when ~~determining~~ ~~considering~~ the
11 assessed valuation to place on the property for each assessment year. The
12 income-approach calculation shall be consistent with ~~this section~~ and any
13 rules and regulations adopted and promulgated by the Tax Commissioner and
14 shall comply with professionally accepted mass appraisal techniques.
15 (4) The Rent-Restricted Housing Projects Valuation Committee is
16 created. For administrative purposes only, the committee shall be within
17 the Department of Revenue. The committee's purpose shall be to develop a
18 market-derived capitalization rate to be used by county assessors in
19 determining the assessed valuation for rent-restricted housing projects.
20 The committee shall consist of the following four persons:
21 (a) A representative of county assessors appointed by the Tax
22 Commissioner. Such representative shall be skilled in the valuation of
23 property and shall hold a certificate issued under section 77-422;
24 (b) A representative of the low-income housing industry appointed by
25 the Tax Commissioner. The appointment shall be based on a recommendation
26 made by the Nebraska Commission on Housing and Homelessness;
27 (c) The Property Tax Administrator or a designee of the Property Tax
28 Administrator who holds a certificate issued under section 77-422. Such
29 person shall serve as the chairperson of the committee; and
30 (d) An appraiser from the private sector appointed by the Tax
31 Commissioner. Such appraiser must hold either a valid credential as a
1 certified general real property appraiser under the Real Property
2 Appraiser Act or an MAI designation from the Appraisal Institute.
3 (5) The owner of a rent-restricted housing project shall file a

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

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

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

15 (8) Except as provided in subsections (9) through (11) of this
16 section, each county assessor shall use the capitalization rate or rates
17 contained in the report received under subsection (7) of this section and
18 the actual income and actual expense data filed by owners of rent-
19 restricted housing projects under subsection (5) of this section in the
20 county assessor's income-approach calculation. Any low-income housing tax
21 credits authorized under section 42 of the Internal Revenue Code that

22 were granted to owners of the project shall not be considered income for
23 purposes of the calculation.

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

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

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

8 (2) The owner of a rent-restricted housing project shall file a

9 ~~statement with the county assessor on or before October 1 of each year~~
10 ~~that details income and expense data for the prior year, a description of~~
11 ~~any land use restrictions, and such other information as the county~~
12 ~~assessor may require.~~

13 Sec. 2. Section 77-5007, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

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

17 (1) Decisions of any county board of equalization equalizing the
18 value of individual tracts, lots, or parcels of real property so that all
19 real property is assessed uniformly and proportionately;

20 (2) Decisions of any county board of equalization granting or
21 denying tax-exempt status for real or personal property or an exemption
22 from motor vehicle taxes and fees;

23 (3) Decisions of the Tax Commissioner determining the taxable
24 property of a railroad company, car company, public service entity, or
25 air carrier within the state;

26 (4) Decisions of the Tax Commissioner determining adjusted valuation
27 pursuant to section 79-1016;

28 (5) Decisions of any county board of equalization on the valuation
29 of personal property or any penalties imposed under sections 77-1233.04
30 and 77-1233.06;

31 (6) Decisions of any county board of equalization on claims that a
1 levy is or is not for an unlawful or unnecessary purpose or in excess of
2 the requirements of the county;

3 (7) Decisions of any county board of equalization granting or
4 rejecting an application for a homestead exemption;

5 (8) Decisions of the Department of Motor Vehicles determining the
6 taxable value of motor vehicles pursuant to section 60-3,188;

7 (9) Decisions of the Tax Commissioner made under section 77-1330;

8 (10) Any other decision of any county board of equalization;

9 (11) Any other decision of the Tax Commissioner regarding property
10 valuation, exemption, or taxation;

11 (12) Decisions of the Tax Commissioner pursuant to section 77-3520;

12 (13) Final decisions of a county board of equalization appealed by
13 the Tax Commissioner or Property Tax Administrator pursuant to section
14 77-701;

15 (14) Determinations of the Rent-Restricted Housing Projects
16 Valuation Committee regarding the capitalization rate to be used to value
17 rent-restricted housing projects pursuant to section 77-1333 or the
18 requirement under such section that an income-approach calculation be
19 used by county assessors to value rent-restricted housing projects;

20 ~~(15 14)~~ The requirement under section 77-1314 that the income
21 approach, including the use of a discounted cash-flow analysis, be used
22 by county assessors; and

23 ~~(16 15)~~ Any other decision, determination, action, or order from
24 which an appeal to the commission is authorized.

25 The commission has the power and duty to hear and grant or deny
26 relief on petitions.

27 Sec. 3. Original section 77-1333, Reissue Revised Statutes of
28 Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement,
29 2014, are repealed.

LEGISLATIVE BILL 89. Placed on Select File.

LEGISLATIVE BILL 498. Placed on Select File with amendment.
ER55

1 1. On page 1, strike beginning with "revenue" in line 1 through line
2 5 and insert "all-terrain vehicles and utility-type vehicles; to amend
3 sections 60-123, 60-153, 60-301, 60-305, 60-339, 60-358.01, 60-6,355, and
4 77-2703, Revised Statutes Cumulative Supplement, 2014; to require
5 registration of all-terrain vehicles and utility-type vehicles under the
6 Motor Vehicle Registration Act; to redefine terms; to change sales and
7 use tax provisions; to harmonize provisions; to provide an operative
8 date; and to repeal the original sections."

LEGISLATIVE BILL 367. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 136. Introduced by Kolterman, 24;
Friesen, 34.

WHEREAS, the High Plains High School boys' basketball team from Polk won the 2015 Class D-1 Boys' State Basketball Championship by defeating Humphrey St. Francis High School by a score of 64-61; and

WHEREAS, the High Plains Storm boys' basketball team finished the season with a win-loss record of 26-2; 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 High Plains High School boys' basketball team on winning the 2015 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the High Plains High School boys' basketball team and Coach Cameron Hudson.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, March 31, 2015 1:10 p.m.

Mary Baker - Climate Assessment Response Committee
Barbara Cooksley - Climate Assessment Response Committee
Richard Koelsch - Climate Assessment Response Committee

(Signed) Jerry Johnson, Chairperson

Natural Resources

Room 1525

Tuesday, April 7, 2015 1:00 p.m.

James Reed Macy - Department of Environmental Quality

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 31. The Baker amendment, AM870, found in this day's Journal, to the committee amendment, was renewed.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Baker amendment lost with 6 ayes, 21 nays, 14 present and not voting, and 8 excused and not voting.

Senator Hilkemann offered the following amendment to the committee amendment:

AM939

(Amendments to Standing Committee amendments, AM359)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining section accordingly.

SPEAKER HADLEY PRESIDING

Senator Chambers offered the following motion:

MO55

Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 320A. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 137. Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia Catholic High School boys' basketball team won the 2015 Class C-2 Boys' State Basketball Championship by defeating Freeman High School by a score of 60-36; and

WHEREAS, the St. Cecilia Bluehawks won the quarterfinals game by 17 points over Hartington Cedar Catholic High School, and won the semifinals game by 18 points over Battle Creek High School; and

WHEREAS, this is the St. Cecilia Bluehawks sixth state championship; and

WHEREAS, most of the St. Cecilia boys' basketball team is composed of juniors, with no senior class members on their roster. The team finished the season with a win-loss record of 27-1.

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

1. That the Legislature congratulates the St. Cecilia Catholic High School boys' basketball team on winning the 2015 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the St. Cecilia Catholic High School boys' basketball team, Coach Kevin Asher, and Father Tom Brouillette.

Laid over.

LEGISLATIVE RESOLUTION 138. Introduced by Sullivan, 41.

WHEREAS, the Pierce High School girls' basketball team won the 2015 Class C-1 Girls' State Basketball Championship by defeating Kearney Catholic High School by a score of 38-35; and

WHEREAS, this was the Pierce Bluejays girls' basketball team's third straight state championship; and

WHEREAS, the Pierce Bluejays girls' basketball team finished their season with a win-loss record of 22-6; and

WHEREAS, in addition to their state championship, the Pierce Bluejays girls' basketball team was also presented with the Class C-1 Girls' State Basketball Sportsmanship Award; 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 Pierce High School girls' basketball team on winning the 2015 Class C-1 Girls' State Basketball Championship.

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

Laid over.

