

SEVENTY-THIRD DAY - MAY 1, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 1, 2015

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senators Campbell, Davis, Groene, Hadley, Hansen, Hughes, Krist, Larson, Mello, Morfeld, Murante, Smith, Sullivan, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 414. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 30, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Baird Holm LLP
Geronimo Energy, LLC
Husch Blackwell LLP
Nebraska Intergovernmental Risk Management Association

Koch, Brandon
Farmers Group, Inc.
Lautenbaugh, Scott
Convention of States Action
SMART-TD
Litt, Matthew J.
Americans for Prosperity
McDonald, Sarah
Werner Enterprises, Inc. and Subsidiaries
Nielsen, Coleen J.
AHIP - America's Health Insurance Plans
Radcliffe, Walter H. of Radcliffe and Associates
Kissel/E&S Associates, LLC
Williams, Susan Darst
Williams, Susan Darst

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 554. Title read. Considered.

Committee AM744, found on page 896, was offered.

Senator B. Harr offered his amendment, AM1182, found on page 1118, to the committee amendment.

The B. Harr amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

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

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, May 14, 2015 8:30 a.m.

Jim Hellbusch - Nebraska Environmental Trust Board
Robert F. Krohn - Nebraska Environmental Trust Board

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 360A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

May 1, 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 Nebraska Accountability and Disclosure Commission:

Timothy G. Hruza, 2007 West 1st Street, Grand Island, NE 68803

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

May 1, 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 Board of Public Roads Classifications and Standards:

Lisa Kramer, 13263 County Road 38, Kennard, NE 68034

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

May 1, 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 Motor Vehicle Industry Licensing Board:

Ricky Pearson, 88230 568 Avenue, Hartington, NE 68739

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

SENATOR SCHEER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 468. Title read. Considered.

Committee AM1172, found on page 1121, was offered.

Senator Chambers offered the following motion:

MO98

Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.

The committee amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

COMMITTEE REPORT(S)
Health and Human Services

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

Calder Lynch, Director - Division of Medicaid and Long Term Care-
Department of Health and Human Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

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

Courtney Phillips, Chief Executive Officer - Department of Health and
Human Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

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

John Hilgert, Director - Division of Veterans Homes-Department of Health
and Human Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

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

Joseph Acierno, Chief Medical Officer, Director - Division of Public
Health-Department of Health and Human Services

Aye: 5 Baker, Campbell, Cook, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 2 Crawford, Howard.

(Signed) Kathy Campbell, Chairperson

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 appointments(s) be confirmed by the Legislature and suggests a record vote.

Bradley Rice, Superintendent - Nebraska State Patrol

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

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 240. Placed on Final Reading.

ST30

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

1. On page 1, the matter beginning with "sections" in line 1 through line 5 has been struck and "section 71-8512, Revised Statutes Cumulative Supplement, 2014; to change the termination date of the Behavioral Health Screening and Referral Pilot Program; and to repeal the original section." inserted.

LEGISLATIVE BILL 243. Placed on Final Reading.

ST31

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

1. In the Bolz amendment, AM1045:
 - a. On page 3, line 9, an underscored comma has been inserted after "program"; and in line 11 an underscored comma has been inserted after "appointed";
 - b. On page 9, line 9, "12" has been struck and "21" inserted;
 - c. On page 10, line 8, the comma has been struck and shown as stricken; and in line 28 "(4)" has been struck;
 - d. On page 16, line 20, an underscored comma has been inserted after "request";
 - e. On page 18, line 26, "if" has been inserted after "and";
 - f. On page 20, line 11, "who" has been inserted after "and";
 - g. On page 21, line 20, "participation in" has been inserted after "including"; and in line 23 "participation" has been struck and shown as stricken;
 - h. On page 22, line 20, "and" has been struck; and
 - i. On page 25, line 10, "to" has been struck and ", 2, 3, 4, 5, 6, 7, 8, and" inserted and "becomes" has been struck and "become" inserted.

2. In the E and R amendments, ER78, on page 3, line 11, "program" has been struck and "project" inserted.

3. On page 1, the matter beginning with "state" in line 1 through line 5 has been struck and "amend sections 43-284.02, 43-285, 43-905, 43-1312.01, 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512, 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement, 2014; to create a pilot project relating to family finding services; to state intent; to define and redefine terms; to provide and change duties for the Department of Health and Human Services; to state intent relating to appropriations; to provide for rules and regulations; to require juvenile courts to hold an independence hearing for certain children; to provide for health care and medical assistance for certain children as prescribed; to change provisions relating to services and support provided under the bridge to independence program and permanency review hearings; to provide for guardianship assistance and adoption assistance as prescribed; to require certain documents and proceedings to be confidential as prescribed; to provide duties for the Nebraska Children's Commission and the Bridge to Independence Advisory Committee; to adopt federal law by reference; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 243A. Placed on Final Reading.

LEGISLATIVE BILL 292. Placed on Final Reading.

ST29

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

1. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "public welfare and safety; to amend sections 28-713.01, 28-720, 28-720.01, 28-721, 29-4001.01, 29-4006, and 29-4007, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the central registry of child protection cases; to eliminate certain registration and notification requirements under the Sex Offender Registration Act; to eliminate the offense of unlawful use of the Internet by a prohibited sex offender; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-322.05, Revised Statutes Cumulative Supplement, 2014." inserted.

2. On page 5, line 26, "and" has been struck and "29-4001.01, 29-4006, and 29-4007," has been inserted after the last comma.

LEGISLATIVE BILL 292A. Placed on Final Reading.

LEGISLATIVE BILL 599. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Johnson filed the following amendment to LB360:
AM1478

(Amendments to E and R amendments, ER90)

1 1. Strike sections 22 and 23 and insert the following new sections:

2 Sec. 20. Section 54-632, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 54-632 (1) Any notice or order provided for in the Commercial Dog
5 and Cat Operator Inspection Act shall be properly served when it is
6 personally served on the applicant, licensee, or violator or on the
7 person authorized by the applicant or licensee to receive notices and
8 orders of the department or when it is sent by certified or registered
9 mail, return receipt requested, to the last-known address of the
10 applicant, licensee, or violator or the person authorized ~~by the licensee~~
11 to receive such notices and orders. A copy of the notice and the order
12 shall be filed in the records of the department.

13 (2) A notice to comply with the act or the rules and regulations
14 adopted and promulgated pursuant to the act ~~conditions set out in the~~
15 ~~order of the director provided in section 54-631~~ shall set forth the acts
16 or omissions with which the applicant, licensee, or violator is charged.

17 (3) A notice of the ~~licensee's~~ right to a hearing ~~provided for in~~
18 ~~sections 54-630 and 54-631~~ shall set forth the time and place of the
19 hearing except as otherwise provided in subsection (4) of this section
20 and section 54-631. A notice of the ~~licensee's~~ right to such hearing
21 shall include notice that such right to a hearing may be waived pursuant
22 to subsection (6) of this section. A notice of the licensee's right to a
23 hearing shall include notice to the licensee that the license may be
24 subject to sanctions as provided in section 54-631.

25 (4) A request for a hearing under subsection (2) of section
26 54-628.01 shall request that the director set forth the time and place of
1 the hearing. The director shall consider the interests of the violator in
2 establishing the time and place of the hearing. Within three business
3 days after receipt by the director of the hearing request, the director
4 shall set forth the time and place of the hearing on the stop-movement
5 order. A notice of the violator's right to such hearing shall include
6 notice that such right to a hearing may be waived pursuant to subsection
7 (6) of this section.

8 (5) The hearings provided for in the act shall be conducted by the
9 director at the time and place he or she designates. The director shall
10 make a final finding based on the complete hearing record and issue an
11 order. If the director has suspended a license pursuant to subsection (4)
12 of section 54-631, the director shall sustain, modify, or rescind the
13 order after the hearing. If the department has issued a stop-movement
14 order under section 54-628.01, the director may sustain, modify, or
15 rescind the order after the hearing. All hearings shall be in accordance
16 with the Administrative Procedure Act.

17 (6) A applicant, licensee, or violator waives the right to a hearing
18 if such applicant, licensee, or violator does not attend the hearing at

19 the time and place set forth in the notice described in subsection (3) or
 20 (4) of this section, without requesting that the director, at least two
 21 days before the designated time, change the time and place for the
 22 hearing, except that before an order of the director becomes final, the
 23 director may designate a different time and place for the hearing if the
 24 applicant, licensee, or violator shows the director that the applicant,
 25 licensee, or violator had a justifiable reason for not attending the
 26 hearing and not timely requesting a change of the time and place for such
 27 hearing. If the applicant, licensee, or violator waives the right to a
 28 hearing, the director shall make a final finding based upon the available
 29 information and issue an order. If the director has suspended a license
 30 pursuant to subsection (4) of section 54-631, the director may sustain,
 31 modify, or rescind the order after the hearing. If the department has
 1 issued a stop-movement order under section 54-628.01, the director may
 2 sustain, modify, or rescind the order after the hearing.

3 (7) Any person aggrieved by the finding of the director has ten days
 4 after the entry of the director's order to request a new hearing if such
 5 person can show that a mistake of fact has been made which affected the
 6 director's determination. Any order of the director becomes final upon
 7 the expiration of ten days after its entry if no request for a new
 8 hearing is made.

9 Sec. 23. Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 25 of
 10 this act become operative on December 1, 2015. The other sections of this
 11 act become operative on their effective date.

12 Sec. 24. Original sections 28-1011 and 54-603, Reissue Revised
 13 Statutes of Nebraska, and sections 28-1006, 28-1008, 28-1012, 28-1013,
 14 28-1014, 28-1015, 28-1016, 28-1019, and 29-818, Revised Statutes
 15 Cumulative Supplement, 2014, are repealed.

16 Sec. 25. Original sections 54-628, 54-628.01, 54-632, and 54-633,
 17 Reissue Revised Statutes of Nebraska, and sections 54-625, 54-626,
 18 54-627, and 54-630, Revised Statutes Cumulative Supplement, 2014, are
 19 repealed.

20 2. On page 10, line 27, strike "on", show as stricken, and insert
 21 "in".

22 3. On page 16, line 28, strike "a licensee, an applicant," and
 23 insert "an applicant, a licensee,".

24 4. On page 17, line 3, strike "or" and the second "facility" and
 25 insert "an" before each incidence of "animal"; and in line 4 insert "a"
 26 before each incidence of "commercial" and before "dealer" and "pet".

27 5. On page 18, line 5, strike "or removal" and show as stricken and
 28 after "cat" insert "onto or".

29 6. On page 20, line 22, strike "license"; in line 25 strike "housed"
 30 and insert "owned or harbored" and strike "annual licensure" and insert
 31 "twelve-month"; and in line 26 after "cats" insert "subject to
 1 subdivision (g) of this section".

2 7. On page 21, line 1, strike the second "license", show as
 3 stricken, and insert "annual"; in line 6 after "dollars" insert "times
 4 the number of dogs or cats harbored by the licensee over the previous
 5 twelve-month period numbering more than ten dogs or cats"; in line 22

6 strike "A licensee" and show as stricken and strike "an applicant" and
 7 insert "An applicant, a licensee,"; and in line 24 strike "its", show as
 8 stricken, and insert "any applicable".
 9 8. On page 25, line 14, after "exists" insert "(a)"; in line 16
 10 strike "reasonable cause to believe" and show as stricken; in line 17
 11 strike "(a)", "exist", and "(b)" and show the old matter as stricken; in
 12 line 19 strike "(c)" and strike "(d)" and insert "or"; in line 20 strike
 13 "(e)" and insert "(b)"; in line 21 strike "exists that" and insert
 14 "that,"; and in line 23 after "intervention" insert an underscored comma.
 15 9. On page 26, line 9, strike ", or that any management
 16 intervention" and insert "or if any management intervention imposed by
 17 the stop-movement order is being implemented"; in lines 11 and 12 strike
 18 "imposed by the stop-movement order is being implemented"; in line 21
 19 strike "A" and insert "If applicable, a"; in line 26 strike "and" and
 20 insert "or, if applicable,"; in line 29 after the first "or" insert
 21 "any"; and in line 30 strike "persist" and "if".
 22 10. On page 30, line 31, after "that" insert "any".
 23 11. On page 31, strike "violations" in lines 1, 2, and 3 and insert
 24 "violation" and before "alleged" in lines 1 and 2 insert "any"; in line 3
 25 after "or" insert "any" and strike "conditions" and insert "condition";
 26 and in line 5 strike "constitute" and insert "constitutes".
 27 12. Renumber the remaining sections and correct internal references
 28 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash, Howard, Krist, McCollister - LB643
 Campbell, Cook, Johnson, Nordquist, Schumacher - LB643
 Chambers - LB643

VISITORS

Visitors to the Chamber were 82 fourth-grade students and teachers from Dodge Elementary, Grand Island; 21 fourth-grade students and teacher from Plainview; 45 fourth-grade students and teachers from King Elementary School, Omaha; and 13 fifth- and sixth-grade students and teacher from Bible Baptist Christian School, Columbus.

The Doctor of the Day was Dr. Brad Bohn from Kearney.

ADJOURNMENT

At 12:19 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 10:00 a.m., Monday, May 4, 2015.

Patrick J. O'Donnell
 Clerk of the Legislature