

FIFTY-NINTH DAY - APRIL 8, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 8, 2015

PRAYER

The prayer was offered by Pastor Leanne Masters, Southern Heights Presbyterian Church, 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 Gloor, Howard, Kolterman, Krist, McCoy, Mello, Murante, Smith, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 240. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1031:

Nebraska Game and Parks Commission
Robert Allen

Voting in the affirmative, 25:

| | | | | |
|------------|----------|-----------|-----------|------------|
| Baker | Crawford | Haar, K. | Kuehn | Schnoor |
| Bloomfield | Ebke | Hadley | Lindstrom | Schumacher |
| Bolz | Friesen | Hansen | Riepe | Seiler |
| Campbell | Garrett | Harr, B. | Scheer | Stinner |
| Chambers | Groene | Hilkemann | Schilz | Williams |

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|--------|-----------|----------|-------------|----------------|
| Brasch | Craighead | Johnson | Larson | Nordquist |
| Coash | Davis | Kintner | McCollister | Pansing Brooks |
| Cook | Hughes | Kolowski | Morfeld | Sullivan |

Excused and not voting, 9:

| | | | | |
|--------|-----------|-------|---------|------------|
| Gloor | Kolterman | McCoy | Murante | Watermeier |
| Howard | Krist | Mello | Smith | |

The appointment was confirmed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1037:

Climate Assessment Response Committee

Mary Baker
Barbara Cooksley
Richard Koelsch

Voting in the affirmative, 33:

| | | | | |
|------------|----------|-----------|-------------|------------|
| Baker | Ebke | Hilkemann | McCollister | Seiler |
| Bloomfield | Friesen | Howard | Murante | Stinner |
| Bolz | Garrett | Johnson | Nordquist | Sullivan |
| Brasch | Haar, K. | Kolowski | Riepe | Watermeier |
| Campbell | Hadley | Krist | Schilz | Williams |
| Chambers | Hansen | Kuehn | Schnoor | |
| Davis | Harr, B. | Lindstrom | Schumacher | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|-----------|----------|---------|----------------|
| Coash | Crawford | Kintner | Pansing Brooks |
| Cook | Groene | Larson | Scheer |
| Craighead | Hughes | Morfeld | |

Excused and not voting, 5:

Gloor Kolterman McCoy Mello Smith

The appointments were confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1051:

State Emergency Response Commission
Sharon Medcalf

Voting in the affirmative, 38:

| | | | | |
|------------|----------|-----------|----------------|------------|
| Baker | Ebke | Harr, B. | Lindstrom | Schumacher |
| Bloomfield | Friesen | Hilkemann | McCollister | Seiler |
| Bolz | Garrett | Howard | Murante | Sinner |
| Brasch | Gloor | Johnson | Nordquist | Sullivan |
| Campbell | Groene | Kintner | Pansing Brooks | Watermeier |
| Chambers | Haar, K. | Kolowski | Riepe | Williams |
| Craighead | Hadley | Krist | Scheer | |
| Davis | Hansen | Kuehn | Schnoor | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|-------|----------|---------|--------|
| Coash | Crawford | Larson | Schilz |
| Cook | Hughes | Morfeld | Smith |

Excused and not voting, 3:

Kolterman McCoy Mello

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 106A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 70A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 414. Considered.

SENATOR KRIST PRESIDING

Senator Chambers offered the following amendment:

FA41

The property tax exemption created by this act shall be available only to charitable and benevolent institutions which have a policy prohibiting discrimination based on sexual orientation.

SENATOR COASH PRESIDING

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

Senator Chambers requested a roll call vote on the amendment.

Voting in the affirmative, 14:

| | | | | |
|----------|----------|----------|----------------|------------|
| Baker | Cook | Hansen | McCollister | Schumacher |
| Bolz | Gloor | Howard | Morfeld | Sullivan |
| Campbell | Haar, K. | Kolowski | Pansing Brooks | |

Voting in the negative, 24:

| | | | | |
|------------|-----------|-----------|---------|------------|
| Bloomfield | Garrett | Kintner | Murante | Smith |
| Brasch | Groene | Krist | Riepe | Stinner |
| Coash | Hilkemann | Kuehn | Scheer | Watermeier |
| Craighead | Hughes | Larson | Schilz | Williams |
| Ebke | Johnson | Lindstrom | Schnoor | |

Present and not voting, 6:

| | | |
|----------|---------|----------|
| Chambers | Davis | Hadley |
| Crawford | Friesen | Harr, B. |

Excused and not voting, 5:

| | | | | |
|-----------|-------|-------|-----------|--------|
| Kolterman | McCoy | Mello | Nordquist | Seiler |
|-----------|-------|-------|-----------|--------|

The Chambers amendment lost with 14 ayes, 24 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO82

Reconsider the vote taken on FA41.