AMENDMENT(S) - Print in Journal

Senator Gloor filed the following amendment to LB31:

AM954

1. Insert the following new section:

2 Section 1. Section 60-4,182, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:

4 60-4,182 In order to prevent and eliminate successive traffic

5 violations, there is hereby provided a point system dealing with traffic

6 violations as disclosed by the files of the director. The following point

7 system shall be adopted:

8 (1) Conviction of motor vehicle homicide - 12 points;

9 (2) Third offense drunken driving in violation of any city or

10 village ordinance or of section 60-6,196, as disclosed by the records of

11 the director, regardless of whether the trial court found the same to be

12 a third offense - 12 points;

13 (3) Failure to stop and render aid as required under section 60-697

14 in the event of involvement in a motor vehicle accident resulting in the

15 death or personal injury of another - 6 points;

16 (4) Failure to stop and report as required under section 60-696 or

17 any city or village ordinance in the event of a motor vehicle accident

18 resulting in property damage - 6 points;

19 (5) Driving a motor vehicle while under the influence of alcoholic

20 liquor or any drug or when such person has a concentration of eight-

21 hundredths of one gram or more by weight of alcohol per one hundred

22 milliliters of his or her blood or per two hundred ten liters of his or

23 her breath in violation of any city or village ordinance or of section

24 60-6,196 - 6 points;

25 (6) Willful reckless driving in violation of any city or village

26 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

27 (7) Careless driving in violation of any city or village ordinance

1 or of section 60-6,212 - 4 points;

2 (8) Negligent driving in violation of any city or village ordinance

3 - 3 points;
 4 (9) Reckless driving in violation of any city or village ordinance
 5 or of section 60-6,213 - 5 points;
 6 (10) Speeding in violation of any city or village ordinance or any
 7 of sections 60-6,185 to 60-6,190 and 60-6,313:
 8 (a) Not more than five miles per hour over the speed limit - 1
 9 point;
 10 (b) More than five miles per hour but not more than ten miles per
 11 hour over the speed limit - 2 points;
 12 (c) More than ten miles per hour but not more than thirty-five miles
 13 per hour over the speed limit - 3 points, except that one point shall be
 14 assessed upon conviction of exceeding by not more than ten miles per
 15 hour, two points shall be assessed upon conviction of exceeding by more
 16 than ten miles per hour but not more than fifteen miles per hour, and
 17 three points shall be assessed upon conviction of exceeding by more than
 18 fifteen miles per hour but not more than thirty-five miles per hour the
 19 speed limits provided for in subdivision (1)(e), (f), (g), or (h) of
 20 section 60-6,186; and
 21 (d) More than thirty-five miles per hour over the speed limit - 4
 22 points;
 23 (11) Failure to yield to a pedestrian not resulting in bodily injury
 24 to a pedestrian - 2 points;
 25 (12) Failure to yield to a pedestrian resulting in bodily injury to
 26 a pedestrian - 4 points;
 27 (13) Using a handheld wireless communication device in violation of
 28 section 60-6,179.01 or texting while driving in violation of subsection
 29 (1) or (3) of section 60-6,179.02 - 3 points;
 30 (14) Using a handheld mobile telephone in violation of subsection
 31 (2) or (4) of section 60-6,179.02 - 3 points;
 1 (15) Unlawful obstruction or interference of the view of an operator
 2 in violation of section 60-6,256 - 1 point;
 3 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
 4 ~~and~~
 5 (17) Failure to wear a motorcycle or moped protective helmet if the
 6 operator is involved in a crash - 6 points; and
 7 ~~(18)~~ (17) All other traffic violations involving the operation of
 8 motor vehicles by the operator for which reports to the Department of
 9 Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1
 10 point.
 11 Subdivision ~~(18)~~ (17) of this section does not include violations
 12 involving an occupant protection system pursuant to section 60-6,270,
 13 parking violations, violations for operating a motor vehicle without a
 14 valid operator's license in the operator's possession, muffler
 15 violations, overwidth, overheight, or overlength violations, motorcycle
 16 or moped protective helmet violations if the operator is not involved in
 17 a crash, or overloading of trucks.
 18 All such points shall be assessed against the driving record of the
 19 operator as of the date of the violation for which conviction was had.
 20 Points may be reduced by the department under section 60-4,188.

21 In all cases, the forfeiture of bail not vacated shall be regarded
22 as equivalent to the conviction of the offense with which the operator
23 was charged.
24 The point system shall not apply to persons convicted of traffic
25 violations committed while operating a bicycle or an electric personal
26 assistive mobility device as defined in section 60-618.02.
27 2. Renumber the remaining sections and correct the repealer
28 accordingly.

Senator Schumacher filed the following amendment to LB31:
AM973

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-6,279 (1)(a) This subsection applies until September 15, 2020. A
6 person shall not operate a motorcycle or moped on any highway in this
7 state unless such person is wearing eye protection.
8 (b) Except as otherwise provided in subdivision (c) of this
9 subsection, a person shall not operate or be a passenger on a motorcycle
10 or moped on any highway in this state unless such person is wearing a
11 protective helmet of the type and design manufactured for use by
12 operators of such vehicles and unless such helmet is secured properly on
13 his or her head with a chin strap while the vehicle is in motion. All
14 such protective helmets shall be designed to reduce injuries to the user
15 resulting from head impacts and shall be designed to protect the user by
16 remaining on the user's head, deflecting blows, resisting penetration,
17 and spreading the force of impact. Each such helmet shall consist of
18 lining, padding, and chin strap and shall meet or exceed the standards
19 established in the United States Department of Transportation's Federal
20 Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
21 helmets.
22 (c) A person who is at least twenty-one years of age is exempt from
23 subdivision (b) of this subsection.
24 (d) For purposes of this subsection, eye protection means glasses
25 that cover the orbital region of a person's face, a protective face
26 shield attached to a protective helmet, goggles, or a windshield on the
27 motorcycle or moped that protects the operator's and passenger's
1 horizontal line of vision in all operating positions.
2 (2) Beginning September 15, 2020, a A person shall not operate or be
3 a passenger on a motorcycle or moped on any highway in this state unless
4 such person is wearing a protective helmet of the type and design
5 manufactured for use by operators of such vehicles and unless such helmet
6 is secured properly on his or her head with a chin strap while the
7 vehicle is in motion. All such protective helmets shall be designed to
8 reduce injuries to the user resulting from head impacts and shall be
9 designed to protect the user by remaining on the user's head, deflecting
10 blows, resisting penetration, and spreading the force of impact. Each
11 such helmet shall consist of lining, padding, and chin strap and shall

12 meet or exceed the standards established in the United States Department
 13 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
 14 C.F.R. 571.218, for motorcycle helmets.
 15 Sec. 2. Original section 60-6,279, Reissue Revised Statutes of
 16 Nebraska, is repealed.

Senator Kintner filed the following amendment to LB268:
 AM926

(Amendments to Standing Committee amendments, AM754)

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

3 Section 1. Section 83-964, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 83-964 A sentence of death shall be enforced by firing squad. The
 6 convicted person shall be chemically sedated prior to death by firing
 7 squad. Sedation of the convicted person and death by firing squad shall
 8 be carried out the intravenous injection of a substance or substances in
 9 a quantity sufficient to cause death. The lethal substance or substances
 10 shall be administered in compliance with an execution protocol created
 11 and maintained by the Department of Correctional Services.

12 Sec. 2. Section 83-965, Reissue Revised Statutes of Nebraska, is
 13 amended to read:

14 83-965 (1) A sentence of death shall be enforced by the Director of
 15 Correctional Services. Upon receipt of an execution warrant, the director
 16 shall proceed at the time named in the warrant to enforce the sentence,
 17 unless the director is informed that enforcement of the sentence has been
 18 stayed by competent judicial authority, the sentence has been commuted,
 19 or the conviction has been pardoned.

20 (2) The director shall create, modify, and maintain a written
 21 execution protocol describing the process and procedures by which
 22 sedation of the convicted person and death by firing squad ~~an execution~~
 23 will be carried out consistent with this section. The director shall (a)
 24 select the substance or substances to be employed for sedation of the
 25 convicted person in an execution by lethal injection, (b) create a
 26 documented process for obtaining the necessary substances for sedation of
 1 the convicted person and for the necessary equipment and firearms for
 2 carrying out death by firing squad, (c) designate an execution team
 3 composed of the person administering sedation and two ~~one~~ or more
 4 executioners and any other personnel deemed necessary to effectively and
 5 securely conduct an execution, (d) describe the respective
 6 responsibilities of the person administering sedation and each member of
 7 the execution team, (e) describe the training required of the person
 8 administering sedation and each member of the execution team, and (f)
 9 perform or authorize any other details deemed necessary and appropriate
 10 by the director.

11 ~~(3) The execution protocol shall require that the first or only~~
 12 ~~substance injected be capable of rendering the convicted person~~
 13 ~~unconscious and that a determination sufficient to reasonably verify that~~
 14 ~~the convicted person is unconscious be made before the administration of~~

15 ~~any additional substances, if any.~~

16 Sec. 3. Section 83-966, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-966 Notwithstanding any other provision of law:

19 (1) Any prescription, preparation, compounding, dispensing,
20 obtaining, or administration of the substances deemed necessary for
21 sedation of the convicted person ~~to perform a lethal injection~~ shall not
22 constitute the practice of medicine or any other profession relating to
23 health care which is subject by law to regulation, licensure, or
24 certification;

25 (2) A pharmacist or pharmaceutical supplier may dispense the
26 designated substances for sedation of the convicted person, without a
27 prescription, to the Director of Correctional Services or the director's
28 designee upon production of a written request from the director for the
29 designated substances necessary for sedation of the convicted person ~~to~~
30 ~~conduct an execution~~;

31 (3) Obtaining, preparing, compounding, dispensing, and administering
1 the substance or substances designated by the execution protocol for
2 sedation of the convicted person does not violate the Uniform Controlled
3 Substances Act or sections 71-2501 to 71-2512; and

4 (4) If a person who is a member of the execution team is licensed by
5 a board or department, the licensing board or department shall not
6 censure, reprimand, suspend, revoke, or take any other disciplinary
7 action against that person's license as a result of that person's
8 participation in sedation of a convicted person or a court-ordered
9 execution.

10 Sec. 4. Section 83-967, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 83-967 (1) The Director of Correctional Services may designate any
13 person qualified under the terms of the execution protocol to administer
14 to the convicted person the substances necessary for sedation of the
15 convicted person and any persons qualified under the terms of the
16 execution protocol to comply with the execution protocol.

17 (2) The identity of all members of the execution team, and any
18 information reasonably calculated to lead to the identity of such
19 members, shall be confidential and exempt from disclosure pursuant to
20 sections 84-712 to 84-712.09 and shall not be subject to discovery or
21 introduction as evidence in any civil proceeding unless extraordinary
22 good cause is shown and a protective order is issued by a district court
23 limiting dissemination of such information.

24 Sec. 5. Section 83-970, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 83-970 Besides the Director of Correctional Services and those
27 persons required to be present under the execution protocol, the
28 following persons, and no others, except as provided in section 83-971,
29 may be present at the execution: (1) The members of the execution team;
30 (2) the member of the clergy in attendance upon the convicted person; (3)
31 no more than three persons selected by the convicted person; (4) no
1 more than three persons representing the victim or victims of the crime;

2 and (5 4) such other persons, not exceeding six in number, as the
3 director may designate. At least two persons designated by the director
4 shall be professional members of the Nebraska news media.
5 Sec. 6. Original sections 83-964, 83-965, 83-966, 83-967, and
6 83-970, Reissue Revised Statutes of Nebraska, are repealed.

Senator Hilkemann filed the following amendment to LB31:
AM942

(Amendments to Standing Committee amendments, AM359)

1 1. On page 1, line 7, strike beginning with "Except" through the
2 underscored comma; in line 8 strike the new matter and reinstate the
3 stricken matter; strike lines 20 and 21; and in line 22 strike "(4)" and
4 insert "(3)".

VISITORS

Visitors to the Chamber were 23 fourth-grade students and teachers from
Cornerstone Christian School, Bellevue; and 4 members of Delta Sigma
Theta Sorority, Inc. from Lincoln and Omaha.

The Doctor of the Day was Dr. Jason Citta from North Platte.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Smith, the Legislature adjourned
until 10:00 a.m., Monday, March 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature