

FIFTY-FOURTH DAY - MARCH 30, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 30, 2015

PRAYER

The prayer was offered by Monsignor Joseph Nemecek, St. Teresa's Catholic Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Garrett who was excused; and Senators Howard and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 996, line 4, strike "951" and insert "1059".
The Journal for the fifty-third day was approved as corrected.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 347. Placed on Select File with amendment.
ER63 is available in the Bill Room.

LEGISLATIVE BILL 265. Placed on Select File with amendment.
ER61 is available in the Bill Room.

LEGISLATIVE BILL 482. Placed on Select File with amendment.
ER64

- 1 1. On page 1, strike line 6 and insert "regulate the use of
- 2 restraints; to define a term; to".
- 3 2. On page 3, line 7, after "officer" insert an underscoring comma.

LEGISLATIVE BILL 415. Placed on Select File with amendment.
ER65

- 1 1. On page 1, line 17, strike "and"; and in line 18 after "Nebraska"
- 2 insert "; and to declare an emergency".

LEGISLATIVE BILL 56. Placed on Select File with amendment.
ER62

1 1. Strike the original sections and all amendments thereto and
2 insert the following new 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 appraised value as determined under subsection (3)
13 of section 72-815 for the purpose of development of the Northeast
14 Community College Technology Park. The report submitted to the
15 Legislature shall be submitted electronically. Approval of the Governor
16 and the Legislature or, if the Legislature is not in session, the
17 Executive Board of the Legislative Council shall be required to give such
18 right of first refusal to the Northeast Community College Area.
19 Sec. 2. Since an emergency exists, this act takes effect when
20 passed and approved according to law.
21 2. On page 1, strike line 2 and insert "disposition of property
22 comprising the Norfolk Regional Center;".

LEGISLATIVE BILL 152. Placed on Select File.

LEGISLATIVE BILL 70A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 349. Placed on General File.

(Signed) Bob Krist, Chairperson

Judiciary

LEGISLATIVE BILL 390. Placed on General File with amendment.
AM1011 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 413A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 413, One Hundred Fourth Legislature, First Session, 2015.

MESSAGE(S) FROM THE GOVERNOR

March 30, 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 individual is appointed as the Director of the Department of Administrative Services:

Byron L. Diamond, 13734 Hillsborough Drive, Omaha, NE 68164

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

RESOLUTION(S)

LEGISLATIVE RESOLUTION 158. Introduced by Ebke, 32.

WHEREAS, Ronald Douglas of Crete celebrated his 100th birthday on March 22, 2015; and

WHEREAS, Ron is the oldest known winner of a University of Nebraska football letter; and

WHEREAS, Ron's football career started at Crete High School where he was named a member of the All-State Football Team in 1931 and 1932. Ron also was named to the All-State Basketball Team in 1932; and

WHEREAS, Ron played football for the University of Nebraska-Lincoln and was named to the All-Big Six Team as a senior in 1936. He was inducted into the Nebraska Football Hall of Fame in 1995; and

WHEREAS, the celebration of Ron Douglas' 100th birthday is worthy of recognition by the Legislature.

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

1. That the Legislature wishes Ron Douglas a very happy 100th birthday.
2. That a copy of this resolution be sent to Ron Douglas.

Laid over.

MOTION - Print in Journal

Senator Davis filed the following motion to LB128:

MO62

Reconsider the vote taken to recommit to the Agriculture Committee.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR41.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, and 138.

SELECT FILE

LEGISLATIVE BILL 15. ER52, found on page 905, was adopted.

Senator Krist offered his amendment, AM1005, found on page 957.

The Krist amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 498. ER55, found on page 932, was adopted.

Senator Hadley offered his amendment, AM895, found on page 921.

The Hadley amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 367. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 627. ER50, found on page 887, was adopted.

Senator Mello offered his amendment, AM1032, found on page 989.

Senator Schumacher offered the following amendment to the Mello amendment:

AM1047

(Amendments to AM1032)

- 1 1. Insert the following new section:
- 2 Sec. 7. The following section is outright repealed: Section 48-1109,
- 3 Reissue Revised Statutes of Nebraska.

The Schumacher amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

The Mello amendment, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Diamond, Byron L., Director - Department of Administrative Services -
Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 519. Placed on General File with amendment.
AM1044 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 199A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 199, One Hundred Fourth Legislature, First Session, 2015.

SELECT FILE

LEGISLATIVE BILL 139. ER51, found on page 905, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 139A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 33. Senator Mello offered the following amendment:

AM1036

1 1. Insert the following new section:

2 Sec. 3. (1) For the biennium ending June 30, 2019, and the biennium
3 ending June 30, 2021, the Department of Correctional Services shall, as
4 part of the appropriations request process pursuant to section 81-132,
5 include a strategic plan that identifies the main purpose or purposes of
6 each program, verifiable and auditable key goals that the department
7 believes are fair measures of its progress in meeting each program's main
8 purpose or purposes, and benchmarks for improving performance on the key
9 goals. The department shall also report whether the benchmarks are being
10 met and, if not, the expected timeframes for meeting them.
11 (2) Not later than September 15 in 2017, 2018, 2019, 2020, and 2021,
12 the Department of Correctional Services shall report electronically to
13 the Judiciary Committee of the Legislature and the Appropriations
14 Committee of the Legislature on the progress towards the key goals
15 identified pursuant to this section that occurred in the previous twelve
16 months. In calendar years 2017, 2018, 2019, 2020, and 2021, the
17 department shall appear at a joint hearing of the Judiciary Committee and
18 Appropriations Committee and present the report.

19 2. Renumber the remaining section accordingly.

The Mello amendment was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

VISITORS

Visitors to the Chamber were 45 high school students and teachers from Wilbur; 25 fifth- and sixth-grade students and teachers from Clarkson; Katelynn, Jaclyn, and Landon Prybella from Denver, CO; and 16 Omaha North German Exchange students and teachers.

RECESS

At 11:58 a.m., on a motion by Senator Craighead, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senator Garrett who was excused; and Senators Campbell, Mello, Schilz, and Watermeier who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 324. ER53, found on page 906, was adopted.

Senator Craighead withdrew her amendment, AM791, found on page 900.

Senator Craighead offered the following amendment:
AM1055

- 1 1. Insert the following new section:
- 2 Sec. 7. (1) If the chairperson of a sanitary and improvement
- 3 district board of trustees or the legal counsel or administrator for the
- 4 district receives written notice from a city or village proposing to
- 5 annex territory within the sanitary and improvement district under the
- 6 authority of section 14-117, 15-104, 16-117, 16-130, 17-405.01, or
- 7 17-407, the district shall not make any expenditures for a period of
- 8 ninety days after receiving such notice except for:
- 9 (a) Interest and principal payments on bonds due and payable from
- 10 the construction fund or bond fund of the district;
- 11 (b) Interest and principal payments on construction fund warrants
- 12 due and payable from the construction fund or bond fund of the district;
- 13 (c) Interest and principal payments on general fund warrants due and
- 14 payable from the general fund of the district;
- 15 (d) Payment or issuance of warrants for any expense incurred by the
- 16 district that is required by the district to satisfy any statutory
- 17 obligation of the district or to address emergency or imminent public
- 18 safety repairs or replacements to district property;
- 19 (e) Payment or issuance of warrants for services, work, labor, or

20 materials that were ordered or contracted for by the district prior to
 21 receiving notice of the proposal to annex the district. Such a payment or
 22 warrant shall be paid from the district's general fund, construction
 23 fund, bond fund, or service fee fund so long as such payment or warrant
 24 does not cause the district to exceed its total budget for the fund from
 25 which such payment or warrant is to be made;
 26 (f) Payment or issuance of warrants for any expense incurred by the
 27 district prior to receiving notice of the proposal to annex the district
 1 (i) that is required by the district (A) to pay expenses that would be
 2 paid by the district in the ordinary course of business of the district
 3 or (B) to address projects for which a notice to contractors has been
 4 published, the bidding process has begun, and contracts were awarded and
 5 (ii) that (A) does not cause the district to exceed the district's total
 6 general fund budget and is paid from the general fund, including, but not
 7 limited to, levied tax receipts to be received by the district on April 1
 8 and August 1 if the annexation is to occur after such dates, (B) does not
 9 cause the district to exceed the district's total construction fund or
 10 bond fund budget and is paid from the construction fund or bond fund, or
 11 (C) does not cause the district to exceed the district's total service
 12 fee fund budget and is paid from the service fee fund; and
 13 (g) Payment or issuance of warrants for a commitment or contract
 14 that will bind the district to pay for any other expense approved in
 15 writing by the city finance director or other designated person
 16 responsible for such approvals for purposes of the proposed annexation.
 17 (2) If a district plans to commence a construction project or enter
 18 into any contracts required to be publicly bid pursuant to section 31-741
 19 and for which a notice to contractors has not been published and the
 20 bidding process has not begun prior to the district receiving notice of
 21 the proposal to annex the district as described in subsection (1) of this
 22 section, the district shall submit either the plans and specifications
 23 for the improvements or the proposed contract to the city finance
 24 director or other designated person responsible for such approvals.
 25 Within ten business days after the district submits the plans and
 26 specifications or the proposed contract, the city finance director or
 27 other designated person responsible for such approvals shall either (a)
 28 approve or deny such plans and specifications or the proposed contract or
 29 (b) direct the department head within the city responsible for reviewing
 30 plans and specifications or contracts to approve or deny such plans and
 31 specifications or the proposed contract within such ten-day period.
 1 2. Renumber the remaining section accordingly.

The Craighead amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 356. ER54, found on page 927, was adopted.

Senator B. Harr offered his amendment, AM977, found on page 957.

The B. Harr amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE RESOLUTION 7CA. Senator Schumacher renewed his amendment, AM922, found on page 970 and considered on pages 982 and 984, to the committee amendment.

Senator Schumacher withdrew his amendment.

Committee AM822, found on page 865 and considered on page 982, was renewed.

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

Senator Krist requested a roll call vote on the committee amendment.

Voting in the affirmative, 35:

Baker	Cook	Hadley	Kolowski	Schnoor
Bloomfield	Craighead	Hansen	Krist	Schumacher
Bolz	Davis	Harr, B.	Kuehn	Seiler
Brasch	Ebke	Hilkemann	Larson	Smith
Campbell	Friesen	Hughes	Morfeld	Stinner
Chambers	Gloor	Johnson	Riepe	Sullivan
Coash	Haar, K.	Kintner	Schilz	Williams

Voting in the negative, 4:

Groene	McCoy	Scheer	Watermeier
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Present and not voting, 8:

Crawford	Lindstrom	Mello	Nordquist
Kolterman	McCollister	Murante	Pansing Brooks

Absent and not voting, 1:

Howard

Excused and not voting, 1:

Garrett

The committee amendment was adopted with 35 ayes, 4 nays, 8 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Committee AM445, found on page 569, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 81A. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 199. Title read. Considered.

Committee AM513, found on page 758, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Committee AM521, found on page 752, was offered.

Senator Watermeier asked unanimous consent to withdraw his amendment, AM698, found on page 733, and replace it with the Watermeier-Groene substitute amendment, AM1029, to the committee amendment. No objections. So ordered.

AM1029

(Amendments to Standing Committee amendments, AM521)

1 1. Strike section 8 and insert the following new sections:

2 Sec. 8. (1) A person who applied to a county for a livestock

3 operation siting or expansion permit and has been denied by the county
4 may appeal the decision directly to the district court.

5 (2) In any proceeding under this section, subsequent to the initial
6 filing, the parties shall receive from the clerk of the district court
7 information regarding the availability of mediation through the farm
8 mediation service of the department. Development of the informational
9 materials and the implementation of this subsection shall be accomplished
10 through the State Court Administrator.

11 (3) With the consent of both parties, a court may refer a case to
12 mediation and may state a date for the case to return to court, but such
13 date shall be no longer than ninety days from the date the order is
14 signed unless the court grants an extension.

15 (4) If the parties consent to mediate, they shall meet with a
16 mediator from, or appointed through, the farm mediation service of the
17 department to mediate an agreement. The mediator may negotiate exceptions
18 to the guidelines of the assessment matrix factors adopted pursuant to
19 section 5 of this act that may bring about agreement between the parties
20 involved.

21 (5) If a mediation agreement is reached, the district court shall
22 enter the agreement as the judgment in the action. The costs of mediation
23 shall be shared by the parties according to the schedule of fees
24 established by the farm mediation service of the department and collected
25 directly by the farm mediation service, except that the department may
26 establish an internal fund to pay the costs of mediation on behalf of the
1 parties.

2 (6) If the case is not referred to mediation or if mediation is
3 terminated or fails to reach an agreement between the parties, the action
4 shall proceed as a civil action.

5 Sec. 10. Section 23-114.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 23-114.01 (1) In order to avail itself of the powers conferred by
8 section 23-114, the county board shall appoint a planning commission to
9 be known as the county planning commission. The members of the commission
10 shall be residents of the county to be planned and shall be appointed
11 with due consideration to geographical and population factors. Since the
12 primary focus of concern and control in county planning and land-use
13 regulatory programs is the unincorporated area, a majority of the members
14 of the commission shall be residents of unincorporated areas, except that
15 this requirement shall not apply to joint planning commissions. Members
16 of the commission shall hold no county or municipal office, except that a
17 member may also be a member of a city, village, or other type of planning
18 commission. The term of each member shall be three years, except that
19 approximately one-third of the members of the first commission shall
20 serve for terms of one year, one-third for terms of two years, and one-
21 third for terms of three years. All members shall hold office until their
22 successors are appointed. Members of the commission may be removed by a
23 majority vote of the county board for inefficiency, neglect of duty, or
24 malfeasance in office or other good and sufficient cause upon written
25 charges being filed with the county board and after a public hearing has

26 been held regarding such charges. Vacancies occurring otherwise than
27 through the expiration of terms shall be filled for the unexpired terms
28 by individuals appointed by the county board. Members of the commission
29 shall be compensated for their actual and necessary expenses incurred in
30 connection with their duties in an amount to be fixed by the county
31 board. Reimbursement for mileage shall be made at the rate provided in
1 section 81-1176. Each county board may provide a per diem payment for
2 members of the commission of not to exceed fifteen dollars for each day
3 that each such member attends meetings of the commission or is engaged in
4 matters concerning the commission, but no member shall receive more than
5 one thousand dollars in any one year. Such per diem payments shall be in
6 addition to and separate from compensation for expenses.

7 (2) The commission: (a) Shall prepare and adopt as its policy
8 statement a comprehensive development plan and such implemental means as
9 a capital improvement program, subdivision regulations, building codes,
10 and a zoning resolution; (b) shall consult with and advise public
11 officials and agencies, public utilities, civic organizations,
12 educational institutions, and citizens relating to the promulgation of
13 implemental programs; (c) may delegate authority to any of the groups
14 named in subdivision (b) of this subsection to conduct studies and make
15 surveys for the commission; and (d) shall make preliminary reports on its
16 findings and hold public hearings before submitting its final reports.
17 The county board shall not hold its public meetings or take action on
18 matters relating to the comprehensive development plan, capital
19 improvements, building codes, subdivision development, or zoning until it
20 has received the recommendations of the commission.

21 (3) The commission may, with the consent of the governing body, in
22 its own name: Make and enter into contracts with public or private
23 bodies; receive contributions, bequests, gifts, or grants of funds from
24 public or private sources; expend the funds appropriated to it by the
25 county board; employ agents and employees; and acquire, hold, and dispose
26 of property. The commission may, on its own authority: Make arrangements
27 consistent with its program; conduct or sponsor special studies or
28 planning work for any public body or appropriate agency; receive grants,
29 remuneration, or reimbursement for such studies or work; and at its
30 public hearings, summon witnesses, administer oaths, and compel the
31 giving of testimony.

1 (4) In all counties in the state, the county planning commission may
2 grant conditional uses or special exceptions to property owners for the
3 use of their property if the county board of commissioners or supervisors
4 has officially and generally authorized the commission to exercise such
5 powers and has approved the standards and procedures the commission
6 adopted for equitably and judiciously granting such conditional uses or
7 special exceptions. The granting of a conditional use permit or special
8 exception shall only allow property owners to put their property to a
9 special use if it is among those uses specifically identified in the
10 county zoning regulations as classifications of uses which may require
11 special conditions or requirements to be met by the owners before a use
12 permit or building permit is authorized. ~~The applicant for a conditional~~

13 use permit or special exception for a livestock operation specifically
14 identified in the county zoning regulations as a classification of use
15 which may require special conditions or requirements to be met within an
16 area of a county zoned for agricultural use may request a determination
17 of the special conditions or requirements to be imposed by the county
18 planning commission or by the county board of commissioners or
19 supervisors if the board has not authorized the commission to exercise
20 such authority. Upon request the commission or board shall issue such
21 determination of the special conditions or requirements to be imposed in
22 a timely manner. Such special conditions or requirements to be imposed
23 may include, but are not limited to, the submission of information that
24 may be separately provided to state or federal agencies in applying to
25 obtain the applicable state and federal permits. The commission or the
26 board may request and review, prior to making a determination of the
27 special conditions or requirements to be imposed, reasonable information
28 relevant to the conditional use or special exception. If a determination
29 of the special conditions or requirements to be imposed has been made,
30 final permit approval may be withheld subject only to a final review by
31 the commission or county board to determine whether there is a
1 substantial change in the applicant's proposed use of the property upon
2 which the determination was based and that the applicant has met, or will
3 meet, the special conditions or requirements imposed in the
4 determination. For purposes of this section, substantial change shall
5 include any significant alteration in the original application including
6 a significant change in the design or location of buildings or
7 facilities, in waste disposal methods or facilities, or in capacity.

8 (5) The power to grant conditional uses or special exceptions as set
9 forth in subsection (4) of this section shall be the exclusive authority
10 of the commission, except that the county board of commissioners or
11 supervisors may choose to retain for itself the power to grant
12 conditional uses or special exceptions for those classifications of uses
13 specified in the county zoning regulations. The county board of
14 commissioners or supervisors may exercise such power if it has formally
15 adopted standards and procedures for granting such conditional uses or
16 special exceptions in a manner that is equitable and which will promote
17 the public interest. In any county other than a county in which is
18 located a city of the primary class, an appeal of a decision by the
19 county planning commission or county board of commissioners or
20 supervisors regarding a conditional use or special exception shall be
21 made to the district court. In any county in which is located a city of
22 the primary class, an appeal of a decision by the county planning
23 commission regarding a conditional use or special exception shall be made
24 to the county board of commissioners or supervisors, and an appeal of a
25 decision by the county board of commissioners or supervisors regarding a
26 conditional use or special exception shall be made to the district court.

27 (6) Whenever a county planning commission or county board is
28 authorized to grant conditional uses or special exceptions pursuant to
29 subsection (4) or (5) of this section, the planning commission or county
30 board shall, with its decision to grant or deny a conditional use permit

31 or special exception, issue a statement of factual findings arising from
 1 the record of proceedings that support the granting or denial of the
 2 conditional use permit or special exception. If a county planning
 3 commission's role is advisory to the county board, the county planning
 4 commission shall submit such statement with its recommendation to the
 5 county board as to whether to approve or deny a conditional use permit or
 6 special exception.

7 2. On page 1, strike line 7; in line 8 strike "(2)" and insert
 8 "(1)"; in line 9 strike "(3)" and insert "(2)"; in line 10 strike "(4)"
 9 and insert "(3)"; in line 12 strike "(5)" and insert "(4)"; in line 15,
 10 strike "forty-five" and insert "one hundred eighty"; in line 20 strike
 11 "23-174" and insert "23-174.10"; and in line 23 after "operations" insert
 12 "which includes any land application of livestock waste" and after the
 13 period insert "The act shall not apply to counties that have not enacted
 14 zoning regulations pursuant to sections 23-114 to 23-114.05.".

15 3. On page 2, line 3, after "existing" insert "nonconforming uses";
 16 in line 9 strike "seeking" and insert "to seek a"; in line 18 after
 17 "counties" insert "and other states"; in line 23 after the semicolon
 18 insert the following new subdivision:

19 "(c) Develop a set of standard minimum distance requirements from
 20 neighboring residences, public use areas, and critical public areas to be
 21 used in conjunction with the matrix developed pursuant to this section;";
 22 in line 24 strike "(c)" and insert "(d)"; and in line 31 strike "(d)" and
 23 insert "(e)".

24 4. On page 3, strike beginning with "The" in line 13 through line 14
 25 and insert "Consideration of proximity of a livestock operation to
 26 neighboring residences, public use areas, and critical public areas that
 27 exceed the standard minimum distance requirements established in
 28 subsection (1) of this section;"; and in line 17 strike "application" and
 29 insert "land application sites and".

30 5. On page 4, strike lines 3 and 4; in line 5 strike "(5)" and
 31 insert "(4)"; in line 6 before "matrix" insert "assessment"; in line 7
 1 strike beginning with "and" through "section"; in line 10 after the
 2 period insert "The committee shall review the matrix annually and
 3 recommend to the department changes as needed."; in line 11 strike "(6)"
 4 and insert "(5)"; in line 18 before "matrix" insert "assessment"; in line
 5 29 strike "areas" and insert "zoning districts"; and in line 30 after
 6 "person" insert "or entity".

7 6. On page 5, lines 27 and 28, strike "grandfather in" and insert
 8 "retain".

9 7. On page 6, line 14, after the period insert "If a county planning
 10 commission's role is advisory to the county board, the county planning
 11 commission shall submit a statement of factual findings arising from the
 12 record of proceedings with its recommendation to the county board as to
 13 whether to approve or deny the livestock operation siting permit."; and
 14 in line 16 strike "areas" and insert "zoning districts".

15 8. On page 7, strike beginning with "base" in line 11 through
 16 "record" in line 12 and insert "issue a statement of factual findings
 17 arising from the record of proceedings".

18 9. On page 12, line 7, strike "section" and insert "sections" and
 19 after "23-114" insert "and 23-114.01"; and in line 8 strike "is" and
 20 insert "are".
 21 10. Renumber the remaining section accordingly.

Pending.

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 15. Placed on Final Reading.
 ST17

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

1. In the E and R amendments, ER52, on page 1, line 4, "promulgate guidelines" has been struck and "provide standards for guardians ad litem" inserted.

LEGISLATIVE BILL 367. Placed on Final Reading.

LEGISLATIVE BILL 498. Placed on Final Reading.
 ST18

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

1. In the E and R amendments, ER55, on page 1, line 2, "section 77-2701.24, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend".

2. In the Standing Committee amendments, AM413, on page 18, line 7, "section 77-2701.24, Reissue Revised Statutes of Nebraska, and" has been inserted after "Original".

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB156:
 AM1060

(Amendments to Standing Committee amendments, AM645)

1 1. Insert the following new amendments:
 2 1. Insert the following new sections:
 3 Sec. 2. Section 77-6307, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 77-6307 (1) ~~Each Beginning July 1, 2012, each~~ qualified small
 6 business, qualified investor, and qualified fund shall submit an annual
 7 report to the director by July 1 of each year ~~identifying the amount of~~
 8 ~~money that has been invested by or in it in the previous calendar year~~
 9 ~~under the Angel Investment Tax Credit Act.~~
 10 ~~(2)~~ The report shall certify that the business, investor, ~~or~~ and fund
 11 satisfies the requirements of the act and shall include all information

12 which will enable the Department of Economic Development to fulfill its
13 reporting requirements under section 77-6309.

14 (~~2~~ ~~3~~) A qualified small business that ceases all operations and
15 becomes insolvent shall file a final report with the director in the form
16 required by the director documenting its insolvency.

17 (~~3~~ ~~4~~) To maintain the confidentiality of the qualified investor and
18 qualified small business, the Department of Economic Development shall
19 use a designated number to identify such persons or businesses.

20 (~~4~~ ~~5~~) A qualified small business, qualified investor, or qualified
21 fund that fails to file a complete ~~an~~ annual report by July 1 shall, at
22 the discretion of the director, be subject to a fine of two hundred
23 dollars, revocation of its certification, or both.

24 Sec. 3. Section 77-6309, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 77-6309 (1) By November 15 of each odd-numbered year, the Department
1 of Economic Development shall submit a report to the Legislature and the
2 Governor that includes:

3 (a) The number and geographic location of qualified investors;

4 (b) The number, geographic location, and amount of qualified
5 investment made into each qualified small business;

6 (c) The total amount of all grants, loans, incentives, and
7 investments that are not qualified investments received by each qualified
8 small business since receiving the initial qualified investment;

9 (~~d~~ ~~e~~) A breakdown of the industry sectors in which qualified small
10 businesses are involved;

11 (~~e~~ ~~f~~) The number of actual tax credits issued by project under the
12 Angel Investment Tax Credit Act on an annual basis; and

13 (~~f~~ ~~e~~) The number and annual salary or wage of jobs created at each
14 qualified small business since receiving the initial qualified

15 investment.

16 The report submitted to the Legislature shall be submitted
17 electronically.

18 (2) Information received, developed, created, or otherwise
19 maintained by the Department of Economic Development and the Department
20 of Revenue in administering and enforcing the Angel Investment Tax Credit
21 Act, other than information required to be included in the report to be
22 submitted by the Department of Economic Development pursuant to this
23 section, may be deemed confidential by the respective departments and not
24 subject to public disclosure.

25 Sec. 5. Since an emergency exists, this act takes effect when passed
26 and approved according to law.

27 3. Renumber the remaining section and correct the repealer
28 accordingly.

29 2. Renumber the remaining amendment accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

McCollister - LB329

VISITORS

Visitors to the Chamber were Gil Peterson from Lincoln, Kris Copping from Presque Isle, MI, and Molly Cebuhar from Lincoln.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 4:00 p.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Tuesday, March 31, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