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

Senator Schnoor offered the following motion:

MO83

Bracket until June 5, 2015.

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

The Schnoor motion to bracket failed with 7 ayes, 26 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO84

Indefinitely postpone.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 629. Placed on General File with amendment.

AM1075 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 663A. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, One Hundred Fourth Legislature, First Session, 2015; to provide an operative date; and to declare an emergency.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 171. Introduced by Coash, 27.

WHEREAS, Linda Douglas was born on October 1, 1942; and

WHEREAS, Linda completed her undergraduate degree at Lenoir-Rhyne University and earned a master's degree from Appalachian State University. She received a doctorate in education from the University of Nebraska-Lincoln in 1974; and

WHEREAS, Linda worked for Lincoln Public Schools for 36 years where she retired in 2005 as the director of special education; and

WHEREAS, after her retirement from Lincoln Public Schools, Linda worked as an adjunct professor at the University of Nebraska-Lincoln and Nebraska Wesleyan University teaching courses on special education. She also worked for the State Department of Education for the last 10 years; and

WHEREAS, Linda was a dedicated member of Eastridge Presbyterian Church for over 40 years where she served as elder, deacon, and clerk of the session; and

WHEREAS, Linda passed away on March 27, 2015.

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

1. That the Legislature honors Linda Douglas for her service to her community and extends its deep sympathy to her family.
2. That a copy of this resolution be sent to the family of Linda Douglas.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB85:
AM1112

1 1. On page 2, line 8, strike "twenty-five" and insert "ten".

VISITORS

Visitors to the Chamber were Gene Kelly from Papillion; 35 fourth-grade students and teachers from Starr Elementary, Grand Island; 27 ninth-through twelfth-grade students and sponsor from Hyannis High School; 5 eleventh-through twelfth-grade students and teachers from Papillion; Erich, Mitriann, Cameron, and Brendan Bussinger from Bassett; Tyler Koch and Cole Steffen from Crofton; 44 fourth-grade students and teachers from Heritage Elementary, Bennington; 59 fourth-grade students and teachers from Washington Elementary, Norfolk; 52 tenth-grade students and sponsor: the Nebraska Federation of Women's Club; and Hannah and Heidi Borg from Allen.

RECESS

At 11:59 a.m., on a motion by Senator McCollister, 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 Seiler who was excused; and Senators Mello and Watermeier who were excused until they arrive.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR158 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR158.

GENERAL FILE

LEGISLATIVE BILL 472. Title read. Considered.

Committee AM676, found on page 805, was offered.

SENATOR COASH PRESIDING

Pending.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 385. Placed on General File with amendment.
AM1063

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

2 sections:

3 Section 1. Section 25-21,220, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 25-21,220 Proceedings under sections 25-21,219 to 25-21,235 may be
6 had:

7 (1) In all cases against tenants holding over their terms, and a
8 tenant shall be deemed to be holding over his or her term whenever the
9 tenant has failed, neglected, or refused to pay the rent or any part
10 thereof when the rent became due;

11 (2) In all cases when a tenant has threatened the health or safety
12 of other tenants, the landlord, or the landlord's employees or agents,
13 without the right of the tenant to cure the default;

14 (3) In all cases of sales of real estate or executions, orders, or
15 other judicial process when the judgment debtor was in possession at the

16 time of the entry of the judgment or decree by virtue of which such sale
17 was made;

18 ~~(4 3)~~ In all cases of sale by executors or administrators or
19 guardians and on partition if any of the parties to the partition were in
20 possession at the commencement of the suit after such sales so made on
21 execution or otherwise have been examined by the proper court and the
22 sales adjudged legal; and

23 ~~(5 4)~~ In all cases when the defendant is a settler or occupier of
24 lands or tenements, without color of title, and to which the complainant
25 has the right of possession.

26 This section shall not be construed as limiting the provisions of
27 ~~sections section 25-21,219 to 25-21,235.~~

1 Sec. 2. Section 76-1431, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1431 (1) Except as provided in the Uniform Residential Landlord
4 and Tenant Act, if there is a noncompliance with section 76-1421
5 materially affecting health and safety or a material noncompliance by the
6 tenant with the rental agreement or any separate agreement, the landlord
7 may deliver a written notice to the tenant specifying the acts and
8 omissions constituting the breach and that the rental agreement will
9 terminate upon a date not less than thirty days after receipt of the
10 notice if the breach is not remedied in fourteen days, and the rental
11 agreement shall terminate as provided in the notice subject to the
12 following. If the breach is remediable by repairs or the payment of
13 damages or otherwise and the tenant adequately remedies the breach prior
14 to the date specified in the notice, the rental agreement will not
15 terminate. If substantially the same act or omission which constituted a
16 prior noncompliance of which notice was given recurs within six months,
17 the landlord may terminate the rental agreement upon at least fourteen
18 days' written notice specifying the breach and the date of termination of
19 the rental agreement.

20 (2) If rent is unpaid when due and the tenant fails to pay rent
21 within three days after written notice by the landlord of nonpayment and
22 his or her intention to terminate the rental agreement if the rent is not
23 paid within that period of time, the landlord may terminate the rental
24 agreement.

25 (3) Except as provided in the Uniform Residential Landlord and
26 Tenant Act, the landlord may recover damages and obtain injunctive relief
27 for any noncompliance by the tenant with the rental agreement or section
28 76-1421. If the tenant's noncompliance is willful, the landlord may
29 recover reasonable attorney's fees.

30 (4) Notwithstanding subsections (1) and (2) of this section or
31 section 25-21,221, a landlord may, after three days' written notice of
1 termination of the rental agreement and without the right of the tenant
2 to cure the default, file suit and have judgment against any tenant, or
3 occupant for recovery of possession of the premises if the tenant,
4 occupant, member of the tenant's household, guest, or other person who is
5 under the tenant's control or who is present upon the premises with the
6 tenant's consent, engages in any drug-related or violent criminal

7 activity on the premises or engages in any activity that threatens the
8 health or safety of other tenants, the landlord, or the landlord's
9 employees or agents. Such activity shall include, but not be limited to,
10 any of the following activities of the tenant, occupant, member of the
11 tenant's household, guest, or other person who is under the tenant's
12 control or who is present upon the premises with the tenant's consent:
13 (a) Physical assault or the threat of physical assault; (b) illegal use
14 of a firearm or other weapon or the threat of illegal use of a firearm or
15 other weapon; (c) possession of a controlled substance if the tenant knew
16 or should have known of the possession, unless such controlled substance
17 was obtained directly from or pursuant to a medical order issued by a
18 practitioner legally authorized to prescribe while acting in the course
19 of his or her professional practice; or (d) any other activity or
20 threatened activity which would otherwise threaten the health or safety
21 of any person or involving threatened, imminent, or actual damage to the
22 property.

23 (5) Subsection (4) of this section does not apply to a tenant if the
24 drug-related or violent criminal activity threatening the health or
25 safety of other tenants, the landlord, or the landlord's employees or
26 agents, as set forth in subsection (4) of this section, is conducted by a
27 person on the premises other than the tenant and the tenant takes at
28 least one of the following measures against the person engaging in such
29 activity:

30 (a) The tenant seeks a protective order, restraining order, or other
31 similar relief which would apply to the person conducting the activities
1 threatening the health or safety of other tenants, the landlord, or the
2 landlord's employees or agents; or

3 (b) The tenant reports the drug-related or violent criminal activity
4 threatening the health or safety of other tenants, the landlord, or the
5 landlord's employees or agents to a law enforcement agency in an effort
6 to initiate a criminal action against the person conducting the activity.

7 Sec. 3. Section 76-1441, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 76-1441 (1) The person seeking possession shall file a complaint
10 for restitution with the clerk of the district or county court. The
11 complaint shall contain (a) the facts, with particularity, on which he or
12 she seeks to recover; (b) a reasonably accurate description of the
13 premises; and (c) the requisite compliance with the notice provisions of
14 the Uniform Residential Landlord and Tenant Act. The complaint may notify
15 the tenant that personal property remains on the premises and that it may
16 be disposed of pursuant to section 69-2308. The complaint may also
17 contain other causes of action relating to the tenancy, but such causes
18 of action shall be answered and tried separately, if requested by either
19 party in writing.

20 (2) The person seeking possession pursuant to subsection (4) of
21 section 76-1431 shall include in the complaint the incident or incidents
22 giving rise to the suit for recovery of possession.

23 Sec. 4. Original sections 25-21,220, 76-1431, and 76-1441, Reissue
24 Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 566. Placed on General File with amendment.
AM1021

- 1 1. On page 7, strike lines 24 through 27; in line 28 strike "h"
- 2 and insert "g"; in line 30 strike "i" and insert "h"; and in line
- 3 31 strike "this" and insert "the".
- 4 2. On page 8, line 5, strike "this" and insert "the".
- 5 3. On page 11, after line 5, insert the following new subdivision:
- 6 "(b) A member of another tribe who is recognized to be a qualified
- 7 expert witness by the Indian child's tribe or tribes based on his or her
- 8 knowledge of the delivery of child and family services to Indians and the
- 9 Indian child's tribe or tribes;"; in line 6 strike "(b)" and insert
- 10 "(c)"; in line 9 strike the second "or"; after line 9 insert the
- 11 following new subdivision:
- 12 "(d) A professional person having substantial education and
- 13 experience in the area of his or her specialty who can demonstrate
- 14 knowledge of the prevailing social and cultural standards and
- 15 childrearing practices within the Indian child's tribe or tribes; or";
- 16 and in line 10 strike "(c) A" and insert "(e) Any other".
- 17 4. On page 16, line 3, after "days" insert "after"; strike beginning
- 18 with the first comma in line 7 through the first comma in line 9; in line
- 19 9 after "to" insert "relinquishment or"; and in line 24 strike "fax" and
- 20 insert "facsimile transmission".
- 21 5. On page 21, line 8, strike "reference" and insert "evidence".

(Signed) Colby Coash, Vice Chairperson

Agriculture

LEGISLATIVE BILL 359. Placed on General File with amendment.
AM1147

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 54-627, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 54-627 (1) A person shall not operate as a commercial dog or cat
- 5 breeder, a dealer, a boarding kennel, an animal control facility, an
- 6 animal shelter, an animal rescue, or a pet shop unless the person obtains
- 7 the appropriate license. A pet shop shall only be subject to the
- 8 Commercial Dog and Cat Operator Inspection Act and the rules and
- 9 regulations adopted and promulgated pursuant thereto in any area or areas
- 10 of the establishment used for the keeping and selling of pet animals. If
- 11 a facility listed in this subsection is not located at the owner's
- 12 residence, the name and address of the owner shall be posted on the
- 13 premises.
- 14 (2) An applicant for a license shall submit an application for the
- 15 appropriate license to the department, on a form prescribed by the
- 16 department, together with the annual license fee. Such fee is
- 17 nonreturnable. Upon receipt of the application and annual license fee and
- 18 upon completion of a qualifying inspection if required pursuant to

19 section 54-630 for an initial license applicant or if a qualifying
 20 inspection is deemed appropriate by the department before a license is
 21 issued for any other applicant, the appropriate license may be issued by
 22 the department. Such license shall not be transferable to another person
 23 or location.

24 (3)(a) Except as otherwise provided in this subsection, the annual
 25 license fee shall be determined according to the following fee schedule
 26 based upon the daily average number of dogs or cats housed by the
 27 licensee over the previous annual licensure period:

1 (i) Ten or fewer dogs or cats, one hundred seventy-five ~~fifty~~
 2 dollars;

3 (ii) Eleven to fifty dogs or cats, two hundred twenty-five dollars;

4 (iii) Fifty-one to one hundred dogs or cats, two hundred seventy-
 5 five ~~fifty~~ dollars;

6 (iv) One hundred one to one hundred fifty dogs or cats, three
 7 hundred twenty-five dollars;

8 (v) One hundred fifty-one to two hundred dogs or cats, three hundred
 9 seventy-five ~~fifty~~ dollars;

10 (vi) Two hundred one to two hundred fifty dogs or cats, four hundred
 11 twenty-five dollars;

12 (vii) Two hundred fifty-one to three hundred dogs or cats, four
 13 hundred seventy-five ~~fifty~~ dollars;

14 (viii) Three hundred one to three hundred fifty dogs or cats, five
 15 hundred twenty-five dollars;

16 (ix) Three hundred fifty-one to four hundred dogs or cats, five
 17 hundred seventy-five ~~fifty~~ dollars;

18 (x) Four hundred one to four hundred fifty dogs or cats, six hundred
 19 twenty-five dollars;

20 (xi) Four hundred fifty-one to five hundred dogs or cats, six
 21 hundred seventy-five ~~fifty~~ dollars; and

22 (xii) More than five hundred dogs or cats, two thousand one hundred
 23 dollars.

24 (b) The initial license fee for any person required to be licensed
 25 pursuant to the act shall be one hundred twenty-five dollars.

26 (c) The annual license fee for a licensee that does not house dogs
 27 or cats shall be one hundred fifty dollars.

28 (d) The annual license fee for an animal rescue shall be one hundred
 29 fifty dollars.

30 (e) The annual license fee for a commercial dog or cat breeder shall
 31 be determined according to the fee schedule set forth in subdivision (a)
 1 of this subsection based upon the number of breeding dogs or cats owned
 2 or harbored by the commercial breeder.

3 (f) In addition to the fee as prescribed in the fee schedule set
 4 forth in subdivision (3)(a) of this section, the annual license fee for a
 5 commercial dog or cat breeder, pet shop, dealer, or boarding kennel shall
 6 include a fee of two dollars times the daily average number of dogs or
 7 cats housed by the licensee over the previous annual licensure period
 8 numbering more than ten dogs or cats.

9 (g ~~f~~) The fees charged under subdivision (3)(a) of this section

10 ~~subsection~~ may be increased or decreased by rule and regulation as
11 adopted and promulgated by the department, but the the director after a
12 public hearing is held outlining the reason for any proposed change in
13 the fee. The maximum fee that may be charged shall not result in a fee
14 for any license category that exceeds the license fee set forth in
15 subdivision (3)(a) of this section subsection by more than one hundred
16 dollars. The fee charged under subdivision (3)(f) of this section may be
17 increased or decreased by rule and regulation as adopted and promulgated
18 by the department, but such fee shall not exceed three dollars.
19 (4) A license to operate as a commercial dog or cat breeder, dealer,
20 boarding kennel, or pet shop shall be renewed by filing with the
21 department on or before April 1 of each year a renewal application and
22 the annual license fee. A license to operate as an animal control
23 facility, animal rescue, or animal shelter shall be renewed by filing
24 with the department on or before October 1 of each year a renewal
25 application and the annual license fee. Failure to renew a license prior
26 to the expiration of the license shall result in a late renewal fee equal
27 to twenty percent of the annual license fee due and payable each month,
28 not to exceed one hundred percent of such fee, in addition to the license
29 fee. The purpose of the late renewal fee is to pay for the administrative
30 costs associated with the collection of fees under this section. The
31 assessment of the late renewal fee shall not prohibit the director from
1 taking any other action as provided in the act.
2 (5) A licensee under this section shall make its premises available
3 for inspection pursuant to section 54-628 during normal business hours.
4 (6) The state or any political subdivision of the state which
5 contracts out its animal control duties to a facility not operated by the
6 state or any political subdivision of the state may be exempted from the
7 licensing requirements of this section if such facility is licensed as an
8 animal control facility, animal rescue, or animal shelter for the full
9 term of the contract with the state or its political subdivision.
10 (7) Any fees collected pursuant to this section shall be remitted to
11 the State Treasurer for credit to the Commercial Dog and Cat Operator
12 Inspection Program Cash Fund.
13 2. Renumber the remaining section and correct the repealer
14 accordingly.

LEGISLATIVE BILL 360. Placed on General File with amendment.
AM1151 is available in the Bill Room.

(Signed) Jerry Johnson, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Rodney R. Christen - Nebraska Environmental Trust Board

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

James Reed Macy, Director - Department of Environmental Quality

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

AMENDMENT(S) - Refile in Journal

Senator Schumacher refiled his amendment, AM922, found on page 970, considered on pages 982 and 984, and withdrawn on page 1013, to LR7CA.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 172. Introduced by Mello, 5; Cook, 13; Crawford, 45; Davis, 43; Gloor, 35; Haar, K., 21; Harr, B., 8; Kolowski, 31; Kuehn, 38; McCollister, 20; Nordquist, 7; Schilz, 47; Stinner, 48.

WHEREAS, Earth Day is April 22, 2015; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day has evolved into the largest civic observance in the world with more than one billion people participating in Earth Day activities; and

WHEREAS, Earth Day is a reminder that everyone can play a part in improving their environment and maintaining responsible stewardship over the only planet we have; and

WHEREAS, the Earth Day Network works with over 22,000 partners in 192 countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and

WHEREAS, the Earth Day Network provides civic engagement opportunities at the local, state, national, and global levels.

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

1. That the Legislature designates April 22, 2015, as Earth Day in the State of Nebraska.

2. That on this day, Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

LEGISLATIVE RESOLUTION 173. Introduced by Hansen, 26.

WHEREAS, Captain Eric J. Bailey received his master's degree in electrical engineering from the Air Force Institute of Technology; and

WHEREAS, the Air Force Institute of Technology is the United States Air Force's graduate school of engineering and management as well as its institution for technical professional continuing education.

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

1. That the Legislature recognizes the academic accomplishments of Captain Eric J. Bailey and congratulates him on receiving his master's degree.

2. That a copy of this resolution be sent to Captain Eric J. Bailey.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 472. Committee AM676, found on page 805 and considered in this day's Journal, was renewed.

Senator Schumacher offered the following amendment to the committee amendment:

AM1171

(Amendments to Standing Committee amendments, AM676)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 section:
- 4 Section 1. No hospital or emergency room shall provide care to a
- 5 person for longer than twenty-four hours after such person has been
- 6 admitted to the hospital or emergency room unless such person has proof
- 7 of financial responsibility sufficient to cover the reasonably estimated
- 8 cost of care to be delivered beyond twenty-four hours. Financial
- 9 responsibility means (1) personal assets, (2) insurance, or (3) guarantee
- 10 of payment by a person or entity with sufficient assets or a governmental
- 11 health care program. Financial responsibility does not include charity
- 12 care from a health care provider unless such care can be delivered
- 13 without increasing cost of care to others.

Senator Schumacher withdrew his amendment.

Senator Schilz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Senator Campbell moved for a call of the house. The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

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

Voting in the affirmative, 22:

| | | | | |
|----------|----------|-------------|----------------|------------|
| Baker | Crawford | Hansen | Mello | Schumacher |
| Bolz | Davis | Howard | Morfeld | Sullivan |
| Campbell | Gloor | Kolowski | Nordquist | |
| Chambers | Haar, K. | Krist | Pansing Brooks | |
| Cook | Hadley | McCollister | Scheer | |

Voting in the negative, 24:

| | | | | |
|------------|-----------|-----------|-----------|------------|
| Bloomfield | Friesen | Johnson | Lindstrom | Schnoor |
| Brasch | Garrett | Kintner | McCoy | Smith |
| Coash | Groene | Kolterman | Murante | Watermeier |
| Craighead | Hilkemann | Kuehn | Riepe | Williams |
| Ebke | Hughes | Larson | Schilz | |

Present and not voting, 1:

Stinner

Excused and not voting, 2:

Harr, B. Seiler

The committee amendment lost with 22 ayes, 24 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Scheer offered the following amendment:

AM1174

1 1. Insert the following new section:

2 Sec. 13. (1) Each health care entity providing services to newly
3 eligible individuals receiving medical assistance pursuant to the
4 medicaid demonstration waiver required pursuant to sections 7 and 9 of
5 this act shall pay an assessment based on a percentage of the
6 reimbursement to the provider for such services. The assessment shall be
7 five percent for services provided in 2017, six percent for services
8 provided in 2018, seven percent for services provided in 2019, and ten
9 percent for services provided in all calendar years thereafter.

10 (2) Each health care entity shall pay the assessment to the
11 department on a quarterly basis. The department shall prepare and
12 distribute a form on which a health care entity shall calculate and
13 report the assessment. A health care entity shall submit the completed
14 form with the assessment no later than thirty days following the end of
15 each calendar quarter. The department shall collect the assessment and
16 remit the assessment to the State Treasurer for credit to the Health Care
17 Access and Support Fund.

18 (3) If the department determines that a health care entity has
19 underpaid or overpaid the assessment, the department shall notify the
20 health care entity of the unpaid assessment or refund due. Such payment
21 or refund shall be due or refunded within thirty days after the issuance
22 of the notice.

23 (4) A health care entity that fails to pay the assessment within the
24 timeframe specified shall pay, in addition to the outstanding assessment,
25 a penalty of one and one-half percent of the assessment amount owed for
26 each month or portion of a month that the assessment is overdue. If the
27 department determines that good cause is shown for failure to pay the
1 assessment, the department shall waive the penalty or a portion of the
2 penalty.

3 (5) If the assessment has not been received by the department within
4 thirty days following the quarter for which the assessment is due, the
5 department shall withhold an amount equal to the assessment and penalty
6 owed from any payment due such health care entity under the medical
7 assistance program.

8 (6) The assessment shall constitute a debt due the state and may be
9 collected by civil action, including, but not limited to, the filing of
10 tax liens, and any other method provided for by law.

11 (7) The department shall remit any penalty collected pursuant to

12 this section to the State Treasurer for distribution in accordance with
 13 Article VII, section 5, of the Constitution of Nebraska.
 14 2. On page 7, after line 31 insert the following new subdivision:
 15 "(6) Shared funding for services provided to newly eligible
 16 individuals through a health care entity assessment;".
 17 3. On page 8, line 1, strike "(6)" and insert "(7)"; in line 5
 18 strike "(7)" and insert "(8)"; and in line 8 strike "(8)" and insert
 19 "(9)".
 20 4. On page 9, line 3, strike "and"; and in line 6 after "level"
 21 insert "; and (d) assessments against health care entities in a
 22 percentage of the reimbursement for services provided to newly eligible
 23 individuals".
 24 5. On page 12, strike lines 18 through 31 and insert "The
 25 application for the medicaid demonstration waiver shall be approved by
 26 the Legislature prior to submission to the federal Centers for Medicare
 27 and Medicaid Services.".
 28 6. On page 13, strike lines 1 through 7 and insert "(2) If"; and in
 29 lines 10 and 11 strike "or the state plan amendment".
 30 7. On page 15, line 19, strike "the" through "and".
 31 8. Renumber the remaining sections and correct internal references
 1 accordingly.

Senator Scheer withdrew his amendment.

Senator McCoy offered the following motion:

MO85

Indefinitely postpone.

Senator Chambers offered the following motion:

MO86

Unanimous consent to bracket until June 5, 2015.

Senator Schumacher objected.

Senator Chambers offered the following motion:

MO87

Bracket until June 5, 2015.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Chambers motion to bracket prevailed with 28 ayes, 16 nays, 3 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 70A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 419. Placed on Select File with amendment.
ER72

1 1. On page 1, line 3, after "exempt" insert "certain" and after "by"
2 insert "certain".

LEGISLATIVE BILL 559. Placed on Select File.

LEGISLATIVE BILL 156. Placed on Select File with amendment.
ER71

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 77-6306, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 77-6306 (1) For taxable years beginning or deemed to begin on or
6 after January 1, 2011, under the Internal Revenue Code of 1986, as
7 amended, a qualified investor or qualified fund is eligible for a
8 refundable tax credit equal to thirty-five percent of its qualified
9 investment in a qualified small business, except that if the qualified
10 small business is located in a distressed area the qualified investor or
11 qualified fund is eligible for a refundable tax credit equal to forty
12 percent of its qualified investment in the qualified small business. The
13 director shall not allocate more than ~~four~~ three million dollars in tax
14 credits to all qualified investors or qualified funds in a calendar year.
15 If the director does not allocate the entire ~~four~~ three million dollars
16 of tax credits in a calendar year, the tax credits that are not allocated
17 shall not carry forward to subsequent years. The director shall not
18 allocate any amount for tax credits for calendar years after 2019.
19 (2) The director shall not allocate more than a total maximum amount
20 in tax credits for a calendar year to a qualified investor for the
21 investor's cumulative qualified investments as an individual qualified
22 investor and as an investor in a qualified fund as provided in this
23 subsection. For married couples filing joint returns the maximum is three
24 hundred fifty thousand dollars, and for all other filers the maximum is
25 three hundred thousand dollars. The director shall not allocate more than
26 a total of one million dollars in tax credits for qualified investments
27 in any one qualified small business.
1 (3) The director shall not allocate a tax credit to a qualified
2 investor either as an individual qualified investor or as an investor in
3 a qualified fund if the investor receives more than forty-nine percent of
4 the investor's gross annual income from the qualified small business in
5 which the qualified investment is proposed. A family member of an
6 individual disqualified by this subsection is not eligible for a tax
7 credit under this section. For a married couple filing a joint return,

8 the limitations in this subsection apply collectively to the investor and
9 spouse. For purposes of determining the ownership interest of an investor
10 under this subsection, the rules under section 267(c) and (e) of the
11 Internal Revenue Code of 1986, as amended, apply.

12 (4) Tax credits shall be allocated to qualified investors or
13 qualified funds in the order that the tax credit applications are filed
14 with the director. Once tax credits have been approved and allocated by
15 the director, the qualified investors and qualified funds shall implement
16 the qualified investment specified within ninety days after allocation of
17 the tax credits. Qualified investors and qualified funds shall notify the
18 director no later than thirty days after the expiration of the ninety-day
19 period that the qualified investment has been made. If the qualified
20 investment is not made within ninety days after allocation of the tax
21 credits, or the director has not, within thirty days following expiration
22 of the ninety-day period, received notification that the qualified
23 investment was made, the tax credit allocation is canceled and available
24 for reallocation. A qualified investor or qualified fund that fails to
25 invest as specified in the application within ninety days after
26 allocation of the tax credits shall notify the director of the failure to
27 invest within five business days after the expiration of the ninety-day
28 investment period.

29 (5) All tax credit applications filed with the director on the same
30 day shall be treated as having been filed contemporaneously. If two or
31 more qualified investors or qualified funds file tax credit applications
1 on the same day and the aggregate amount of tax credit allocation
2 requests exceeds the aggregate limit of tax credits under this section or
3 the lesser amount of tax credits that remain unallocated on that day,
4 then the tax credits shall be allocated among the qualified investors or
5 qualified funds who filed on that day on a pro rata basis with respect to
6 the amounts requested. The pro rata allocation for any one qualified
7 investor or qualified fund shall be the product obtained by multiplying a
8 fraction, the numerator of which is the amount of the tax credit
9 allocation request filed on behalf of a qualified investor or qualified
10 fund and the denominator of which is the total of all tax credit
11 allocation requests filed on behalf of all applicants on that day, by the
12 amount of tax credits that remain unallocated on that day for the taxable
13 year.

14 (6) A qualified investor or qualified fund, or a qualified small
15 business acting on behalf of the investor or fund, shall notify the
16 director when an investment for which tax credits were allocated has been
17 made and shall furnish the director with documentation of the investment
18 date. A qualified fund shall also provide the director with a statement
19 indicating the amount invested by each investor in the qualified fund
20 based on each investor's share of the assets of the qualified fund at the
21 time of the qualified investment. After receiving notification that the
22 qualified investment was made, the director shall issue tax credit
23 certificates for the taxable year in which the qualified investment was
24 made to the qualified investor or, for a qualified investment made by a
25 qualified fund, to each qualified investor who is an investor in the

26 fund. The certificate shall state that the tax credit is subject to
 27 revocation if the qualified investor or qualified fund does not hold the
 28 investment in the qualified small business for at least three years,
 29 consisting of the calendar year in which the investment was made and the
 30 two following calendar years. The three-year holding period does not
 31 apply if:

- 1 (a) The qualified investment by the qualified investor or qualified
 2 fund becomes worthless before the end of the three-year period;
- 3 (b) Eighty percent or more of the assets of the qualified small
 4 business are sold before the end of the three-year period;
- 5 (c) The qualified small business is sold or merges with another
 6 business before the end of the three-year period;
- 7 (d) The qualified small business's common stock begins trading on a
 8 public exchange before the end of the three-year period; or
- 9 (e) In the case of an individual qualified investor, such investor
 10 becomes deceased before the end of the three-year period.

11 (7) The director shall notify the Tax Commissioner that tax credit
 12 certificates have been issued, including the amount of tax credits and
 13 all other pertinent tax information.

14 Sec. 2. Section 77-6307, Revised Statutes Cumulative Supplement,
 15 2014, is amended to read:

16 ~~77-6307 (1) Each Beginning July 1, 2012, each~~ qualified small
 17 business, qualified investor, and qualified fund shall submit an annual
 18 report to the director by July 1 of each year ~~identifying the amount of~~
 19 ~~money that has been invested by or in it in the previous calendar year~~
 20 ~~under the Angel Investment Tax Credit Act.~~

21 ~~(2)~~ The report shall certify that the business, investor, ~~or~~ ~~and~~ fund
 22 satisfies the requirements of the Angel Investment Tax Credit Act and
 23 shall include all information which will enable the Department of
 24 Economic Development to fulfill its reporting requirements under section
 25 77-6309 ~~act.~~

26 ~~(2)~~ ~~(3)~~ A qualified small business that ceases all operations and
 27 becomes insolvent shall file a final report with the director in the form
 28 required by the director documenting its insolvency.

29 ~~(3)~~ ~~(4)~~ To maintain the confidentiality of the qualified investor and
 30 qualified small business, the Department of Economic Development shall
 31 use a designated number to identify such persons or businesses.

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

5 Sec. 3. Section 77-6309, Revised Statutes Cumulative Supplement,
 6 2014, is amended to read:

7 77-6309 (1) By November 15 of each odd-numbered year, the Department
 8 of Economic Development shall submit a report to the Legislature and the
 9 Governor that includes:

- 10 (a) The number and geographic location of qualified investors;
- 11 (b) The number, geographic location, and amount of qualified
 12 investment made into each qualified small business;

13 (c) The total amount of all grants, loans, incentives, and
 14 investments that are not qualified investments received by each qualified
 15 small business since receiving the initial qualified investment;
 16 (d e) A breakdown of the industry sectors in which qualified small
 17 businesses are involved;
 18 (e d) The number of actual tax credits issued by project under the
 19 Angel Investment Tax Credit Act on an annual basis; and
 20 (f e) The number and annual salary or wage of jobs created at each
 21 qualified small business since receiving the initial qualified
 22 investment.
 23 The report submitted to the Legislature shall be submitted
 24 electronically.
 25 (2) Information received, developed, created, or otherwise
 26 maintained by the Department of Economic Development and the Department
 27 of Revenue in administering and enforcing the Angel Investment Tax Credit
 28 Act, other than information required to be included in the report to be
 29 submitted by the Department of Economic Development pursuant to this
 30 section, may be deemed confidential by the respective departments and not
 31 subject to public disclosure.
 1 Sec. 4. Original sections 77-6306, 77-6307, and 77-6309, Revised
 2 Statutes Cumulative Supplement, 2014, are repealed.
 3 Sec. 5. Since an emergency exists, this act takes effect when passed
 4 and approved according to law.
 5 2. On page 1, strike beginning with "section" in line 1 through line
 6 4 and insert "sections 77-6306, 77-6307, and 77-6309, Revised Statutes
 7 Cumulative Supplement, 2014; to change the amount of tax credits allowed
 8 and reporting requirements under the Angel Investment Tax Credit Act; to
 9 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 106A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 174. Introduced by Crawford, 45;
 Cook, 13; Haar, K., 21; Mello, 5.

PURPOSE: The purpose of this resolution is to examine issues surrounding the Nebraska Energy Code. The issues addressed by this study shall include but not be limited to:

- (1) A review of the current Nebraska Energy Code that is adopted by reference, the 2009 International Energy Conservation Code (IECC);
- (2) A review of the 2012 and 2015 editions of the IECC and whether either edition should be adopted as the Nebraska Energy Code;
- (3) An examination of the interaction between the Nebraska Energy Code and the state building code;
- (4) An examination of the role of political subdivisions and the Nebraska Energy Office in ensuring compliance with the Nebraska Energy Code; and

(5) An examination of the potential role that updating the Nebraska Energy Code could play in helping Nebraska find a more cost-effective way to meet future federal regulations adopted by the United States Environmental Protection Agency under section 111(d) of the federal Clean Air Act.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 377. Placed on General File with amendment. AM1149 is available in the Bill Room.

(Signed) Jerry Johnson, Chairperson

VISITORS

Visitors to the Chamber 63 fourth-grade students, teachers, and sponsors from Papillion La Vista; 51 fourth-grade students, teachers, and sponsor from Sandoz Elementary, Lexington; Julie and Angela Wenzl from Tecumseh; and FFA Ag Issues Academy students from across the state.

ADJOURNMENT

At 4:54 p.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Thursday, April 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature