

SIXTY-EIGHTH DAY - APRIL 22, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 22, 2015

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Bolz, Davis, Garrett, Hilkemann, Krist, Morfeld, Murante, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 202. Introduced by Scheer, 19.

WHEREAS, Alcohol Awareness Month, sponsored by the National Council on Alcoholism and Drug Dependence, has been celebrated in April since 1987; and

WHEREAS, nationally, 1 in 13 women report that they drink alcohol while they are pregnant; and

WHEREAS, in Nebraska, 23.8% of women between the ages of 18 and 44 report that they engage in binge drinking; and

WHEREAS, Fetal Alcohol Spectrum Disorders (FASD) describes a spectrum of significant physical, mental, behavioral, and learning effects that can occur in individuals whose mothers consume alcohol during pregnancy; and

WHEREAS, FASD is a lifelong disability that is completely preventable; and

WHEREAS, the first step in preventing FASD is making sure that potential parents are aware of the dangers of alcohol consumption during pregnancy; and

WHEREAS, Project CHOICES, funded by the United States Centers for Disease Control and Prevention, found that women who receive both information and motivational intervention are at least twice as likely to have a reduced risk of an alcohol exposed pregnancy.

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

1. That the Legislature designates April 2015 as Alcohol Awareness Month in Nebraska.

2. That the Legislature encourages individuals, organizations, and communities to engage in discussions and activities that raise awareness about alcoholism, particularly the dangers of FASD and consuming alcohol during pregnancy.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 187, 188, 189, and 190 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 187, 188, 189, and 190.

GENERAL FILE

LEGISLATIVE BILL 469A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 519A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 423. Senator Schumacher renewed his amendment, FA48, found on page 1231, to the committee amendment.

SPEAKER HADLEY PRESIDING

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator Schumacher moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Schumacher requested a roll call vote on the amendment.

Voting in the affirmative, 13:

Bloomfield	Ebke	Groene	McCollister	Watermeier
Brasch	Friesen	Hughes	Schnoor	
Craighead	Garrett	Lindstrom	Schumacher	

Voting in the negative, 25:

Baker	Crawford	Hansen	Krist	Scheer
Bolz	Davis	Harr, B.	Mello	Seiler
Campbell	Gloor	Hilkemann	Morfeld	Stinner
Chambers	Haar, K.	Howard	Nordquist	Sullivan
Cook	Hadley	Johnson	Pansing Brooks	Williams

Present and not voting, 6:

Kolterman	Murante	Schilz
McCoy	Riepe	Smith

Excused and not voting, 5:

Coash	Kintner	Kolowski	Kuehn	Larson
-------	---------	----------	-------	--------

The Schumacher amendment lost with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator McCollister offered the following amendment to the committee amendment:

AM1328

(Amendments to Standing Committee amendments, AM1103)

1 1. On page 14, after line 28 insert the following new subsections:

2 "(14) The Department of Revenue shall provide an annual report to

3 the Legislature beginning on July 1, 2017, and each July 1 thereafter.

4 The report shall include (a) the number of facilities receiving credits

5 under this section, (b) the amount of credits earned, (c) the amount of

6 credits claimed, and (d) the amount of credits outstanding.

7 (15) This section terminates on December 31, 2021, unless extended

8 by the Legislature.".

The McCollister amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SENATOR SULLIVAN PRESIDING

Committee AM1103, found on page 1049 and considered on page 1231, as

amended, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 2 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR201	Executive Board

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 203. Introduced by Mello, 5; Gloor, 35; Johnson, 23; Nordquist, 7; Schumacher, 22; Stinner, 48; Williams, 36.

WHEREAS, Hispanic Heritage Month was started in 1988 by President Ronald Reagan after he expanded National Hispanic Heritage Week, first signed into law by President Lyndon Johnson in 1968, into a full 30 days; and

WHEREAS, Hispanic Heritage Month is observed from September 15 through October 15 and covers the independence days of Costa Rica, Nicaragua, Chile, Mexico, Honduras, and El Salvador, and includes Columbus Day which is known as Dia de la Raza (Day of the Race) or Dia de Las Americas (Day of the Americas) in Latin-American countries; and

WHEREAS, Hispanic Heritage Month is a celebration and commemoration of Latin-American history and culture honoring how Hispanic culture has dramatically impacted American society; and

WHEREAS, the Hispanic population has not historically been a large segment of the American population, but has grown over the past two decades along with Hispanic contributions to American culture; and

WHEREAS, the Hispanic community in Nebraska has made tremendously positive impacts in business, education, and civic engagement; and

WHEREAS, Hispanic men and women play an integral role in American society, and it is vitally important that we honor and celebrate their contributions to our culture and to the State of Nebraska.

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

1. That the Legislature designates September 15 through October 15, 2015, as Hispanic Heritage Month in the State of Nebraska.

2. That during that time, Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the Hispanic men and women of

Nebraska, past and present, who have worked tirelessly to overcome obstacles of language, culture, and tradition to positively impact American society and become an integral part of our local communities.

3. That Nebraskans are also encouraged to study Hispanic culture and history, recognize Hispanic contributions in their communities, and strive for appreciation and equality year-round in order to celebrate our past and brighten our future in the State of Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were Senator Sullivan's brother-in-law, David Sullivan, from San Diego, CA; 42 fourth-grade students and teachers from Louisville; 10 FCCLA high school students and sponsor from Ord; 8 eleventh- and twelfth-grade students and teachers from District 47 schools; 5 eleventh- and twelfth-grade students and teacher from District 40 schools; and 19 fourth-grade students and teacher from St. Patrick's School, Lincoln.

RECESS

At 12:00 p.m., on a motion by Senator Bolz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Ebke and Kolowski who were excused; and Senators Coash, Garrett, Kuehn, Lindstrom, Mello, Smith, and Sullivan who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 629. Placed on Select File with amendment.

ER91

- 1 1. On page 1, line 5, after "to" insert "provide and"; in line 6
- 2 after the last semicolon insert "to provide requirements for insurance
- 3 coverage; to require an annual report to the Legislature;" in line 7
- 4 strike "and" and insert "to provide a duty for the Revisor of Statutes";
- 5 and in line 8 after "sections" insert "; and to declare an emergency".
- 6 2. In the Standing Committee amendments, AM1075:
- 7 a. On page 5, line 6, strike the first "subdivision" and insert
- 8 "subdivisions"; and
- 9 b. On page 21, line 6, strike "3" and insert "2".

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

April 22, 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 being reappointed to the Nebraska Liquor Control Commission:

Janice Wiebusch, 2712 Central Avenue, Kearney, NE 68847

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

Enclosures

April 15, 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 individuals are being reappointed to the Public Employees Retirement Board:

Dennis W. Leonard, 3828 Rochdale Circle, Grand Island, NE 68803
Denis Blank, 2451 Winchester South, Lincoln, NE 68512

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Kelli Ackerman, 1115 Brown Street, Holdrege, NE 68949

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are

included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 22, 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 individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Stacie L. Ray, Au.D., CCC-A, 7325 Englewood Drive, Lincoln, NE 68510
Norman B. Weverka, 2422 31 Road, Brainard, NE 68626
Jeremy Fitzpatrick, 3605 S. 95 Street, Omaha, NE 68124

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 22, 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 individuals are being reappointed to the Foster Care Advisory Committee:

Sheree L. Keely, 5111 Dodge Street, Omaha, NE 68132
Craig A. Timm, 15753 Hartman Avenue, Omaha, NE 68116
Michelle Marie Hynes, 1900 Willow, P.O. Box 733, Dakota City, NE 68731

The aforementioned appointees are respectfully submitted for your

consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

April 22, 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 being appointed to the State Emergency Response Commission:

Richard Grauerholz, 508 N. 17 Street, Ashland, NE 68003

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

GENERAL FILE

LEGISLATIVE BILL 423. Considered.

Senator Nordquist requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Baker	Craighead	Hadley	McCoy	Schilz
Bolz	Crawford	Hansen	Morfeld	Seiler
Brasch	Davis	Hilkemann	Nordquist	Stinner
Campbell	Gloor	Howard	Pansing Brooks	Watermeier
Cook	Haar, K.	Krist	Scheer	Williams

Voting in the negative, 3:

McCollister Schnoor Schumacher

Present and not voting, 12:

Bloomfield	Groene	Johnson	Larson
Chambers	Harr, B.	Kintner	Murante
Friesen	Hughes	Kolterman	Riepe

Excused and not voting, 9:

Coash	Garrett	Kuehn	Mello	Sullivan
Ebke	Kolowski	Lindstrom	Smith	

Advanced to Enrollment and Review Initial with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 294. Title read. Considered.

Committee AM1104, found on page 1125, was offered.

Senator Morfeld withdrew his amendment, AM1305, found on page 1234.

Senator Morfeld offered the following amendment to the committee amendment:

AM1323

(Amendments to Standing Committee amendments, AM1104)

- 1 1. On page 6, lines 17 and 18, reinstate the stricken matter.
- 2 2. On page 25, strike beginning with "State" in line 12 through
- 3 "Fund" in line 13 and insert "county treasurer of the county in which the
- 4 seizure was made. The county treasurer shall remit all such proceeds from
- 5 property forfeited pursuant to this section to the State Treasurer for
- 6 distribution in accordance with Article VII, section 5, of the
- 7 Constitution of Nebraska".
- 8 3. On page 26, strike beginning with "the" in line 2 through "and"
- 9 in line 3.

The Morfeld amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 371. Placed on General File with amendment.

AM1268

- 1 1. On page 2, line 4, strike "co-chairperson" and insert
 2 "chairperson"; and in line 7 strike "who" through "council".
 3 2. On page 3, line 1, after "following" insert "ex-officio"; in
 4 line 6 strike "(13)" and insert "(12)"; and in line 9 after the period
 5 insert "Members of the council shall elect a member of the council to
 6 serve as the co-chairperson of the council each year.".
 7 3. On page 4, strike beginning with the comma in line 6 through
 8 "Education" in line 7.
 9 4. On page 6, line 11, after "committees" insert "which utilize the
 10 expertise of individuals and organizations the committee believes can
 11 provide relevant information"; and in line 13 after the period insert "At
 12 a minimum, the council shall establish committees to study: College and
 13 career readiness; postsecondary education affordability and access; and
 14 business and education innovation. Such committees may utilize the
 15 expertise of individuals and organizations the committee believes can
 16 provide relevant information.".

(Signed) Kate Sullivan, Chairperson

AMENDMENT(S) - Print in JournalSenator Nordquist filed the following amendment to LB599:

AM1319

(Amendments to E and R amendments, ER84)

- 1 1. On page 2, line 4, strike "attends" and insert "does not attend".

Senator Nordquist filed the following amendment to LB599:

AM1318

(Amendments to E and R amendments, ER84)

- 1 1. On page 1, line 12, after "2016" insert ", through December 31,
 2 2016. Beginning January 1, 2017, and each January 1 thereafter, the
 3 minimum wage required under this subsection shall be adjusted by the
 4 percentage change in the Consumer Price Index for All Urban Consumers
 5 published by the United States Department of Labor, Bureau of Labor
 6 Statistics, for the twelve-month period preceding the adjustment date, as
 7 determined by the Commissioner of Labor"; and in line 27 after "hour"
 8 insert "through December 31, 2016. Beginning January 1, 2017, and each
 9 January 1 thereafter, the minimum wage rate required under this
 10 subsection shall be adjusted by the percentage change in the Consumer
 11 Price Index for All Urban Consumers published by the United States
 12 Department of Labor, Bureau of Labor Statistics, for the twelve-month
 13 period preceding the adjustment date, as determined by the Commissioner
 14 of Labor".

GENERAL FILE

LEGISLATIVE BILL 67. Title read. Considered.

Senator Nordquist offered his amendment, AM1080, found on page 1129.

SENATOR GLOOR PRESIDING

Senator Nordquist asked unanimous consent to withdraw his amendment, AM1080, found on page 1129, and replace it with his substitute amendment, FA50. No objections. So ordered.

FA50

Page 2, line 12 before the period insert: "except security interests in any retirement accounts, pension funds and any other vested post-employment benefit whether said benefit is then payable or payable in the future contingent upon a future qualifying event."

Pending.

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB317:
AM1287

(Amendments to Standing Committee amendments, AM483)

- 1 1. Strike section 3.
- 2 2. On page 1, line 1, strike "sections" and insert "section"; and in
- 3 line 2 strike "2015" and insert "2018".

Senator B. Harr filed the following amendment to LB605:
AM1330

(Amendments to E and R amendments, ER81)

- 1 1. Strike sections 6 and 61 and insert the following new sections:
- 2 Sec. 6. Section 28-105, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 28-105 (1) For purposes of the Nebraska Criminal Code and any
- 5 statute passed by the Legislature after the date of passage of the code,
- 6 felonies are divided into ~~ten~~ nine classes which are distinguished from
- 7 one another by the following penalties which are authorized upon
- 8 conviction:
- 9 Class I felony Death
- 10 Class IA felony Life imprisonment
- 11 Class IB felony Maximum — life imprisonment and ninety days post-
- 12 release supervision for each year of imprisonment
- 13 Minimum — twenty years imprisonment
- 14 Class IC felony Maximum — fifty years imprisonment and ninety days
- 15 post-release supervision for each year of
- 16 imprisonment
- 17 Mandatory minimum — five years imprisonment
- 18 Class ID felony Maximum — fifty years imprisonment and ninety days

- 19 post-release supervision for each year of
 20 imprisonment
 21 Mandatory minimum — three years imprisonment
 22 Class II felony Maximum — fifty years imprisonment and ninety days
 23 post-release supervision for each year of
 24 imprisonment
 25 Minimum — one year imprisonment
 1 Class IIA felony Maximum — twenty years imprisonment and ninety days
 2 post-release supervision for each year of
 3 imprisonment
 4 Minimum — none
 5 Class III felony Maximum — four years imprisonment and two years
 6 post-release supervision or
 7 twenty-five thousand dollars fine, or both
 8 Minimum — none for imprisonment and nine months
 9 post-release supervision if imprisonment is imposed
 10 Class IIIA felony Maximum — three years imprisonment
 11 and eighteen months post-release supervision or
 12 ten thousand dollars fine, or both
 13 Minimum — none for imprisonment and nine months
 14 post-release supervision if imprisonment is imposed
 15 Class IV felony Maximum — two years imprisonment and twelve
 16 months post-release supervision or
 17 ten thousand dollars fine, or both
 18 Minimum — none for imprisonment and nine months
 19 post-release supervision if imprisonment is imposed
 20 Class IIII felony Maximum — twenty years imprisonment, or
 21 twenty-five thousand dollars fine, or both
 22 Minimum — one year imprisonment
 23 Class IIIA felony Maximum — five years imprisonment, or
 24 ten thousand dollars fine, or both
 25 Minimum — none
 26 Class IVI felony Maximum — five years imprisonment, or
 27 ten thousand dollars fine, or both
 28 Minimum — none
 29 (2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and
 1 ~~III felonies and sentences of one year or more for Class IIIA and IV~~
 2 ~~felonies shall be served in institutions under the jurisdiction of the~~
 3 ~~Department of Correctional Services. All sentences of imprisonment~~
 4 ~~Sentences of less than one year shall be served in the county jail except~~
 5 ~~as provided in this subsection. If the department certifies that it has~~
 6 ~~programs and facilities available for persons sentenced to terms of less~~
 7 ~~than one year, the court may order that any sentence of six months or~~
 8 ~~more be served in any institution under the jurisdiction of the~~
 9 ~~department. Any such certification shall be given by the department to~~
 10 ~~the State Court Administrator, who shall forward copies thereof to each~~
 11 ~~judge having jurisdiction to sentence in felony cases.~~
 12 (3) Nothing in this section shall limit the authority granted in
 13 sections 29-2221 and 29-2222 to increase sentences for habitual

14 criminals.

15 (4) A person convicted of a felony for which a mandatory minimum
16 sentence is prescribed shall not be eligible for probation.

17 (5) All sentences of post-release supervision shall be served under
18 the jurisdiction of the Office of Probation Administration, shall be
19 subject to conditions imposed pursuant to section 29-2262 and subject to
20 sanctions authorized pursuant to section 29-2266, and may be concurrent
21 with or consecutive to parole supervision.

22 Sec. 61. Section 29-2204, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 29-2204 (1) Except when a term of life imprisonment is required by
25 law, in imposing an indeterminate sentence upon an offender for a Class
26 IB, IC, ID, II, or IIA felony:

27 (a) The court shall fix the minimum and the maximum terms of the
28 sentence to be served within the limits provided by law. The maximum term
29 shall not be greater than the maximum limit provided by law, and the
30 minimum term shall not be less than the minimum limit provided by law;
31 and :

1 (b) In fixing the minimum term, the minimum term shall not be more
2 than one-third of the maximum term imposed by the court or the length of
3 time between the minimum term and the maximum term shall be at least
4 three years, whichever results in the shorter length of time between the
5 minimum term and the maximum term.

6 (2) When a maximum term of life is imposed by the court for a Class
7 IB felony, the minimum term fixed by the court shall be:

8 (a) Any term of years not less than the minimum limit provided by
9 law; or

10 (b) A term of life imprisonment.

11 (3) When a maximum term of life is imposed by the court for a Class
12 IA felony, the minimum term fixed by the court shall be:

13 (a) A term of life imprisonment; or

14 (b) Any term of years not less than the minimum limit provided by
15 law whenever the defendant was under eighteen years of age at the time he
16 or she committed the crime for which he or she was convicted.

17 (a)(i) Until July 1, 1998, fix the minimum and maximum limits of the
18 sentence to be served within the limits provided by law, except that when
19 a maximum limit of life is imposed by the court for a Class IB felony,
20 the minimum limit may be any term of years not less than the statutory
21 mandatory minimum; and

22 (ii) Beginning July 1, 1998:

23 (A) Fix the minimum and maximum limits of the sentence to be served
24 within the limits provided by law for any class of felony other than a
25 Class IV felony, except that when a maximum limit of life is imposed by
26 the court for a Class IB felony, the minimum limit may be any term of
27 years not less than the statutory mandatory minimum. If the criminal
28 offense is a Class IV felony, the court shall fix the minimum and maximum
29 limits of the sentence, but the minimum limit fixed by the court shall
30 not be less than the minimum provided by law nor more than one-third of
31 the maximum term and the maximum limit shall not be greater than the

1 maximum provided by law; or
2 ~~(B) Impose a definite term of years, in which event the maximum term~~
3 ~~of the sentence shall be the term imposed by the court and the minimum~~
4 ~~term shall be the minimum sentence provided by law;~~
5 ~~(b) Advise the offender on the record the time the offender will~~
6 ~~serve on his or her minimum term before attaining parole eligibility~~
7 ~~assuming that no good time for which the offender will be eligible is~~
8 ~~lost; and~~
9 ~~(c) Advise the offender on the record the time the offender will~~
10 ~~serve on his or her maximum term before attaining mandatory release~~
11 ~~assuming that no good time for which the offender will be eligible is~~
12 ~~lost.~~
13 ~~If any discrepancy exists between the statement of the minimum limit~~
14 ~~of the sentence and the statement of parole eligibility or between the~~
15 ~~statement of the maximum limit of the sentence and the statement of~~
16 ~~mandatory release, the statements of the minimum limit and the maximum~~
17 ~~limit shall control the calculation of the offender's term. If the court~~
18 ~~imposes more than one sentence upon an offender or imposes a sentence~~
19 ~~upon an offender who is at that time serving another sentence, the court~~
20 ~~shall state whether the sentences are to be concurrent or consecutive.~~
21 ~~(4) (2)(a) When the court is of the opinion that imprisonment may be~~
22 ~~appropriate but desires more detailed information as a basis for~~
23 ~~determining the sentence to be imposed than has been provided by the~~
24 ~~presentence report required by section 29-2261, the court may shall~~
25 ~~commit an offender to the Department of Correctional Services for a~~
26 ~~period not exceeding ninety days. During that time, the The department~~
27 ~~shall conduct a complete study of the offender as provided in section 63~~
28 ~~of this act during that time, inquiring into such matters as his or her~~
29 ~~previous delinquency or criminal experience, social background,~~
30 ~~capabilities, and mental, emotional, and physical health and the~~
31 ~~rehabilitative resources or programs which may be available to suit his~~
1 ~~or her needs. By the expiration of the period of commitment or by the~~
2 ~~expiration of such additional time as the court shall grant, not~~
3 ~~exceeding a further period of ninety days, the offender shall be returned~~
4 ~~to the court for sentencing and the court shall be provided with a~~
5 ~~written report of the results of the study, including whatever~~
6 ~~recommendations the department believes will be helpful to a proper~~
7 ~~resolution of the case. After receiving the report and the~~
8 ~~recommendations, the court shall proceed to sentence the offender in~~
9 ~~accordance with subsection (1) of this section. The term of the sentence~~
10 ~~shall run from the date of original commitment under this subsection.~~
11 ~~(b) In order to encourage the use of this procedure in appropriate~~
12 ~~eases, all costs incurred during the period the defendant is held in a~~
13 ~~state institution under this subsection shall be a responsibility of the~~
14 ~~state and the county shall be liable only for the cost of delivering the~~
15 ~~defendant to the institution and the cost of returning him or her to the~~
16 ~~appropriate court for sentencing or such other disposition as the court~~
17 ~~may then deem appropriate.~~
18 ~~(5 3) Except when a term of life is required by law, whenever the~~

19 defendant was under eighteen years of age at the time he or she committed
 20 the crime for which he or she was convicted, the court may, in its
 21 discretion, instead of imposing the penalty provided for the crime, make
 22 such disposition of the defendant as the court deems proper under the
 23 Nebraska Juvenile Code. ~~Until October 1, 2013, prior to making a~~
 24 ~~disposition which commits the juvenile to the Office of Juvenile~~
 25 ~~Services, the court shall order the juvenile to be evaluated by the~~
 26 ~~office if the juvenile has not had an evaluation within the past twelve~~
 27 ~~months.~~
 28 (6)(a) When imposing an indeterminate sentence upon an offender
 29 under this section, the court shall:
 30 (i) Advise the offender on the record the time the offender will
 31 serve on his or her minimum term before attaining parole eligibility
 1 assuming that no good time for which the offender will be eligible is
 2 lost; and
 3 (ii) Advise the offender on the record the time the offender will
 4 serve on his or her maximum term before attaining mandatory release
 5 assuming that no good time for which the offender will be eligible is
 6 lost.
 7 (b) If any discrepancy exists between the statement of the minimum
 8 limit of the sentence and the statement of parole eligibility or between
 9 the statement of the maximum limit of the sentence and the statement of
 10 mandatory release, the statements of the minimum limit and the maximum
 11 limit shall control the calculation of the offender's term.
 12 (c) If the court imposes more than one sentence upon an offender or
 13 imposes a sentence upon an offender who is at that time serving another
 14 sentence, the court shall state whether the sentences are to be
 15 concurrent or consecutive.
 16 2. On page 12, line 13, strike "one hundred dollars fine", show as
 17 stricken, and insert "none".
 18 3. On page 70, after line 14, insert:
 19 "(6) The court shall state whether post-release supervision shall be
 20 concurrent with or consecutive to parole supervision.".

Senator Scheer filed the following amendment to LB294:
 AM1349

1 1. Insert the following new section:
 2 Sec. 25. Since an emergency exists, this act takes effect when
 3 passed and approved according to law.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Ackerman, Kelli - Public Employees Retirement Board - Nebraska
 Retirement Systems
 Blank, Denis - Public Employees Retirement Board - Nebraska Retirement
 Systems

Fitzpatrick, Jeremy - Commission for the Deaf and Hard of Hearing - Health and Human Services
Grauerholz, Richard - State Emergency Response Commission - Government, Military and Veterans Affairs
Hynes, Michelle Marie - Foster Care Advisory Committee - Health and Human Services
Keely, Sheree L. - Foster Care Advisory Committee - Health and Human Services
Leonard, Dennis W. - Public Employees Retirement Board - Nebraska Retirement Systems
Ray, Stacie L. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Timm, Craig A. - Foster Care Advisory Committee - Health and Human Services
Weverka, Norman B. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Wiebusch, Janice - Nebraska Liquor Control Commission - General Affairs

(Signed) Bob Krist, Chairperson
Executive Board

VISITORS

Visitors to the Chamber were 7 second- through seventh-grade students and teacher from Jansen Christian Academy, Jansen; and 24 fourth-grade students and teacher from Bloomfield.

The Doctor of the Day was Dr. Hilary Miller from Spalding.

ADJOURNMENT

At 4:47 p.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Thursday, April 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature