

SEVENTY-FIRST DAY - APRIL 29, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 29, 2015

PRAYER

The prayer was offered by Pastor Earl Fuoss, Lutheran Church - Missouri Synod, Wayne.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Davis, Friesen, K. Haar, B. Harr, Kintner, Kolowski, Larson, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 423A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 566A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

Committee AM78, found on page 507, 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 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 334. Title read. Considered.

Committee AM283, found on page 511, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 257. 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.

LEGISLATIVE BILL 342. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 456. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 464. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 104. Title read. Considered.

Senator McCollister offered his amendment, AM642, found on page 1304.

The McCollister amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Committee AM170, found on page 536, was adopted with 35 ayes, 0 nays,

11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 455. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 123. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 283. Title read. Considered.

Senator Baker offered his amendment, AM631, found on page 754.

The Baker amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 566. Placed on Select File with amendment. ER98 is available in the Bill Room.

LEGISLATIVE BILL 575. Placed on Select File with amendment. ER99

1 1. On page 1, strike lines 2 through 9 and insert "23-148, 23-2,100,
2 32-227, 32-228, 32-330, 32-528, 32-569, 32-612, 32-813, 32-952, 32-1032,
3 32-1037, 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and
4 sections 10-703.01, 32-101, 32-208, 32-304, 32-567, 32-607, 32-615,
5 32-710, 32-941, 32-942, 32-947, 32-953, and 32-1203, Revised Statutes
6 Cumulative Supplement, 2014; to change provisions relating to election

7 expenses, filling vacancies, election commissioners, payment and service
 8 of election workers, implementation of the electronic voter registration
 9 application process, the voter registration register, county
 10 commissioners, candidate filings, deadlines for write-in candidates,
 11 political party conventions, statewide general election ballots, ballots
 12 for early voting, special elections by mail, inspection of election
 13 materials, and the board of state canvassers; to eliminate obsolete
 14 provisions; to harmonize provisions; to provide operative dates; to
 15 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 330A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB629:
 AM1448

(Amendments to Standing Committee amendments, AM1075)

1 1. Strike section 11 and insert the following new section:
 2 Sec. 11. (1) Prior to permitting a person to act as a driver, a
 3 transportation network company shall disclose in writing to each
 4 participating driver:
 5 (a) The insurance coverage, the limits of liability, and any
 6 deductible amounts that the transportation network company maintains
 7 while the driver uses a personal vehicle in connection with a
 8 transportation network company's online-enabled application or platform;
 9 (b) That in most personal automobile insurance policies, the
 10 driver's policy does not provide coverage for damage to the vehicle used
 11 by the driver, uninsured and underinsured motorist coverage, and other
 12 first-party claims from the moment the driver logs on to the
 13 transportation network company's online-enabled application or platform
 14 to the moment the driver logs off the transportation network company's
 15 online-enabled application or platform. The driver should contact his or
 16 her insurer to determine coverage;
 17 (c) That if the driver is planning to use a vehicle that has a lien
 18 against it to provide service in connection with a transportation network
 19 company, the driver of the vehicle must notify the lienholder at least
 20 seven days prior to using the vehicle to provide such service that the
 21 driver intends to use the vehicle to provide service in connection with a
 22 transportation network company by complying with subsection (3) of this
 23 section; and
 24 (d) That the driver is responsible to know the laws, rules, and
 25 regulations that govern the service he or she provides in connection with
 26 a transportation network company.
 1 (2) The transportation network company shall make the disclosure
 2 required by subdivision (1)(c) of this section a distinctive part of the
 3 driver's terms of service and shall require a separate acknowledgment of
 4 this disclosure by each driver by electronic or handwritten signature.

5 (3) The commission shall adopt and promulgate rules and regulations
6 to establish a procedure to confirm that drivers have notified
7 lienholders as required by subdivision (1)(c) of this section. The
8 commission shall keep a record of such confirmation for at least five
9 years and shall make such record available to lienholders.
10 2. On page 22, line 19, strike "twenty" and insert "twenty-five".

GENERAL FILE

LEGISLATIVE BILL 365. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 375. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Committee AM380, found on page 614, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 570. Title read. Considered.

Committee AM398, found on page 623, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 513. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 640. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 291. Title read. Considered.

Committee AM553, found on page 693, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 408. Title read. Considered.

SENATOR COASH PRESIDING

Committee AM586, found on page 716, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB72:
AM1420 is available in the Bill Room.

Senator Schumacher filed the following amendment to LB598:
AM1407

(Amendments to E and R amendments, ER83)

- 1 1. Strike sections 32, 33, and 35 and insert the following new
- 2 sections:
- 3 Sec. 22. Section 83-170, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 83-170 As used in the Nebraska Treatment and Corrections Act, unless
- 6 the context otherwise requires:
- 7 (1) Administrator means ~~shall mean~~ the Parole Administrator;
- 8 (2) Board means ~~shall mean~~ the Board of Parole;
- 9 (3) Committed offender means ~~shall mean~~ any person who, under any
- 10 provision of law, is sentenced or committed to a facility operated by the
- 11 department or is sentenced or committed to the department other than a
- 12 person adjudged to be as described in subdivision (1), (2), (3)(b), or
- 13 (4) of section 43-247 by a juvenile court;
- 14 (4) Department means ~~shall mean~~ the Department of Correctional
- 15 Services;
- 16 (5) Director means ~~shall mean~~ the Director of Correctional Services;
- 17 (6) Facility means ~~shall mean~~ any prison, reformatory, training

18 school, reception center, community guidance center, group home, or other
19 institution operated by the department;

20 (7) Good time ~~means shall mean~~ any reduction of sentence granted

21 pursuant to sections 83-1,107 and 83-1,108;

22 (8) Maximum term ~~means shall mean~~ the maximum sentence provided by
23 law or the maximum sentence imposed by a court, whichever is shorter;

24 (9) Minimum term ~~means shall mean~~ the minimum sentence provided by
25 law or the minimum sentence imposed by a court, whichever is longer;

26 (10) Pardon authority ~~means shall mean~~ the power to remit fines and
1 forfeitures and to grant respites, reprieves, pardons, or commutations;

2 (11) Parole term ~~means shall mean~~ the time from release on parole to
3 the completion of the maximum term, reduced by good time; and

4 (12) Person committed to the department ~~means shall mean~~ any person
5 sentenced or committed to a facility within the department; and -

6 (13) Restrictive housing means conditions of confinement that
7 provide limited contact with other offenders, strictly controlled
8 movement while out of cell, and out-of-cell time of less than twenty-four
9 hours per week.

10 Sec. 33. The director shall issue a report to the Governor and the
11 Legislature no later than July 1, 2016. The report to the Legislature
12 shall be issued electronically. The report shall contain a long-term plan
13 for the use of restrictive housing with the explicit goal of reducing the
14 use of restrictive housing.

15 Sec. 34. (1) Beginning July 1, 2016, no inmate in the adult
16 division shall be placed in solitary confinement. In addition, no inmate
17 shall be held in restrictive housing unless done in the least restrictive
18 manner consistent with maintaining order in the facility and pursuant to
19 rules and regulations adopted and promulgated by the department pursuant
20 to the Administrative Procedure Act.

21 (2) The department shall adopt and promulgate rules and regulations
22 pursuant to the Administrative Procedure Act establishing levels of
23 restrictive housing as may be necessary to administer the correctional
24 system. Rules and regulations shall establish behavior, conditions, and
25 mental health status under which an inmate may be placed in each
26 confinement level as well as procedures for making such determinations.
27 Rules and regulations shall also provide for individualized transition
28 plans, developed with the active participation of the committed offender,
29 for each confinement level back to the general population or to society.

30 (3) On or after July 1, 2016, no inmate who is a member of a
31 vulnerable population shall be housed in solitary confinement. Vulnerable
1 population shall be designated as any inmate who is eighteen years of age
2 or younger, pregnant, or diagnosed with a mental illness as defined in
3 section 71-907. However, in line with the least restrictive framework,
4 inmates who are members of vulnerable populations may be assigned to
5 restrictive housing to address risk. The department shall also adopt and
6 promulgate rules and regulations pursuant to the Administrative Procedure
7 Act regarding restrictive housing to address risk for inmates who are
8 members of vulnerable populations.

9 (4) Rules and regulations may authorize the director to issue

10 written directives, guidance documents, and operational manuals not
11 inconsistent with law, rules, and regulations. Such directives, guidance
12 documents, and operational manuals shall be made available to the public
13 in the same manner that rules and regulations are made available unless
14 the safety and security of a correctional institution would be placed at
15 substantial risk by such publication. If any directive, guidance
16 document, or operational manual is not made available to the public,
17 notice shall be given to the deputy public counsel for corrections and to
18 the Inspector General of the Nebraska Correctional System. The notice
19 shall identify all documents not publicly available by title, number of
20 pages, and date adopted. All directives, guidance documents, and
21 operational manuals shall be made available to any member of the
22 Legislature upon request. Security manuals shall be made available to the
23 Legislature for inspection upon request, but shall not be copied or
24 removed from secure locations as designated by the director.
25 Sec. 36. Section 83-4,114, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 83-4,114 (1) There shall be no corporal punishment or disciplinary
28 restrictions on diet.
29 (2) Disciplinary restrictions on clothing, bedding, mail,
30 visitations, use of toilets, washbowls, or scheduled showers shall be
31 imposed only as authorized by written directives, guidance documents, and
1 operational manuals for abuse of such privilege or facility.
2 No person in the adult division shall be placed in solitary
3 confinement for disciplinary reasons for more than fifteen consecutive
4 days, or more than thirty days out of any forty five day period, except
5 in cases of violence or attempted violence committed against another
6 person or property when an additional period of isolation for
7 disciplinary reasons is approved by the warden. This provision shall not
8 apply to segregation or isolation of persons for purposes of
9 institutional control.
10 (3) The director shall issue an annual report to the Governor and
11 the Clerk of the Legislature. The report to the Clerk of the Legislature
12 shall be issued electronically. For all inmates who were held in
13 restrictive housing during the prior year, the report shall contain the
14 race, gender, age, and length of time each inmate has continuously been
15 held in restrictive housing. The report shall also contain:
16 (a) The number of inmates held in restrictive housing;
17 (b) The reason or reasons each inmate was held in restrictive
18 housing;
19 (c) The number of inmates held in restrictive housing who have been
20 diagnosed with a mental illness as defined in section 71-907 and the type
21 of mental illness by inmate;
22 (d) The number of inmates who were released from restrictive housing
23 directly to parole or into the general public and the reason for such
24 release;
25 (e) The number of inmates who were placed in restrictive housing for
26 his or her own safety and the underlying circumstances for each
27 placement;

28 (f) To the extent reasonably ascertainable, comparable statistics
 29 for the nation and each of the states that border Nebraska pertaining to
 30 subdivisions (3)(a) through (e) of this section; and
 31 (g) The mean and median length of time for all inmates held in
 1 restrictive housing.
 2 (4)(a) There is hereby established within the department a long-term
 3 restrictive housing work group. The work group shall consist of:
 4 (i) The director and all deputy directors. The director shall
 5 convene and serve as the chairperson of the work group;
 6 (ii) The director of health services within the department;
 7 (iii) The behavioral health administrator within the department;
 8 (iv) Two employees of the department who currently work with inmates
 9 held in restrictive housing; and
 10 (v) Four members as follows appointed by the Governor:
 11 (A) Two representatives from a nonprofit prisoners' rights advocacy
 12 group, including at least one former inmate; and
 13 (B) Two mental health professionals independent from the department
 14 with particular knowledge of prisons and conditions of confinement.
 15 (b) The work group shall advise the department on policies and
 16 procedures related to the proper treatment and care of offenders in long-
 17 term restrictive housing.
 18 (c) The director shall convene the work group's first meeting no
 19 later than September 15, 2015, and the work group shall meet at least
 20 semiannually thereafter. The chairperson shall schedule and convene the
 21 work group's meetings.
 22 (d) The director shall provide the work group with quarterly updates
 23 on the department's policies related to the work group's subject matter.
 24 2. Renumber the remaining sections and correct internal references
 25 and the repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 412. Title read. Considered.

Senator Mello offered his amendment, AM1367, found on page 1283.

The Mello amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Committee AM485, found on page 753, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 296. Title read. Considered.

Committee AM447, found on page 758, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 216. 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.

LEGISLATIVE BILL 217. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 218. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 424. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 287. Title read. Considered.

Committee AM730, found on page 801, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 541. Title read. Considered.

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

LEGISLATIVE BILL 195. Title read. Considered.

Committee AM499, found on page 836, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 511. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 422. Title read. Considered.

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

VISITORS

Visitors to the Chamber were 18 fourth-grade students and teacher from Pawnee City Elementary; 26 fourth-grade students, teachers, and sponsors from St. Mary's School, David City; 15 college students and teachers from Nebraska Christian College, Papillion; 38 fourth-grade students and teachers from Pine Creek School, Bennington; 14 third- and fourth-grade students and teacher from St. Paul Lutheran Elementary, Arlington; and 51 fourth-grade students and teachers from Betz Elementary, Bellevue.

RECESS

At 11:49 a.m., on a motion by Senator Krist, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Craighead, K. Haar, Kintner, McCoy, Pansing Brooks, Schilz, and Watermeier who were excused until they arrive.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 210. Introduced by Davis, 43.

WHEREAS, Maria Swenson of Alliance was awarded the Women's Business Center Entrepreneur of the Year by the Center for Rural Affairs Rural Enterprise Assistance Project; and

WHEREAS, Maria started a successful business called MLCS Family and Youth Services through the help of the Women's Business Center which provides contracted services to the Department of Health and Human Services and services to juveniles on probation and their families; and

WHEREAS, Maria currently has offices in Alliance, Chadron, Sidney, and Gering and has an average of 12 to 15 employees.

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

1. That the Legislature congratulates Maria Swenson on being awarded the Women's Business Center Entrepreneur of the Year.
2. That a copy of this resolution be sent to Maria Swenson.

Laid over.

SELECT FILE

LEGISLATIVE BILL 414. Senator Davis offered his amendment, AM1447, found on page 1305.

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

Senator Davis moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

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

Voting in the affirmative, 18:

Baker	Ebke	Hilkemann	McCoy	Schnoor
Coash	Friesen	Hughes	Murante	Schumacher
Cook	Gloor	Kintner	Pansing Brooks	
Davis	Groene	Kolowski	Schilz	

Voting in the negative, 23:

Bloomfield	Hadley	Larson	Riepe	Sullivan
Brasch	Hansen	Lindstrom	Scheer	Watermeier
Campbell	Harr, B.	McCollister	Seiler	Williams
Garrett	Johnson	Morfeld	Smith	
Haar, K.	Kolterman	Nordquist	Stinner	

Present and not voting, 7:

Bolz	Craighead	Howard	Mello
Chambers	Crawford	Kuehn	

Excused and not voting, 1:

Krist

The Davis amendment lost with 18 ayes, 23 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO92

Reconsider the vote taken on AM1447.

SPEAKER HADLEY PRESIDING

Senator B. Harr offered the following motion:

MO93

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator B. Harr moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator B. Harr requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Baker	Garrett	Kolowski	Mello	Smith
Bloomfield	Haar, K.	Kolterman	Morfeld	Stinner
Bolz	Hadley	Krist	Murante	Sullivan
Brasch	Hansen	Kuehn	Nordquist	Watermeier
Campbell	Harr, B.	Larson	Riepe	Williams
Coash	Hilkemann	Lindstrom	Scheer	
Craighead	Johnson	McCollister	Schilz	

Voting in the negative, 13:

Chambers	Davis	Gloor	Kintner	Seiler
Cook	Ebke	Groene	Schnoor	
Crawford	Friesen	Hughes	Schumacher	

Present and not voting, 2:

McCoy Pansing Brooks

Excused and not voting, 1:

Howard

The B. Harr motion to invoke cloture prevailed with 33 ayes, 13 nays, 2 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 13:

Chambers	Ebke	Groene	Pansing Brooks	Schumacher
Cook	Friesen	Hughes	Schilz	
Davis	Gloor	Kintner	Schnoor	

Voting in the negative, 34:

Baker	Garrett	Kolowski	McCoy	Seiler
Bloomfield	Haar, K.	Kolterman	Mello	Smith
Bolz	Hadley	Krist	Morfeld	Stinner
Brasch	Hansen	Kuehn	Murante	Sullivan
Campbell	Harr, B.	Larson	Nordquist	Watermeier
Coash	Hilkemann	Lindstrom	Riepe	Williams
Craighead	Johnson	McCollister	Scheer	

Present and not voting, 1:

Crawford

Excused and not voting, 1:

Howard

The Chambers motion to reconsider failed with 13 ayes, 34 nays, 1 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 29:

Bloomfield	Hadley	Kolterman	Morfeld	Smith
Bolz	Hansen	Krist	Murante	Stinner
Brasch	Harr, B.	Larson	Nordquist	Sullivan
Coash	Hilkemann	Lindstrom	Riepe	Watermeier
Garrett	Johnson	McCollister	Scheer	Williams
Haar, K.	Kolowski	Mello	Schilz	

Voting in the negative, 13:

Chambers	Davis	Gloor	Kintner	Seiler
Cook	Ebke	Groene	Schnoor	
Crawford	Friesen	Hughes	Schumacher	

Present and not voting, 6:

Baker	Craighead	McCoy
Campbell	Kuehn	Pansing Brooks

Excused and not voting, 1:

Howard

Advanced to Enrollment and Review for Engrossment with 29 ayes, 13 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 80. Placed on Final Reading.

LEGISLATIVE BILL 141. Placed on Final Reading.

LEGISLATIVE BILL 156. Placed on Final Reading.

LEGISLATIVE BILL 264. Placed on Final Reading.

LEGISLATIVE BILL 458. Placed on Final Reading.

LEGISLATIVE BILL 519. Placed on Final Reading.

ST27

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

1. In the E and R amendments, ER76:
 - a. On page 40, line 26, "26 to 36" has been struck and "27 to 37" inserted;
 - b. On page 41, line 2, "28" has been struck and "29" inserted; and
 - c. On page 46, lines 1 and 8, "79-1337," has been inserted after "79-1017.01,,"; and in line 13 "distance education incentives," has been inserted after the second comma.

LEGISLATIVE BILL 519A. Placed on Final Reading.

LEGISLATIVE BILL 559. Placed on Final Reading.

LEGISLATIVE BILL 561. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

April 29, 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:

Please withdraw the following individual from consideration for confirmation of appointment to the Nebraska Accountability and Disclosure Commission:

Warren Arganbright, 806 Desirae Drive, Valentine, NE 69201

Mr Arganbright is unable to serve on the Nebraska Accountability and Disclosure Commission at this time.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Byron L. Diamond, Director - Department of Administrative Services

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 360A. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 360, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 211. Introduced by McCoy, 39.

PURPOSE: The purpose of this resolution is to study synthetic recreational drugs that are marketed and sold as incense. The study shall include, but not be limited to, the following:

- (1) Examining new approaches to ban and control access to these drugs;
- (2) How to raise awareness of these drugs with the general population;
- (3) Reviewing current penalties in state law relating to these drugs;
- (4) Examining the medical outcomes of users of synthetic recreational drugs, particularly those users who overdose on these drugs; and
- (5) Working with school districts to determine how best to communicate with students about the dangers of synthetic recreational drugs.

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.

LEGISLATIVE RESOLUTION 212. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to examine the utilization of authority given to various state commodity development programs to make expenditures for the purpose of influencing federal legislation.

The goals of this study include:

- (1) Developing an understanding of the types of federal legislative issues and appropriations that are germane to the role and mission of the state commodity promotion programs; and
- (2) Gathering information regarding the extent and manner in which state programs participate in the federal legislative process and the nature and amount of expenditures for that purpose.

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

1. That the Agriculture 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 213. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to study development of a reference manual for the state commodity promotion programs, the federal beef, pork, and soybean programs, and any other federal commodity programs that are significant to Nebraska agriculture. It is the goal of this study to identify and describe key structural elements of such programs and to provide a graphic and narrative description and comparison of these program elements.

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

1. That the Agriculture 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 214. Introduced by Johnson, 23.

PURPOSE: In accordance with LB 941 enacted in 2014, the Department of Agriculture produced the Dairy Growth and Development Study Report. The purpose of this resolution is to review the information in the Dairy Growth and Development Study Report and to study the following:

- (1) Developing options to implement key recommendations of the report;
- (2) Supporting public and private efforts to promote growth of the state's dairy industry; and
- (3) Exploring interventions available to state government to stimulate private investment in dairy production and processing in Nebraska.

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

1. That the Agriculture 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 215. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to study implementation of the recommendations of the interim study report produced as a result of LR 309 (2013). The report recommended that the Agriculture Committee explore the value and feasibility of creating a program modeled after the buffer strip program created by the Buffer Strip Act to enlist landowners in the vicinity of specialty or sensitive crops experiencing frequent herbicide drift damage to adopt drift or volatility avoidance and integrated management practices. It is intended that the study will also examine the potential for such a program to access and coordinate with federal funding initiatives to restore and enhance butterfly and pollinator habitat in agricultural settings through the federal Conservation Reserve Program and other federal initiatives.

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

1. That the Agriculture 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 216. Introduced by Johnson, 23.

PURPOSE: The purpose of this resolution is to study implementation of a specific study recommendation of the interim study report produced as a result of LR 309 (2013). The report recommended that the Agriculture Committee investigate whether alternative models for compensating specialty or sensitive crop growers incurring herbicide drift damages are feasible and practical and whether the models would improve upon existing means for compensating specialty or sensitive crop growers for losses due to herbicide drift incidents.

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

1. That the Agriculture 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 217. Introduced by Johnson, 23.

PURPOSE: The purpose of this study resolution is to complete the work of the LR 309 interim study conducted in 2013 to investigate ways to avoid and mitigate conflicts arising from herbicide and drift damage to sensitive crops. The study shall seek to incorporate information gathered from related interim studies and finalize recommendations for the consideration of the Legislature.

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

1. That the Agriculture 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 218. Introduced by Johnson, 23.

PURPOSE: The Grain Warehouse Act creates an in-store transfer to document the establishment of a post-direct delivery storage position in favor of producers and other grain owners as a means of satisfaction of a direct delivery obligation of the warehouse licensee to a producer or other

grain owner. The in-store transfer method was created by LB 439 (Laws 2005).

The purpose of this resolution is to examine the utility of the in-store transfer method by producers and grain warehouses as an option to meet direct delivery obligations. The goal of this study is to gain an understanding of the extent to which in-store transfers are used in direct delivery transactions, the constraints of their use, and the extent to which producers and warehouses are aware of such transfers. The study shall further examine the extent to which the producer community is aware of the marketing risks and different statutory provisions governing producer recourse to security and other protections that apply in direct delivery transactions.

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

1. That the Agriculture 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.

SELECT FILE

LEGISLATIVE BILL 243. ER78, found on page 1153, was adopted.

Senator Bolz offered her amendment, AM1045, found on page 1044.

The Bolz amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Senator Bolz offered her amendment, AM1217, found on page 1161.

The Bolz amendment was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 243A. Senator Bolz withdrew her amendment, AM1363, found on page 1303.

Senator Bolz offered the following amendment:

AM1414

1. Strike the original sections and insert the following new

2 sections:

3 Section 1. There is hereby appropriated (1) \$120,476 from the

4 General Fund for FY2015-16 and (2) \$151,716 from the General Fund for

5 FY2016-17 to the Department of Health and Human Services, for Program 33.

6 to aid in carrying out the provisions of Legislative Bill 243. One

7 Hundred Fourth Legislature, First Session, 2015.
8 Total expenditures for permanent and temporary salaries and per
9 diems from funds appropriated in this section shall not exceed \$37,295
10 for FY2015-16 or \$37,295 for FY2016-17.
11 Sec. 2. There is hereby appropriated (1) \$1,316,074 from the
12 General Fund for FY2015-16 and (2) \$1,286,834 from the General Fund for
13 FY2016-17 to the Department of Health and Human Services, for Program
14 354, to aid in carrying out the provisions of Legislative Bill 243, One
15 Hundred Fourth Legislature, First Session, 2015.
16 No expenditures for permanent and temporary salaries and per diems
17 for state employees shall be made from funds appropriated in this
18 section.
19 Sec. 3. There is hereby appropriated (1) \$214,395 from the General
20 Fund and \$75,231 from federal funds for FY2015-16 and (2) \$217,976 from
21 the General Fund and \$80,876 from federal funds for FY2016-17 to the
22 Department of Health and Human Services, for Program 359, to aid in
23 carrying out the provisions of Legislative Bill 243, One Hundred Fourth
24 Legislature, First Session, 2015.
25 Total expenditures for permanent and temporary salaries and per
26 diems from funds appropriated in this section shall not exceed \$111,884
27 for FY2015-16 or \$111,884 for FY2016-17.

The Bolz amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 292. Senator Crawford offered her amendment, AM899, found on page 1073.

Senator Crawford withdrew her amendment.

Senator Coash offered his amendment, AM849, found on page 1129.

The Coash amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 292A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 240. Senator Schumacher offered his amendment, AM1143, found on page 1074.

Senator Morfeld moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

The Schumacher amendment was adopted with 26 ayes, 9 nays, 12 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following amendment:

FA52

Strike lines 24 on page 2 to line 3 on page 3.

SENATOR WATERMEIER PRESIDING

Senator Bloomfield offered the following motion:

MO94

Bracket until June 5, 2015.

SPEAKER HADLEY PRESIDING

Senator Bloomfield moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Bloomfield requested a roll call vote on the motion to bracket.

Voting in the affirmative, 14:

Bloomfield	Friesen	Hughes	Lindstrom	Schnoor
Brasch	Garrett	Kintner	McCollister	Sinner
Ebke	Groene	Kuehn	McCoy	

Voting in the negative, 31:

Baker	Davis	Johnson	Nordquist	Sullivan
Campbell	Gloor	Kolowski	Pansing Brooks	Watermeier
Chambers	Haar, K.	Kolterman	Scheer	Williams
Coash	Hadley	Krist	Schilz	
Cook	Harr, B.	Mello	Schumacher	
Craighead	Hilkemann	Morfeld	Seiler	
Crawford	Howard	Murante	Smith	

Present and not voting, 2:

Hansen	Riepe
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Excused and not voting, 2:

Bolz	Larson
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The Bloomfield motion to bracket failed with 14 ayes, 31 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kintner withdrew his amendment, FA52.

Senator Murante requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB662:
AM1435

(Amendments to Standing Committee amendments, AM1246)

1 Purpose: To strike provisions regarding the Oral Health Training
2 and Services Fund.

3 Amendment:

4 1. On page 1, strike lines 8 through 12.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Crawford has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

SENATOR KRIST PRESIDING

SELECT FILE

LEGISLATIVE BILL 599. ER84, found on page 1214, was adopted.

Senator Nordquist offered his amendment, AM1319, found on page 1244.

Senator Kuehn offered his amendment, AM1412, found on page 1304, to the Nordquist amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 132. Placed on Final Reading.

LEGISLATIVE BILL 419. Placed on Final Reading.

LEGISLATIVE BILL 449. Placed on Final Reading.

ST28

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

1. In the E and R amendments, ER74, on page 1, line 6, "81-3703," has been inserted after "81-3701,"; and in line 13 "highway tourism markers and" has been inserted after "for".

2. In the Standing Committee amendments, AM1035:

a. Section 16 and all amendments thereto have been struck and the following new section inserted: Sec. 19. Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 21 of this act become operative three calendar months after the adjournment of this legislative session. Sections 7, 8, and 20 of this act become operative on July 1, 2015. The other sections of this act become operative on their effective date.;

b. On page 11, line 22, the first "the" has been struck and "than" inserted; and

c. On page 12, line 18, "81-3703," has been inserted after "81-3701,".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 423A. Placed on Select File.

LEGISLATIVE BILL 566A. Placed on Select File.

LEGISLATIVE BILL 138. Placed on Select File.

LEGISLATIVE BILL 55. Placed on Select File.

LEGISLATIVE BILL 334. Placed on Select File with amendment.

ER100

1 1. On page 1, line 4, strike "and"; and in line 8 after "2014"

2 insert "; and to declare an emergency".

LEGISLATIVE BILL 257. Placed on Select File with amendment.

ER101

1 1. On page 2, line 24, after the period insert paragraphing and

2 "(3)".

LEGISLATIVE BILL 342. Placed on Select File.

LEGISLATIVE BILL 456. Placed on Select File.

LEGISLATIVE BILL 464. Placed on Select File.

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 599. The Kuehn amendment, AM1412, found on page 1304 and considered in this day's Journal, to the Nordquist amendment, was renewed.

Senator Cook moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Kuehn moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Kuehn requested a roll call vote on the amendment.

Voting in the affirmative, 32:

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

Voting in the negative, 13:

Baker	Cook	Harr, B.	Mello	Pansing Brooks
Campbell	Crawford	Howard	Morfeld	
Chambers	Haar, K.	Kolowski	Nordquist	

Present and not voting, 1:

Hansen

Excused and not voting, 3:

Bolz	Larson	McCollister
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The Kuehn amendment was adopted with 32 ayes, 13 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hansen offered the following motion:

MO95

Reconsider the vote taken on AM1412.

SENATOR WATERMEIER PRESIDING

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

The Nordquist amendment, AM1319, found on page 1244 and considered in this day's Journal, as amended, was renewed.

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

The Nordquist amendment, as amended, was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Nordquist offered his amendment, AM1318, found on page 1244.

Senator Ebke offered the following motion:

MO96

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Ebke requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

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

Voting in the negative, 14:

Baker	Cook	Hansen	Mello	Pansing Brooks
Campbell	Crawford	Harr, B.	Morfeld	Schumacher
Chambers	Haar, K.	Howard	Nordquist	

Excused and not voting, 2:

Bolz McCollister

The Ebke motion to invoke cloture prevailed with 33 ayes, 14 nays, and 2 excused and not voting.

The Nordquist amendment lost with 10 ayes, 33 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MESSAGE(S) FROM THE GOVERNOR

April 29, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15e, 56e, 152, 245, 324, 413, 413A, 415e, 482, and 641 were received in my office on April 23, 2015.

These bills were signed and delivered to the Secretary of State on April 29, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

April 29, 2015

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 89 and LB 89A without my signature and with my objections.

Clearly, the bill is well intentioned. The issues some proponents have described to me about the ADC funds have merit. However, this bill is unsustainable. LB 89 creates an ongoing and increasing liability that exceeds the amount of federal block grant funds the state receives. The bill will exhaust the Temporary Assistance for Needy Families Block Grant (TANF) reserve by 2020.

Under current law, those who qualify for cash assistance under the ADC program can be paid a maximum of \$300 per month for a family of two plus \$75 per month for each additional household member. LB 89 not only increases the maximum payments but also permanently indexes future payments to not less than 70% of a Standard of Need calculation which itself is an indexed factor.

Supporters of the bill assert that ADC benefit payments should be paid from the Temporary Assistance for Needy Families Block Grant (TANF). Our state already uses TANF for ADC cash benefit payments.

The benefit enhancements made by LB 89 will cause a budget funding shortfall. Beginning in FY 2020-21, existing TANF balances will be exhausted and nearly \$19 million in General Funds will be required each year to maintain the ADC payments authorized in LB 89. As demonstrated in the attached chart, this is unsustainable. Future Legislatures will have to solve the problem these bills create today by adding new General Fund spending in the amount of nearly \$38 million in each biennial budget or cutting assistance under this program.

As to the argument that the ADC benefit has not been raised in many years, it is important to note the context of the funding expansion proposed by the bill. Families who qualify for the ADC benefit also qualify for food stamps, subsidized child care services, job and education training programs. In addition, ADC families who become ineligible for cash assistance due to an increase in pay can become eligible for extended ADC assistance which also includes six or more months of Medicaid program coverage.

I remain open to a solution that will provide continuing and lasting support for families. The broad expansions proposed by LB 89 come at a time when our state faces potential budget uncertainties. Now is not the time to enact such a broad expansion of public assistance benefits.

The bill is not sustainable nor does it consider a comprehensive view of assistance to families. Those are my goals in having an effective, efficient, and accountable health and human services delivery system.

While I am vetoing this bill, I recognize the merit of working toward a long-term solution. I would sign a similar bill this session with a four year sunset provision. That would give the executive and legislative branches time to work together to find a mutually agreeable and sustainable solution to this issue.

For each of these reasons, I respectfully urge you to sustain my veto of LB 89 and LB 89A.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

VISITORS

Visitors to the Chamber were 51 fourth-grade students from Bennington; and 40 fourth-grade students and teachers from Wood River.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 9:56 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, April 30, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

