

SIXTY-FOURTH DAY - APRIL 15, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 15, 2015

PRAYER

The prayer was offered by Senator Johnson.

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 B. Harr and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 173. Title read. Considered.

Committee AM472, found on page 571, was offered.

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

Senator Seiler requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 31:

Baker	Davis	Hughes	Morfeld	Stinner
Bloomfield	Ebke	Johnson	Nordquist	Sullivan
Campbell	Gloor	Kolowski	Pansing Brooks	Williams
Chambers	Haar, K.	Kolterman	Scheer	
Coash	Hadley	Krist	Schumacher	
Cook	Hansen	Kuehn	Seiler	
Crawford	Howard	McCollister	Smith	

Voting in the negative, 11:

Brasch	Kintner	McCoy	Schnoor
Craighead	Larson	Murante	Watermeier
Groene	Lindstrom	Riepe	

Present and not voting, 5:

Bolz	Friesen	Garrett	Hilkemann	Schilz
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Excused and not voting, 2:

Harr, B.	Mello
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The committee amendment was adopted with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 185. Introduced by Crawford, 45; Campbell, 25.

PURPOSE: The purpose of this resolution is to examine issues faced by Nebraska's behavioral health workforce, particularly licensed mental health practitioners, doctoral-level graduate students, nurses, and psychiatrists. The study shall include, but not be limited to, an examination of the following:

- (1) What changes, if any, are needed to increase the number of licensed behavioral health providers in Nebraska;
- (2) Ways to assist provisionally licensed behavioral health providers in obtaining their credentials;
- (3) The barriers, if any, for obtaining approval from medicaid and Magellan Health Services for the billing for behavioral health services; and
- (4) A review of policies in other states.

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

1. That the Health and Human Services 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.

LEGISLATIVE RESOLUTION 186. Introduced by Morfeld, 46; Coash, 27; Ebke, 32; Krist, 10; Pansing Brooks, 28; Scheer, 19; Seiler, 33; Williams, 36.

PURPOSE: The purpose of this resolution is to study state services available to victims of human trafficking in Nebraska and shall include a comprehensive list of state services currently available for victims of human trafficking and a list of recommended state services that are currently unavailable to these victims.

The study shall consider best practices in other states and include recommendations of national experts, victim advocates, law enforcement, medical professionals, legal parties, the courts, and treatment providers to create a comprehensive approach to serving these victims.

The study shall also assess Nebraska's implementation of the federal Preventing Sex Trafficking and Strengthening Families Act relating to identifying and protecting at-risk children and youth, investigating collaborative and multidisciplinary models for identifying and protecting victims, and expanding and leveraging existing services for victims of domestic violence and other similar populations.

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

1. That the Judiciary 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.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB591:
AM1168

(Amendments to Standing Committee amendments, AM627)

- 1 1. Strike original sections 2, 6, 7, and 9 and insert the following
- 2 new sections:
- 3 Sec. 2. (1) For purposes of administering accounts established to
- 4 encourage and assist individuals and families in saving private funds for
- 5 the purpose of supporting individuals with disabilities, the State
- 6 Treasurer shall either establish the achieving a better life experience
- 7 program as provided in sections 3 to 9 of this act or contract with
- 8 another state with a qualified program. The State Treasurer may enter
- 9 into a contract with any contracting state to allow any resident of the
- 10 contracting state to participate in the program established by the State
- 11 Treasurer. Money from the Treasury Management Cash Fund may be
- 12 appropriated for a program pursuant to section 7 of this act and to

13 contract with another state with a qualified program under this section.
14 (2) Under a qualified program, one or more persons may make
15 contributions to an account to meet the qualified disability expenses of
16 the designated beneficiary of the account.
17 (3) If the State Treasurer establishes the program as authorized in
18 this section, sections 3 to 9 of this act apply.
19 Sec. 6. The State Treasurer and any designated administrator shall
20 provide investment options for the investment of amounts contributed to
21 an account, except that the state investment officer shall have fiduciary
22 responsibility to make all decisions regarding the investment of the
23 money in the expense fund and program fund created in section 7 of this
24 act and any money credited to the Treasury Management Cash Fund for
25 administrative expenses of the program, including the selection of all
26 investment options and the approval of all fees and other costs charged
1 to trust assets except costs for administration, operation, and
2 maintenance of the trust as appropriated by the Legislature, pursuant to
3 the directions, guidelines, and policies established by the Nebraska
4 Investment Council. The State Treasurer shall not adopt and promulgate
5 rules and regulations that in any way interfere with the fiduciary
6 responsibility of the state investment officer to make all decisions
7 regarding the investment of money in the expense fund and program fund or
8 money of the program credited to the Treasury Management Cash Fund. The
9 Nebraska Investment Council may adopt and promulgate rules and
10 regulations to provide for the prudent investment of the assets of the
11 program. The council or its designee also has the authority to select and
12 enter into agreements with individuals and entities to provide investment
13 advice and management of the assets held by the program, establish
14 investment guidelines, objectives, and performance standards with respect
15 to the assets held by the program, and approve any fees, commissions, and
16 expenses, which directly or indirectly affect the return on assets.
17 Sec. 7. (1) Funds contributed to the program shall be held in trust
18 by the State Treasurer. The State Treasurer shall credit money received
19 by the program into three funds: The ABLE Program Fund, the ABLE Expense
20 Fund, and the Treasury Management Cash Fund. The State Treasurer shall
21 credit money received into the appropriate fund. The State Treasurer and
22 Accounting Administrator of the Department of Administrative Services
23 shall determine the state fund types necessary to comply with section
24 529A and state policy. The money in the funds shall be invested by the
25 state investment officer pursuant to policies established by the Nebraska
26 Investment Council. The program fund, the expense fund, and the Treasury
27 Management Cash Fund shall be separately administered.
28 (2) The ABLE Program Fund is created. All money paid by participants
29 in connection with accounts and all investment income earned on such
30 money shall be deposited as received into separate accounts within the
31 program fund. Contributions to the program may only be made in the form
1 of cash. All funds generated in connection with accounts shall be
2 deposited into the appropriate accounts within the program fund. A
3 beneficiary shall not provide investment direction regarding
4 contributions or earnings held by the program. Money accrued by

5 designated beneficiaries in the program fund may be used for qualified
6 disability expenses. Any money in the program fund available for
7 investment shall be invested by the state investment officer pursuant to
8 the Nebraska Capital Expansion Act and the Nebraska State Funds
9 Investment Act.

10 (3) The ABLE Expense Fund is created. The expense fund shall be used
11 to pay costs associated with the program and shall be funded with fees
12 assessed to the program fund. The State Treasurer shall transfer from the
13 expense fund to the State Investment Officer's Cash Fund an amount equal
14 to the pro rata share of the budget appropriated to the Nebraska
15 Investment Council as permitted in section 72-1249.02, to cover
16 reasonable expenses incurred for investment management of the program.
17 Annually and prior to such transfer to the State Investment Officer's
18 Cash Fund, the State Treasurer shall report to the budget division of the
19 Department of Administrative Services and to the Legislative Fiscal
20 Analyst the amounts transferred during the previous fiscal year. The
21 report submitted to the Legislative Fiscal Analyst shall be submitted
22 electronically. Any money in the expense fund available for investment
23 shall be invested by the state investment officer pursuant to the
24 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
25 Act.

26 (4) The costs of establishing, administering, operating, and
27 maintaining the program shall be paid from the Treasury Management Cash
28 Fund and, to the extent permitted by section 529A, from money transferred
29 from the expense fund to the Treasury Management Cash Fund, in an amount
30 authorized by an appropriation from the Legislature. The Treasury
31 Management Cash Fund shall not be credited with any money from the
1 program other than money transferred from the expense fund in an amount
2 authorized by an appropriation by the Legislature or any interest income
3 earned on the money from the program held in the Treasury Management Cash
4 Fund.

5 (5) The assets of the program, including the program fund and
6 excluding the expense fund and the Treasury Management Cash Fund, shall
7 at all times be preserved, invested, and expended solely and only for the
8 purposes of the program and shall be held in trust for the designated
9 beneficiaries. No property rights in the program shall exist in favor of
10 the state. Such assets of the program shall not be transferred or used by
11 the state for any purposes other than the purposes of the program.
12 Sec. 9. The State Treasurer may adopt and promulgate rules and
13 regulations, enter into contracts and agreements, charge fees and
14 expenses to the funds held under the program or to persons establishing
15 or owning accounts, make reports, retain designated administrators,
16 employees, experts, and consultants, and do all other things necessary or
17 convenient to implement sections 1 to 9 of this act.

18 Sec. 13. Section 84-618, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 84-618 (1) The Treasury Management Cash Fund is created. A pro rata
21 share of the budget appropriated for the treasury management functions of
22 the State Treasurer and for the administration of the achieving a better

23 life experience program as provided in sections 1 to 9 of this act shall
 24 be charged to the income of each fund held in invested cash, and such
 25 charges shall be transferred to the Treasury Management Cash Fund. The
 26 allocation of charges may be made by any method determined to be
 27 reasonably related to actual costs incurred by the State Treasurer in
 28 carrying out the treasury management functions under section 84-602 and
 29 in carrying out the achieving a better life experience program as
 30 provided in sections 1 to 9 of this act. Approval of the agencies,
 31 boards, and commissions administering these funds shall not be required.
 1 (2) It is the intent of this section to have funds held in invested
 2 cash be charged a pro rata share of ~~such expenses the treasury management~~
 3 ~~expense~~ when this is not prohibited by statute or the Constitution of
 4 Nebraska.
 5 (3) The Treasury Management Cash Fund shall be used for the treasury
 6 management functions of the State Treasurer and for the administration of
 7 the achieving a better life experience program as provided in sections 1
 8 to 9 of this act. To the extent permitted by section 529A as defined in
 9 section 1 of this act, the fund may receive gifts for administration,
 10 operation, and maintenance of a program established under sections 3 to 9
 11 of this act.
 12 (4) Transfers may be made from the Treasury Management Cash Fund to
 13 the General Fund at the direction of the Legislature. Any money in the
 14 Treasury Management Cash Fund available for investment shall be invested
 15 by the state investment officer pursuant to the Nebraska Capital
 16 Expansion Act and the Nebraska State Funds Investment Act.
 17 2. On page 16, line 2, strike "section 72-1239.01" and insert
 18 "sections 72-1239.01 and 84-618".
 19 3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Anselmo, Matthew - Nebraska Commission on Problem Gambling - General
 Affairs
 Beveridge, Janelle - State Racing Commission - General Affairs
 Blake, William G. - Commission of Industrial Relations - Business and
 Labor
 Leckband, Paul - Nebraska Commission on Problem Gambling - General
 Affairs
 Scoville, Terry L. - Nebraska Commission on Problem Gambling - General
 Affairs

(Signed) Bob Krist, Chairperson
 Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 72A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 72, One Hundred Fourth Legislature, First Session, 2015.

GENERAL FILE

LEGISLATIVE BILL 264. Title read. Considered.

Committee AM798, found on page 920, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 599. Title read. Considered.

Committee AM526, found on page 677, was offered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 187. Introduced by Hilkemann, 4; Craighead, 6.

WHEREAS, Anne Ryschon, a junior at Omaha Burke High School, won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, Anne received the award for her extraordinary talent in music; 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 Anne Ryschon on winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Anne Ryschon.

Laid over.

LEGISLATIVE RESOLUTION 188. Introduced by Hilkemann, 4; McCoy, 39.

WHEREAS, Daelyn Chochon, a junior at Elkhorn South High School, won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, Daelyn received the award for her extraordinary talent in the visual arts; 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 Daelyn Chochon on winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Daelyn Chochon.

Laid over.

LEGISLATIVE RESOLUTION 189. Introduced by Hilkemann, 4.

WHEREAS, Claudia Holm, a junior at Millard North High School, won a Nebraska Young Artist Award presented by the University of Nebraska-Lincoln Hixson-Lied College of Fine and Performing Arts; and

WHEREAS, the Nebraska Young Artists Awards are awarded annually to recognize 11th grade students from Nebraska who are gifted and talented in the areas of visual art, dance, music, theater, and film and new media; and

WHEREAS, Claudia received the award for her extraordinary talent in music; 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 Claudia Holm on winning a Nebraska Young Artist Award.
2. That a copy of this resolution be sent to Claudia Holm.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kolterman - LB623

VISITORS

Visitors to the Chamber were 50 fourth-grade students and teachers from St. Gerald School, Ralston; 5 students and supervisor of Norfolk Youth Leadership Council from Madison County high schools; Senator Bloomfield's wife, Dee, daughter and granddaughter, Beth and Kiersten Brader; 38 fourth-grade students and teachers from Pine Creek School, Bennington; and Senator Hilkemann's wife, Julie, and Jodeen Bradfield and Roxie Frazier from Omaha.

RECESS

At 11:55 a.m., on a motion by Senator Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

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

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 56. Placed on Final Reading.

LEGISLATIVE BILL 81. Placed on Final Reading.

ST25

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

1. On page 1, line 1; and page 3, line 22, "81-3133, Reissue Revised Statutes of Nebraska, and section" has been inserted after "section".
2. On page 1, line 3, "to require reporting regarding transitional child care assistance programs;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.
3. On page 3, line 23, "is" has been struck and "are" inserted.

LEGISLATIVE BILL 81A. Placed on Final Reading.

LEGISLATIVE BILL 106. Placed on Final Reading.

LEGISLATIVE BILL 106A. Placed on Final Reading.

LEGISLATIVE BILL 152. Placed on Final Reading.

LEGISLATIVE BILL 183. Placed on Final Reading.

LEGISLATIVE BILL 199. Placed on Final Reading.

LEGISLATIVE BILL 199A. Placed on Final Reading.

LEGISLATIVE BILL 265A. Placed on Final Reading.

LEGISLATIVE BILL 415. Placed on Final Reading.
LEGISLATIVE BILL 500A. Placed on Final Reading.
LEGISLATIVE BILL 610. Placed on Final Reading.
LEGISLATIVE BILL 610A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 80. Placed on Select File.

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 599. Committee AM526, found on page 677 and considered in this day's Journal, was renewed.

SENATOR WATERMEIER PRESIDING

Senator Ebke moved the previous question. The question is, "Shall the debate now close?" The motion failed with 20 ayes, 3 nays, and 26 not voting.

SPEAKER HADLEY PRESIDING

The committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Ebke moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Ebke requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 32:

Bloomfield	Friesen	Kintner	Murante	Stinner
Bolz	Garrett	Kolterman	Riepe	Sullivan
Brasch	Gloor	Krist	Scheer	Watermeier
Coash	Hadley	Kuehn	Schilz	Williams
Craighead	Hilkemann	Larson	Schnoor	
Davis	Hughes	Lindstrom	Seiler	
Ebke	Johnson	McCollister	Smith	

Voting in the negative, 11:

Campbell	Crawford	Harr, B.	Morfeld
Chambers	Haar, K.	Kolowski	Nordquist
Cook	Hansen	Mello	

Present and not voting, 3:

Baker	Groene	Schumacher
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Excused and not voting, 3:

Howard	McCoy	Pansing Brooks
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Advanced to Enrollment and Review Initial with 32 ayes, 11 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 72. Title read. Considered.

Committee AM604, found on page 1000, lost with 1 aye, 30 nays, 14 present and not voting, and 4 excused and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 190. Introduced by Davis, 43.

WHEREAS, Stapleton Public Schools ranked 2nd out of 249 school districts in math according to the Nebraska Performance Accountability System; and

WHEREAS, Stapleton Public Schools also ranked 27th in reading and 14th in science; 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 Stapleton Public Schools for its excellent rankings in the Nebraska Performance Accountability System.
2. That a copy of this resolution be sent to Stapleton Public Schools.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB67:

AM1253

1 1. On page 3, line 11, after "city" insert ", except a city of the

2 primary class".

Senator Schilz filed the following amendment to LB176:

AM1263

(Amendments to Standing Committee amendments, AM495)

- 1 1. On page 1, lines 8, 9, 13, and 20, after "ownership," insert
- 2 "care,"; and in line 14 after "own," insert "care for,".

Senator Schilz filed the following amendment to LB329:

AM1264

(Amendments to Standing Committee amendments, AM1042)

- 1 1. On page 1, lines 6 and 10, strike "damage" and insert "damages".

Senator Kintner filed the following amendment to LB268:

AM990

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 6.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Kintner filed the following amendment to LB268:

AM991

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 23.
- 2 2. Renumber the remaining sections accordingly.

Senator Kintner filed the following amendment to LB268:

AM992

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike section 35.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

VISITORS

Visitors to the Chamber were 21 fourth-grade students, teacher, and sponsors from Humphrey; 40 fourth-grade students and teachers from Arlington; and 200 social work students and faculty from Chadron State College, Creighton University, The Grace Abbott School of Social Work at UNO, Nebraska Wesleyan University of Lincoln and Omaha, Union College, and the University of Nebraska at Kearney.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 4:14 p.m., on a motion by Senator Mello, the Legislature adjourned until 9:00 a.m., Thursday, April 16, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

