

**SEVENTY-FOURTH DAY - MAY 4, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 4, 2015

**PRAYER**

The prayer was offered by Pastor Les Parmenter, Trinity UMC/UCC Church, West Point.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senators Coash, Hughes, Kolowski, Larson, Mello, Morfeld, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-third day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 72.** ER88, found on page 1228, was adopted.

Senator Schumacher withdrew his amendment, AM1420, found on page 1312.

Senator Schumacher offered the following amendment:  
AM1473 is available in the Bill Room.

The Schumacher amendment was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 72A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 469.** ER86, found on page 1228, was adopted.

Senator K. Haar offered the following amendment:

AM1499

(Amendments to Standing Committee amendments, AM833)

1 1. On page 2, line 18, strike "and jobs lost".

The K. Haar amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Schilz offered the following amendment:

AM1491

(Amendments to AM833)

1 1. Insert the following new sections:

2 Sec. 5. Section 3-402, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 3-402 As used in sections 3-401 to 3-409 and section 6 of this act,

5 unless the context otherwise requires:

6 (1) Structure ~~means shall mean~~ any manmade object which is built,  
7 constructed, projected, or erected upon, from, and above the surface of  
8 the earth, including, but not limited to, towers, antennas, buildings,  
9 wires, cables, and chimneys;

10 (2) Meteorological evaluation tower means an anchored structure,  
11 including all guy wires and accessory facilities, on which one or more  
12 meteorological instruments are mounted for the purpose of meteorological  
13 data collection;

14 ~~(3) Obstruction means shall mean~~ any structure which obstructs the  
15 air space required for the flight of aircraft and in the landing and  
16 taking off of aircraft at any airport or restricted landing area; and

17 ~~(4) Person means shall mean~~ any public utility, public district,  
18 or other governmental division or subdivision or any person, corporation,  
19 partnership, or limited liability company.

20 Sec. 6. (1) A meteorological evaluation tower, the height of which  
21 is at least fifty feet above the surface of the ground at point of  
22 installation, shall be marked according to subsection (2) of this  
23 section. This section applies to a meteorological evaluation tower that  
24 is located outside the corporate limits of a city or village.

25 (2) A meteorological evaluation tower described in subsection (1) of  
26 this section shall: (a) Be painted in seven equal-width and alternating  
1 bands of aviation orange and white beginning with orange at the top of  
2 the tower and ending with orange at the base; (b) have two or more  
3 spherical marker balls at least twenty-one inches in diameter that are  
4 aviation orange in color and attached to each outer guy wire connected to  
5 the tower with the top ball no further than twenty feet from the top wire  
6 connection and the remaining ball or balls at or below the mid-point of  
7 the tower on the outer guy wires; and (c) have yellow safety sleeves  
8 installed on each outer guy wire extending at least fourteen feet above  
9 the anchor point of the guy wire.

10 (3) The owner of a meteorological evaluation tower subject to this

11 section shall, not less than ten business days prior to erecting the  
12 tower, register with the Department of Aeronautics the name and address  
13 of the owner, the height and location of the tower, and any other  
14 information that the department deems necessary for aviation safety. The  
15 owner of a tower subject to this section shall also report the removal of  
16 the tower to the department not more than thirty business days after its  
17 removal. The department shall make the information received pursuant to  
18 this subsection available to the public within five business days.

19 (4) The owner of a meteorological evaluation tower described in  
20 subsection (1) of this section that was erected prior to the operative  
21 date of this section and which is either lighted, marked with balls at  
22 least twenty-one inches in diameter, painted, or modified in some other  
23 manner so it is recognizable in clear air during daylight hours from a  
24 distance of not less than two thousand feet, shall mark the tower as  
25 required by subsection (2) of this section within two years after the  
26 operative date of this section or at such time the tower is taken down  
27 for maintenance or other purposes, whichever comes first, except that the  
28 owner of a tower erected prior to the operative date of this section  
29 which is not lighted, marked, painted, or modified as described in this  
30 subsection shall mark such tower as required by subsection (2) of this  
31 section within ninety days after the operative date of this section. The  
1 registration requirements of subsection (3) of this section shall be  
2 performed by the owner of a tower erected prior to the operative date of  
3 this section within fifteen business days after the operative date of  
4 this section.

5 (5) A material failure to comply with the marking and registration  
6 requirements of this section shall be admissible as evidence of  
7 negligence on the part of an owner of a meteorological evaluation tower  
8 in an action in tort for property damage, bodily injury, or death  
9 resulting from an aerial collision with such unmarked or unregistered  
10 tower.

11 (6) The department may adopt and promulgate rules and regulations  
12 for carrying out the purposes of this section.

13 Sec. 7. Section 3-408, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 3-408 Any person, firm, or corporation (1) violating any of the  
16 provisions of sections 3-401 to 3-409 and section 6 of this act, (2)  
17 submitting false information in the application for a permit, (3)  
18 violating any rule or regulation adopted and promulgated by the  
19 Department of Aeronautics pursuant to sections 3-401 to 3-409 and section  
20 6 of this act hereto, as authorized by section 3-407, (4) failing to do  
21 and perform any act required by sections 3-401 to 3-409 and section 6 of  
22 this act hereby, or (5) violating the terms of any permit issued pursuant  
23 to the provisions of sections 3-401 to 3-409 and section 6 of this act,  
24 shall be guilty of a Class III misdemeanor. Each day any violation  
25 continues or any structure erected in violation of the provisions of  
26 sections 3-401 to 3-409 and section 6 of this act shall continue in  
27 existence, shall constitute a separate offense.

28 Sec. 15. The Revisor of Statutes shall assign section 6 of this act

29 within sections 3-401 to 3-409.

30 Sec. 16. Sections 1 to 4, 8 to 14, and 18 of this act become  
31 operative three calendar months after adjournment of this legislative  
1 session. The other sections of this act become operative on their  
2 effective date.

3 Sec. 17. Original sections 3-402 and 3-408, Reissue Revised  
4 Statutes of Nebraska, are repealed.

5 Sec. 19. The following section is outright repealed: Section  
6 66-1901, Revised Statutes Cumulative Supplement, 2014.

7 Sec. 20. Since an emergency exists, this act takes effect when  
8 passed and approved according to law.

9 2. Renumber the remaining sections and correct internal references  
10 accordingly.

The Schilz amendment was adopted with 28 ayes, 1 nay, 19 present and not  
voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 469A.** Advanced to Enrollment and Review for  
Engrossment.

**LEGISLATIVE BILL 85.** ER87, found on page 1229, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 253.** Advanced to Enrollment and Review for  
Engrossment.

**LEGISLATIVE BILL 423.** ER93, found on page 1271, was adopted.

Senator Nordquist offered the following amendment:  
AM1498

(Amendments to E & R amendments, ER93)

1 1. Strike section 4 and insert the following new section:

2 Sec. 4. Section 77-27,235, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 77-27,235 (1) For purposes of this section, renewable electric  
5 generation facility means an electrical generating facility that is  
6 located in this state and is approved by the Department of Revenue as a  
7 community-based energy development project as defined in section 70-1903.

8 (2) The Legislature hereby finds and declares that it is the policy  
9 of this state to make revisions in Nebraska's tax structure to encourage  
10 renewable electric generation facilities to locate in this state. Such  
11 facilities will:

12 (a) Contribute to a diverse state economy;

13 (b) Increase state and county revenue through taxes paid by the  
14 producer of electricity, the owner of the land on which the facility is

15 located, and others who sell products and services needed by the  
16 facility;

17 (c) Increase investment in the state through designation of  
18 renewable electric generation facilities as community-based energy  
19 development projects, which must invest twenty-five percent of their  
20 income in the state, and through the purchase of goods and services in  
21 the state by others impacted by the facilities; and

22 (d) Create jobs in this state.

23 (3 4) Any producer of electricity generated by a ~~new~~ renewable  
24 electric generation facility placed into commercial operation on or after  
25 the effective date of this act may claim ~~shall earn~~ a renewable energy  
26 tax credit as provided in this section. The credit may be used to offset  
1 up to one hundred percent of the producer's income tax due under the  
2 Nebraska Revenue Act of 1967 or any tax due under sections 77-907 to  
3 77-918 or 77-3801 to 77-3807 in the year the renewable electric  
4 generation facility is placed into commercial operation and in subsequent  
5 years until all credits have been utilized, subject to the limitations in  
6 subsection (8) of this section. The credit shall be calculated under one  
7 of the following two methods:

8 (a) A credit based on each kilowatt-hour of electricity generated by  
9 a renewable electric generation facility that begins commercial operation  
10 on or after the effective date of this act. The credit allowed under this  
11 subdivision shall be earned for electricity generated during the first  
12 ten years of commercial operation of the renewable electric generation  
13 facility and shall be calculated as follows:

14 (i) For the first two years of commercial operation, the credit  
15 shall be equal to one cent for each kilowatt-hour of electricity  
16 generated by the renewable electric generation facility;

17 (ii) For the next two years of commercial operation, the credit  
18 shall be equal to 0.9 cent for each kilowatt-hour of electricity  
19 generated by the renewable electric generation facility;

20 (iii) For the next two years of commercial operation, the credit  
21 shall be equal to 0.8 cent for each kilowatt-hour of electricity  
22 generated by the renewable electric generation facility;

23 (iv) For the next two years of commercial operation, the credit  
24 shall be equal to 0.7 cent for each kilowatt-hour of electricity  
25 generated by the renewable electric generation facility; and

26 (v) For the next two years of commercial operation, the credit shall  
27 be equal to 0.6 cent for each kilowatt-hour of electricity generated by  
28 the renewable electric generation facility; or

29 (b) A one-time credit equal to thirty percent of the total cost of  
30 construction of any renewable electric generation facility that begins  
31 commercial operation on or after the effective date of this act. The  
1 credit allowed under this subdivision shall not exceed two million  
2 dollars.

3 (4) A renewable electric generation facility may generate  
4 electricity using fuel sources other than those listed in subdivision (1)  
5 of section 70-1903, but only electricity generated from the fuel sources  
6 listed in such subdivision shall be eligible for the credit allowed under

7 subdivision (3)(a) of this section.  
8 (5) The producer earning the credit shall select which of the  
9 methods described in subsection (3) of this section will be used to  
10 calculate the credit prior to placing the renewable electric generation  
11 facility into commercial operation. The producer shall notify the  
12 Department of Revenue in writing of its selection.  
13 (6) On or before March 1 of each year after placing the renewable  
14 electric generation facility into commercial operation, the producer of a  
15 facility claiming credits under this section shall file with the  
16 Department of Revenue a report on the following information:  
17 (a) The amount of property taxes paid by such producer during the  
18 previous calendar year on the property on which the renewable electric  
19 generation facility is located;  
20 (b) The number of full-time jobs created at the renewable electric  
21 generation facility since placing the facility into commercial operation;  
22 and  
23 (c) For any producer seeking credits under subdivision (3)(a) of  
24 this section, the actual production of the facility for the previous  
25 calendar year.  
26 (7)(a) If the renewable electric generation facility has a nameplate  
27 capacity of twenty megawatts or less, the credit allowed under this  
28 section may be transferred, sold, pledged, or assigned one or more times,  
29 either in whole or in part, by or to any person or legal entity. For  
30 purposes of the nameplate capacity limitation in this subsection, all  
31 generating equipment located within one mile of any other generating  
1 equipment using the same fuel source and interconnecting to such other  
2 generating equipment shall be considered part of a single facility.  
3 (b) The person transferring, selling, pledging, or assigning the  
4 credit under this subsection shall notify the Department of Revenue in  
5 writing within fifteen calendar days following the effective date of the  
6 transfer, sale, pledge, or assignment.  
7 (c) The person acquiring the credit under this subsection may claim  
8 the credit against up to one hundred percent of the person's income tax  
9 due under the Nebraska Revenue Act of 1967 or any tax due under sections  
10 77-907 to 77-918 or 77-3801 to 77-3807 in the year the renewable electric  
11 generation facility is placed into commercial operation and in subsequent  
12 years until all credits have been utilized, subject to the limitations in  
13 subsection (8) of this section.  
14 (8) Any credits under this section which are unused may be carried  
15 forward for up to five years after the first tax year in which the  
16 credits may be claimed.  
17 (9) If the recipient of the credit under this section is a  
18 corporation having an election in effect under subchapter S of the  
19 Internal Revenue Code of 1986, as amended, a partnership, or a limited  
20 liability company, the credit may be distributed to the shareholders of  
21 the subchapter S corporation, the partners of the partnership, or the  
22 members of the limited liability company in the same manner as those  
23 shareholders, partners, or members account for their proportionate shares  
24 of the income or losses of the subchapter S corporation, partnership, or

25 limited liability company, or as provided in the bylaws or other executed  
26 agreement of the subchapter S corporation, partnership, or limited  
27 liability company.

28 (10) The Department of Revenue shall develop a system to track the  
29 transfer, sale, pledge, and assignment of credits and to certify the  
30 ownership of the credits.

31 (11) Credits allowed under this section may be claimed for tax years  
1 beginning or deemed to begin on or after January 1, 2017, under the  
2 Internal Revenue Code of 1986, as amended.

3 (12) Any tax credit claimed under this section shall be considered a  
4 payment of tax for purposes of subsection (1) of section 77-2734.03.

5 For electricity generated on or after July 14, 2006, and before  
6 October 1, 2007, the credit shall be .075 cent for each kilowatt hour of  
7 electricity generated by a new renewable electric generation facility.

8 For electricity generated on or after October 1, 2007, and before January  
9 1, 2010, the credit shall be .1 cent for each kilowatt hour of  
10 electricity generated by a new renewable electric generation facility.

11 For electricity generated on or after January 1, 2010, and before January  
12 1, 2013, the credit shall be .075 cent per kilowatt hour for electricity  
13 generated by a new renewable electric generation facility. For

14 electricity generated on or after January 1, 2013, the credit shall be  
15 .05 cent per kilowatt hour for electricity generated by a new renewable  
16 electric generation facility. The credit may be earned for production of  
17 electricity for ten years after the date that the facility is placed in  
18 operation on or after July 14, 2006.

19 (2) For purposes of this section:

20 (a) Electricity generated by a new renewable electric generation  
21 facility means electricity that is exclusively produced by a new  
22 renewable electric generation facility;

23 (b) Eligible renewable resources means wind, moving water, solar,  
24 geothermal, fuel cell, methane gas, or photovoltaic technology; and

25 (c) New renewable electric generation facility means an electrical  
26 generating facility located in this state that is first placed into  
27 service on or after July 14, 2006, which utilizes eligible renewable  
28 resources as its fuel source.

29 (3) The credit allowed under this section may be used to reduce the  
30 producer's Nebraska income tax liability or to obtain a refund of state  
31 sales and use taxes paid by the producer of electricity generated by a  
1 new renewable electric generation facility. A claim to use the credit for  
2 refund of the state sales and use taxes paid, either directly or  
3 indirectly, by the producer may be filed quarterly for electricity  
4 generated during the previous quarter by the twentieth day of the month  
5 following the end of the calendar quarter. The credit may be used to  
6 obtain a refund of state sales and use taxes paid during the quarter  
7 immediately preceding the quarter in which the claim for refund is made,  
8 except that the amount refunded under this subsection shall not exceed  
9 the amount of the state sales and use taxes paid during the quarter.

10 (13 4) The Department of Revenue may adopt and promulgate rules and  
11 regulations to carry out this section and to permit verification of the

12 validity and timeliness of any renewable energy tax credit claimed.

13 (14) The Department of Revenue shall have, with respect to the  
 14 credits authorized under this section, all authority granted to it in  
 15 section 77-27.119.

16 (15) The Department of Revenue shall electronically submit an annual  
 17 report to the Legislature beginning on July 1, 2018, and each July 1  
 18 thereafter. The report shall include (a) the number of renewable electric  
 19 generation facilities receiving credits under this section, (b) the  
 20 amount of credits earned, (c) the amount of credits claimed, (d) the  
 21 amount of credits outstanding, (e) the amount of property taxes paid by  
 22 producers during the previous calendar year on the properties on which  
 23 renewable electric generation facilities are located, as reported  
 24 pursuant to subsection (6) of this section, and (f) the number of full-  
 25 time jobs created at renewable electric generation facilities receiving  
 26 credits under this section, as reported pursuant to subsection (6) of  
 27 this section.

28 (16) No renewable electric generation facility for which an  
 29 application for sales tax exemption under section 77-2704.57 is filed  
 30 after December 31, 2021, shall be eligible for the tax credits authorized  
 31 under this section.

1 (17) The tax credit program authorized under this section shall be  
 2 subject to tax incentive performance audits conducted pursuant to the  
 3 Legislative Performance Audit Act.

4 ~~(5) The total amount of renewable energy tax credits that may be~~  
 5 ~~used by all taxpayers shall be limited to fifty thousand dollars without~~  
 6 ~~further authorization from the Legislature.~~

7 ~~(6) The credit allowed under this section may not be claimed by a~~  
 8 ~~producer who received a sales tax exemption under section 77-2704.57 for~~  
 9 ~~the new renewable electric generation facility.~~

Senator Nordquist offered the following amendment to his amendment:  
 AM1507

(Amendments to AM1498)

1 1. On page 2, strike beginning with "calculated" in line 13 through  
 2 line 28 and insert "equal to 0.75 cent for each kilowatt-hour of  
 3 electricity generated by the renewable electric generation facility; or".  
 4 2. On page 3, line 1, strike "two" and insert "one".

Senator Nordquist asked unanimous consent to withdraw his amendment,  
 AM1507, found in this day's Journal, and replace it with his substitute  
 amendment, AM1525, to his amendment. No objections. So ordered.  
 AM1525

(Amendments to AM1498)

1 1. On page 2, strike beginning with "calculated" in line 13 through  
 2 line 28 and insert "equal to 0.75 cent for each kilowatt-hour of  
 3 electricity generated by the renewable electric generation facility; or".  
 4 2. On page 3, line 1, strike "two" and insert "one".  
 5 3. On page 5, line 2, after the period insert "The Tax Commissioner  
 6 shall limit the monetary amount of tax credits permitted under this



7 section to a level necessary to limit tax credit utilization at no more  
 8 than seventy-five million dollars of new tax credits. Such limitation on  
 9 tax credits shall be based on the anticipated utilization of credits  
 10 without regard to the potential for taxpayers to carry forward tax  
 11 credits to later tax years."

Pending.

**LEGISLATIVE BILL 348.** ER89, found on page 1229, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 317.** ER94, found on page 1292, was adopted.

Advanced to Enrollment and Review for Engrossment.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Hruza, Timothy G. - Nebraska Accountability and Disclosure Commission -  
 Government, Military and Veterans Affairs  
 Kramer, Lisa - Board of Public Roads Classifications and Standards -  
 Transportation and Telecommunications  
 Pearson, Ricky - Motor Vehicle Licensing Board - Transportations and  
 Telecommunications

(Signed) Bob Krist, Chairperson  
 Executive Board

#### **AMENDMENT(S) - Print in Journal**

Senator Schumacher filed the following amendment to LB67:  
 AM1379

(Amendments to E and R amendments, ER95)

- 1 1. On page 2, line 29, after "payment" insert "includes an ad  
 2 valorem tax, which".
- 3 2. On page 3, line 8, after "any" insert "general obligation bonds  
 4 or limited tax"; and in line 9, after "any" insert "general obligation  
 5 bond or limited tax".
- 6 3. On page 6, line 18, after "Any" insert "general obligation bonds  
 7 or limited tax"; and in line 25 after "such" insert "general obligation  
 8 bonds or limited tax".

Senator Crawford filed the following amendment to LB67:  
 AM1164

- 1 1. On page 5, lines 7 and 8, strike "to pledge and lien upon the  
 2 related bond-pledged revenue sources" and insert "pension obligations".

Senator Scheer filed the following amendment to LB294:  
AM1454 is available in the Bill Room.

Senator Nordquist filed the following amendment to LB423A:  
AM1509

1 1. On page 2, line 1, strike "\$54,106" and insert "\$137,308"; and in  
2 line 7 strike "\$36,922" and insert "\$99,480".

Senator Schumacher filed the following amendment to LB330:  
FA57

Amend ER92

1. On page 2, line 13 strike "possess;" and insert "or" immediately before the word "offer"
2. Strike starting with the final comma in line 13, page 2 through the word "use" in line 14.
3. Add after the period in line 14 the following: "No person under the age of 21 shall possess or use powdered alcohol."
4. Add a new Section 27: "If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions." Renumber accordingly.

Senator Schumacher filed the following amendment to LB575:  
AM1424 is available in the Bill Room.

Senator Murante filed the following amendment to LB575:  
AM1510

(Amendments to Standing Committee amendments, AM1276)

- 1 1. Insert the following new section:
- 2 Sec. 29. Section 60-4,144, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 60-4,144 (1) An applicant for issuance of any original or renewal
- 5 commercial driver's license or an applicant for a change of class of
- 6 commercial motor vehicle, endorsement, or restriction shall demonstrate
- 7 his or her knowledge and skills for operating a commercial motor vehicle
- 8 as prescribed in the Motor Vehicle Operator's License Act. An applicant
- 9 for a commercial driver's license shall provide the information and
- 10 documentation required by this section and section 60-4,144.01. Such
- 11 information and documentation shall include any additional information
- 12 required by 49 C.F.R. parts 383 and 391 and also include:
- 13 (a) Certification that the commercial motor vehicle in which the
- 14 applicant takes any driving skills examination is representative of the
- 15 class of commercial motor vehicle that the applicant operates or expects
- 16 to operate; and
- 17 (b) The names of all states where the applicant has been licensed to
- 18 operate any type of motor vehicle in the ten years prior to the date of
- 19 application.
- 20 (2)(a) Before being issued a CLP-commercial learner's permit or

21 commercial driver's license, the applicant shall provide (i) his or her  
22 full legal name, date of birth, mailing address, gender, race or  
23 ethnicity, and social security number, (ii) two forms of proof of address  
24 of his or her principal residence unless the applicant is a program  
25 participant under the Address Confidentiality Act, except that a  
26 nondomiciled applicant for a CLP-commercial learner's permit or  
1 nondomiciled commercial driver's license holder does not have to provide  
2 proof of residence in Nebraska, (iii) evidence of identity as required by  
3 this section, and (iv) a brief physical description of himself or  
4 herself.

5 (b) The applicant's social security number shall not be printed on  
6 the CLP-commercial learner's permit or commercial driver's license and  
7 shall be used only (i) to furnish information to the United States  
8 Selective Service System under section 60-483, (ii) with the permission  
9 of the director in connection with the certification of the status of an  
10 individual's driving record in this state or any other state, (iii) for  
11 purposes of child support enforcement pursuant to section 42-358.08 or  
12 43-512.06, (iv) to furnish information regarding an applicant for or  
13 holder of a commercial driver's license with a hazardous materials  
14 endorsement to the Transportation Security Administration of the United  
15 States Department of Homeland Security or its agent, ~~or~~ (v) to furnish  
16 information to the Department of Revenue under section 77-362.02, or (vi)  
17 to furnish information to the Secretary of State for purposes of the  
18 Election Act.

19 (c) No person shall be a holder of a CLP-commercial learner's permit  
20 or commercial driver's license and a state identification card at the  
21 same time.

22 (3) Before being issued a CLP-commercial learner's permit or  
23 commercial driver's license, an applicant, except a nondomiciled  
24 applicant, shall provide proof that this state is his or her state of  
25 residence. Acceptable proof of residence is a document with the person's  
26 name and residential address within this state.

27 (4)(a) Before being issued a CLP-commercial learner's permit or  
28 commercial driver's license, an applicant shall provide proof of  
29 identity.

30 (b) The following are acceptable as proof of identity:

31 (i) A valid, unexpired United States passport;

1 (ii) A certified copy of a birth certificate filed with a state  
2 office of vital statistics or equivalent agency in the individual's state  
3 of birth;

4 (iii) A Consular Report of Birth Abroad issued by the United States  
5 Department of State;

6 (iv) A valid, unexpired permanent resident card issued by the United  
7 States Department of Homeland Security or United States Citizenship and  
8 Immigration Services;

9 (v) An unexpired employment authorization document issued by the  
10 United States Department of Homeland Security;

11 (vi) An unexpired foreign passport with a valid, unexpired United  
12 States visa affixed accompanied by the approved form documenting the

13 applicant's most recent admittance into the United States;  
14 (vii) A Certificate of Naturalization issued by the United States  
15 Department of Homeland Security;  
16 (viii) A Certificate of Citizenship issued by the United States  
17 Department of Homeland Security;  
18 (ix) A driver's license or identification card issued in compliance  
19 with the standards established by the REAL ID Act of 2005, Public Law  
20 109-13, division B, section 1, 119 Stat. 302; or  
21 (x) Such other documents as the director may approve.  
22 (c) If an applicant presents one of the documents listed under  
23 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this  
24 subsection, the verification of the applicant's identity will also  
25 provide satisfactory evidence of lawful status.  
26 (d) If the applicant presents one of the identity documents listed  
27 under subdivision (b)(v), (vi), or (ix) of this subsection, the  
28 verification of the identity documents does not provide satisfactory  
29 evidence of lawful status. The applicant must also present a second  
30 document from subdivision (4)(b) of this section, a document from  
1 subsection (5) of this section, or documentation issued by the United  
2 States Department of Homeland Security or other federal agencies  
3 demonstrating lawful status as determined by the United States  
4 Citizenship and Immigration Services.  
4 (e) An applicant may present other documents as designated by the  
5 director as proof of identity. Any documents accepted shall be recorded  
6 according to a written exceptions process established by the director.  
7 (5)(a) Whenever a person is renewing, replacing, upgrading,  
8 transferring, or applying as a nondomiciled individual to this state for  
9 a CLP-commercial learner's permit or commercial driver's license, the  
10 Department of Motor Vehicles shall verify the citizenship in the United  
11 States of the person or the lawful status in the United States of the  
12 person.  
13 (b) The following are acceptable as proof of citizenship or lawful  
14 status:  
15 (i) A valid, unexpired United States passport;  
16 (ii) A certified copy of a birth certificate filed with a state  
17 office of vital statistics or equivalent agency in the individual's state  
18 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the  
19 Commonwealth of the Northern Mariana Islands;  
20 (iii) A Consular Report of Birth Abroad issued by the United States  
21 Department of State;  
22 (iv) A Certificate of Naturalization issued by the United States  
23 Department of Homeland Security;  
24 (v) A Certificate of Citizenship issued by the United States  
25 Department of Homeland Security; or  
26 (vi) A valid, unexpired Permanent Resident Card issued by the United  
27 States Department of Homeland Security or United States Citizenship and  
28 Immigration Services.  
29 (6) An applicant may present other documents as designated by the  
30 director as proof of lawful status. Any documents accepted shall be

31 recorded according to a written exceptions process established by the  
1 director.

2 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial  
3 driver's license or nondomiciled CLP-commercial learner's permit:

4 (i) If the applicant is domiciled in a foreign jurisdiction and the  
5 Federal Motor Carrier Safety Administrator has not determined that the  
6 commercial motor vehicle operator testing and licensing standards of that  
7 jurisdiction meet the standards contained in subparts G and H of 49  
8 C.F.R. part 383; or

9 (ii) If the applicant is domiciled in a state that is prohibited  
10 from issuing commercial learners' permits and commercial drivers'  
11 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to  
12 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled  
13 commercial driver's license from Nebraska that complies with the testing  
14 and licensing standards contained in subparts F, G, and H of 49 C.F.R.  
15 part 383.

16 (b) An applicant for a nondomiciled CLP-commercial learner's permit  
17 and nondomiciled commercial driver's license must do the following:

18 (i) Complete the requirements to obtain a CLP-commercial learner's  
19 permit or a commercial driver's license under the Motor Vehicle  
20 Operator's License Act, except that an applicant domiciled in a foreign  
21 jurisdiction must provide an unexpired employment authorization document  
22 issued by the United States Citizenship and Immigration Services or an  
23 unexpired foreign passport accompanied by an approved I-94 form  
24 documenting the applicant's most recent admittance into the United  
25 States. No proof of domicile is required;

26 (ii) After receipt of the nondomiciled CLP-commercial learner's  
27 permit or nondomiciled commercial driver's license and, for as long as  
28 the permit or license is valid, notify the Department of Motor Vehicles  
29 of any adverse action taken by any jurisdiction or governmental agency,  
30 foreign or domestic, against his or her driving privileges. Such adverse  
31 actions include, but are not limited to, license disqualification or  
1 disqualification from operating a commercial motor vehicle for the  
2 convictions described in 49 C.F.R. 383.51. Notifications must be made  
3 within the time periods specified in 49 C.F.R. 383.33; and

4 (iii) Provide a mailing address to the Department of Motor Vehicles.

5 If the applicant is applying for a foreign nondomiciled CLP-commercial  
6 learner's permit or foreign nondomiciled commercial driver's license, he  
7 or she must provide a Nebraska mailing address and his or her employer's  
8 mailing address to the Department of Motor Vehicles.

9 (c) An applicant for a nondomiciled CLP-commercial learner's permit  
10 or nondomiciled commercial driver's license is not required to surrender  
11 his or her foreign license.

12 (8) Any person applying for a CLP-commercial learner's permit or  
13 commercial driver's license may answer the following:

14 (a) Do you wish to register to vote as part of this application  
15 process?

16 (b) Do you wish to have the word "veteran" displayed on the front of  
17 your operator's license to show that you served in the armed forces of

18 the United States? (To be eligible you must register with the Nebraska  
 19 Department of Veterans' Affairs registry.)  
 20 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING  
 21 QUESTIONS:  
 22 (c) Do you wish to be an organ and tissue donor?  
 23 (d) Do you wish to receive any additional specific information  
 24 regarding organ and tissue donation and the Donor Registry of Nebraska?  
 25 (e) Do you wish to donate \$1 to promote the Organ and Tissue Donor  
 26 Awareness and Education Fund?  
 27 (9) Any person applying for a CLP-commercial learner's permit or  
 28 commercial driver's license must make one of the certifications in  
 29 section 60-4,144.01 and any certification required under section 60-4,146  
 30 and must provide such certifications to the Department of Motor Vehicles  
 31 in order to be issued a CLP-commercial learner's permit or a commercial  
 1 driver's license.  
 2 (10) Every person who holds any commercial driver's license must  
 3 provide to the department medical certification as required by section  
 4 60-4,144.01. The department may provide notice and prescribe medical  
 5 certification compliance requirements for all holders of commercial  
 6 drivers' licenses. Holders of commercial drivers' licenses who fail to  
 7 meet the prescribed medical certification compliance requirements may be  
 8 subject to downgrade.  
 9 2. On page 5, line 18, reinstate the stricken "or within", before  
 10 the stricken "six" insert "thirty days", and reinstate the stricken  
 11 "after leaving office".  
 12 3. On page 6, line 11, after the period insert "To be eligible to  
 13 enter into such a contract, the organization shall be exempt for federal  
 14 tax purposes under section 501(c)(3) of the Internal Revenue Code, as  
 15 defined in section 49-801.01.".  
 16 4. Renumber the remaining sections and correct the operative date  
 17 section and the repealer so that the section added by this amendment  
 18 becomes operative on its effective date with the emergency clause.

Senator Coash filed the following amendment to LB566:  
 AM1456

(Amendments to E and R amendments, ER98)

1 1. On page 7, line 3, strike "their attempts" and insert "its  
 2 attempt"; and in line 9 strike beginning with "The" through "of" and  
 3 insert "Using".  
 4 2. On page 11, line 26, strike "such", show as stricken, and insert  
 5 "the primary".  
 6 3. On page 12, strike lines 11 through 21 and insert the following  
 7 new subdivisions:  
 8 "(a) The applicable Indian tribes shall enter into a unanimous  
 9 agreement designating which Indian tribe is the Indian child's primary  
 10 tribe for the underlying state court proceeding within thirty days after  
 11 intervention by one or more additional Indian tribes, after consultation,  
 12 if practicable, with the parents of the Indian child and with the Indian  
 13 child if he or she is twelve years of age or older; or

14 (b) If unanimous agreement is not possible within the thirty-day  
 15 period, the state court in which the proceeding is pending shall  
 16 determine the Indian child's primary tribe based upon the amount and  
 17 significance of the contacts between each Indian tribe and the Indian  
 18 child.".  
 19 4. On page 18, line 22, strike the commas and reinstate the stricken  
 20 "or".

Senator Groene filed the following amendment to LB423:  
 AM1521

(Amendments to AM1498)

1 1. On page 1, line 24, strike "placed into commercial operation" and  
 2 insert "that has been approved for construction".  
 3 2. On page 2, line 9, strike "begins commercial operation" and  
 4 insert "has been approved for construction"; and in lines 30 and 31  
 5 strike "begins commercial operation" and insert "has been approved for  
 6 construction".

Senator Johnson filed the following amendment to LB360:  
 AM1520

(Amendments to E & R amendments, ER90)

1 1. Insert the following new section:  
 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 shall set forth the time and place of the hearing on the stop-movement order. A notice of the violator's right to such hearing shall include notice that such right to a hearing may be waived pursuant to subsection (6) of this section.

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

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

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

2. On page 5, line 31, after "seized" insert "pursuant to section 28-1006 or 28-1012".

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

4. On page 16, line 28, strike "a licensee, an applicant," and insert "an applicant, a licensee,".

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

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

7. On page 20, line 22, strike "license"; in line 25 strike "housed"



- 21 and insert "owned or harbored" and strike "annual licensure" and insert  
 22 "twelve-month"; and in line 26 after "cats" insert "subject to  
 23 subdivision (g) of this section".
- 24 8. On page 21, line 1, strike the second "license", show as  
 25 stricken, and insert "annual"; in line 6 after "dollars" insert "times  
 26 the number of dogs or cats harbored by the licensee over the previous  
 27 twelve-month period numbering more than ten dogs or cats"; in line 22  
 28 strike "A licensee" and show as stricken and strike ", an applicant," and  
 29 insert "An applicant, a licensee,"; and in line 24 strike "its", show as  
 30 stricken, and insert "any applicable".
- 31 9. On page 25, line 14, after "exists" insert "(a)"; in line 16  
 1 strike "reasonable cause to believe" and show as stricken; in line 17  
 2 strike "(a)", "exist", and "(b)" and show the old matter as stricken; in  
 3 line 19 strike "(c)" and strike "(d)" and insert "or"; in line 20 strike  
 4 "(e)" and insert "(b)"; in line 21 strike "exists that" and insert  
 5 "that,"; and in line 23 after "intervention" insert an underscored comma.  
 6 10. On page 26, line 9, strike ", or that any management  
 7 intervention" and insert "or if any management intervention imposed by  
 8 the stop-movement order is being implemented"; in lines 11 and 12 strike  
 9 "imposed by the stop-movement order is being implemented"; in line 21  
 10 strike "A" and insert "If applicable, a"; in line 26 strike "and" and  
 11 insert "or, if applicable,"; in line 29 after the first "or" insert  
 12 "any"; and in line 30 strike "persist" and "if".
- 13 11. On page 30, line 31, after "that" insert "any".
- 14 12. On page 31, strike "violations" in lines 1, 2, and 3 and insert  
 15 "violation" and before "alleged" in lines 1 and 2 insert "any"; in line 3  
 16 after "or" insert "any" and strike "conditions" and insert "condition";  
 17 in line 5 strike "constitute" and insert "constitutes"; and strike  
 18 beginning with "The" in line 12 through "with" in line 13 and insert "Any  
 19 assignment of a special investigator by the director or referral to  
 20 another law enforcement officer pursuant to this section shall be in  
 21 cooperation and coordination with appropriate".
- 22 13. Renumber the remaining sections and correct internal references  
 23 and the repealer accordingly.

Senator Krist filed the following amendment to LB347:  
 AM1490

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:  
 2 Sec. 14. Section 43-4319, Revised Statutes Cumulative Supplement,  
 3 2014, is amended to read:  
 4 43-4319 (1) The office shall have access to all information and  
 5 personnel necessary to perform the duties of the office.  
 6 (2) A full investigation conducted by the office shall consist of  
 7 retrieval of relevant records through subpoena, request, or voluntary  
 8 production, review of all relevant records, and interviews of all  
 9 relevant persons.  
 10 (3) For a request for confidential record information pursuant to  
 11 subsection (5) of section 43-2,108 involving death or serious injury, the

- 12 office may submit a written request to the probation administrator. The  
13 record information shall be provided to the office within five days after  
14 approval of the request by the Supreme Court.  
15 2. On page 1, line 4, after the first comma insert "43-4319,".  
16 3. On page 23, line 16, after the third comma insert "43-4319,".  
17 4. Renumber the remaining sections accordingly.

### EASE

The Legislature was at ease from 12:01 p.m. until 12:25 p.m.

### NOTICE OF COMMITTEE HEARING(S) Health and Human Services

Room 2102

Tuesday, May 12, 2015 12:00 p.m.

Michael D. Bailey - Board of Emergency Medical Services  
Michelle Marie Hynes - Foster Care Advisory Committee  
Sheree L. Keely - Foster Care Advisory Committee

(Signed) Kathy Campbell, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 468.** Considered.

### SENATOR WATERMEIER PRESIDING

Senator Chambers offered the following motion:

MO99

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers motion to indefinitely postpone failed with 0 ayes, 32 nays, 15 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO100

Reconsider the vote to indefinitely postpone.

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

Senator Chambers offered the following motion:

MO101

Bracket until June 5, 2015.

### **SENATOR COASH PRESIDING**

Senator Chambers withdrew his motion to bracket.

Senator Schumacher offered the following amendment:

FA60

Amend AM1172

Strike new language on page 10. Strike Sections 7 and 8 on page 18 and 19. On page 23 insert a new Section 12: "No contribution to the Nebraska Retirement fund for Judges shall be made from fees assessed for enrollment in a pretrial diversion program established under Section 29-3605. Renumber accordingly.

Senator Schumacher withdrew his amendment.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

### **AMENDMENT(S) - Print in Journal**

Senator Davis filed the following amendment to LB360:

AM1518

(Amendments to E & R amendments, ER90)

- 1 1. On page 17, line 26, strike beginning with "that" through
- 2 "temperature"; in line 27 strike "Acute injuries" and insert "Injuries,
- 3 illnesses, or conditions"; and in line 30 after "dehydration" insert "and
- 4 a continuous supply of potable water in clean, non-porous containers or
- 5 access to biologically appropriate food in appropriate quantities".
- 6 2. On page 18, strike beginning with "egregious" in line 2 through
- 7 "feces" in line 3 and insert "more than twelve hours of urine and feces
- 8 accumulation".

### **NOTICE OF COMMITTEE HEARING(S)**

Health and Human Services

Room 2102

Tuesday, May 12, 2015 12:00 p.m.

Jeremy Fitzpatrick - Commission for the Deaf and Hard of Hearing

(Signed) Kathy Campbell, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 226.** Introduced by Brasch, 16.

WHEREAS, Hailey Kathryn Mayo, the daughter of Kathy and Robert Mayo, has received the Girl Scout Gold Award; and

WHEREAS, the Girl Scout Gold Award is the highest award that can be earned by a Girl Scout in grades nine through twelve; and

WHEREAS, to earn the award, Hailey completed a fundraising and building project for a life-size chess and checker board and a storage shed for Camp Fontanelle near Nickerson; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Hailey Kathryn Mayo for receiving the Girl Scout Gold Award.
2. That a copy of this resolution be sent to Hailey Kathryn Mayo.

Laid over.

**LEGISLATIVE RESOLUTION 227.** Introduced by Harr, B., 8.

**PURPOSE:** Youth apprenticeships integrate school-based and work-based learning to instruct high school students in employability and occupational skills through local industries. Youth apprenticeships are school-to-work programs that coordinate high school student learning and training in the classroom and at a worksite using business-developed, state standardized worksite skills. These programs provide employers the opportunity to shape the quality of their local workforce, benefiting the local community, while also having direct access to a group of skilled workers to help grow their business. These programs also benefit students as they develop skills in industries including, but not limited to, manufacturing, finance, engineering, information technology, and health care.

The purpose of this resolution is to examine opportunities to train Nebraska's youth for the workforce while addressing both educational and workforce needs. The study shall include, but not be limited to, an examination of the following issues:

- (1) Current labor market information to identify occupational demands;
- (2) Agencies, schools, community colleges, or employers that may offer a youth apprenticeship program;
- (3) Similar programs in other states; and
- (4) Federal and state labor laws to ensure compliance with child labor laws.

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

1. That the Business and Labor 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 228.** Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study the Commission of Industrial Relations and the current statutory requirements outlined in the Industrial Relations Act. The study shall include an examination of issues such as whether the act should be clarified regarding comparable wages, conditions of employment, or other related issues.

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

1. That the Business and Labor 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 229.** Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study Nebraska's unemployment insurance laws and unemployment insurance program as governed by the Employment Security Law and related statutes. The study shall include an examination of issues such as unemployment laws and benefits in other states, federal unemployment compensation programs, and other related issues.

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

1. That the Business and Labor 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.

**GENERAL FILE**

**LEGISLATIVE BILL 259.** Title read. Considered.

Committee AM824, found on page 808, was offered.

Senator Gloor offered his amendment, AM1252, found on page 1267, to the committee amendment.

The Gloor amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Gloor offered the following amendment to the committee amendment:

FA58

Amend AM1252

On page 11, line 24, and page 12, lines 20 and 30, strike "reduce" and insert "multiply".

The Gloor amendment was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 480.** Title read. Considered.

Committee AM1274, found on page 1225, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 525.** Title read. Considered.

Committee AM1306, found on page 1251, was offered.

Senator Baker offered his amendment, AM1476, found on page 1349, to the committee amendment.

The Baker amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Cook offered the following amendment to the committee amendment:

AM1347

(Amendments to Standing Committee amendments, AM1306)

1 1. Insert the following new sections:

2 Sec. 20. Section 79-1007.06, Reissue Revised Statutes of Nebraska,

3 is amended to read:

4 79-1007.06 (1) For school fiscal year 2008-09 and each school fiscal  
5 year thereafter, the department shall determine the poverty allowance for  
6 each school district that meets the requirements of this section and ~~has~~  
7 ~~not been disqualified pursuant to section 79-1007.07~~. Each school  
8 district shall designate a maximum poverty allowance on a form prescribed  
9 by the department on or before October 15 of the school fiscal year  
10 immediately preceding the school fiscal year for which aid is being  
11 calculated. The school district may decline to participate in the poverty  
12 allowance by providing the department with a maximum poverty allowance of  
13 zero dollars on such form on or before October 15 of the school fiscal  
14 year immediately preceding the school fiscal year for which aid is being  
15 calculated. Each school district designating a maximum poverty allowance  
16 greater than zero dollars shall submit a poverty plan pursuant to section  
17 79-1013.

18 (2) The poverty allowance for each school district ~~that has not been~~  
19 ~~disqualified pursuant to section 79-1007.07~~ shall equal the lesser of:

20 (a) The maximum amount designated pursuant to subsection (1) of this  
21 section by the school district in the local system, if such school  
22 district designated a maximum amount, for the school fiscal year for  
23 which aid is being calculated; or

24 (b) The sum of:

25 (i) The statewide average general fund operating expenditures per  
26 formula student multiplied by 0.0375 then multiplied by the poverty  
1 students comprising more than five percent and not more than ten percent  
2 of the formula students in the school district; plus

3 (ii) The statewide average general fund operating expenditures per  
4 formula student multiplied by 0.0750 then multiplied by the poverty  
5 students comprising more than ten percent and not more than fifteen  
6 percent of the formula students in the school district; plus

7 (iii) The statewide average general fund operating expenditures per  
8 formula student multiplied by 0.1125 then multiplied by the poverty  
9 students comprising more than fifteen percent and not more than twenty  
10 percent of the formula students in the school district; plus

11 (iv) The statewide average general fund operating expenditures per  
12 formula student multiplied by 0.1500 then multiplied by the poverty  
13 students comprising more than twenty percent and not more than twenty-  
14 five percent of the formula students in the school district; plus

15 (v) The statewide average general fund operating expenditures per  
16 formula student multiplied by 0.1875 then multiplied by the poverty  
17 students comprising more than twenty-five percent and not more than  
18 thirty percent of the formula students in the school district; plus

19 (vi) The statewide average general fund operating expenditures per

20 formula student multiplied by 0.2250 then multiplied by the poverty  
21 students comprising more than thirty percent of the formula students in  
22 the school district.

23 Sec. 21. Section 79-1007.07, Reissue Revised Statutes of Nebraska,  
24 is amended to read:

25 79-1007.07 (1)(a) The annual financial report required pursuant to  
26 section 79-528 shall include:

27 (i) The amount of the poverty allowance used in the certification of  
28 state aid pursuant to section 79-1022 for such school fiscal year;

29 (ii) The amount of federal funds received based on poverty as  
30 defined by the federal program providing the funds;

31 (iii) The expenditures and sources of funding for each program  
1 related to poverty with a narrative description of the program, the  
2 method used to allocate money to the program and within the program, and  
3 the program's relationship to the poverty plan submitted pursuant to  
4 section 79-1013 for such school fiscal year;

5 (iv) The expenditures and sources of funding for support costs  
6 directly attributable to implementing the district's poverty plan; and

7 (v) An explanation of how any required elements of the poverty plan  
8 for such school fiscal year were met.

9 (b) The department shall set up accounting codes for the receipts  
10 and expenditures required to be reported on the annual financial report  
11 pursuant to this subsection.

12 (2) The department shall determine the poverty allowance  
13 expenditures using the reported expenditures on the annual financial  
14 report for the most recently available complete data year that would  
15 include in the poverty allowance expenditures only those expenditures  
16 that are not included in other allowances, that were used to specifically  
17 address issues related to the education of students living in poverty or  
18 to the implementation of the poverty plan, that do not replace  
19 expenditures that would have occurred if the students involved in the  
20 program did not live in poverty, and that are paid for with  
21 noncategorical funds generated by state or local taxes or funds  
22 distributed through the Tax Equity and Educational Opportunities Support  
23 Act pursuant to the federal American Recovery and Reinvestment Act of  
24 2009 or the federal Education Jobs Fund created pursuant to Public Law  
25 111-226. The department shall establish a procedure to allow school  
26 districts to receive preapproval for categories of expenditures that  
27 could be included in poverty allowance expenditures.

28 (3) If the poverty allowance expenditures do not equal 117.65  
29 percent or more of the poverty allowance for the most recently available  
30 complete data year, the department shall calculate a poverty allowance  
31 correction. The poverty allowance correction shall equal the poverty  
1 allowance minus eighty-five percent of the poverty allowance  
2 expenditures.

3 For aid calculated for school fiscal years prior to school fiscal year  
4 2016-17, if ~~if~~ the poverty allowance expenditures do not equal fifty  
5 percent or more of the allowance for such school fiscal year, the school  
6 district shall also be disqualified from receiving a poverty allowance



7 for the school fiscal year for which aid is being calculated.  
 8 (4)(a)(i) For aid calculated for school fiscal years prior to school  
 9 fiscal year 2016-17, if ~~if~~ the department determines that the school  
 10 district did not meet the required elements of the poverty plan for the  
 11 most recently available complete data year, the department shall  
 12 calculate a poverty allowance correction equal to fifty percent of the  
 13 poverty allowance for such school fiscal year and the school district  
 14 shall also be disqualified from receiving a poverty allowance for the  
 15 school fiscal year for which aid is being calculated.  
 16 (ii) For aid calculated for school fiscal year 2016-17 and each  
 17 school fiscal year thereafter, if the department determines that the  
 18 school district did not meet the required elements of the poverty plan  
 19 for the most recently available complete data year, the department shall  
 20 calculate a poverty allowance correction equal to five percent of the  
 21 poverty allowance for such school fiscal year.  
 22 (b) Any poverty allowance correction calculated pursuant to this  
 23 subsection shall be added to any poverty allowance correction calculated  
 24 pursuant to subsection (3) of this section to arrive at the total poverty  
 25 allowance correction.  
 26 (5) The department may request additional information from any  
 27 school district to assist with calculations and determinations pursuant  
 28 to this section. If the school district does not provide information upon  
 29 the request of the department pursuant to this section, the school  
 30 district shall be disqualified from receiving a poverty allowance for the  
 31 school fiscal year for which aid is being calculated.  
 1 (6) The department shall provide electronically an annual report to  
 2 the Legislature containing a general description of the expenditures and  
 3 funding sources for programs related to poverty statewide and specific  
 4 descriptions of the expenditures and funding sources for programs related  
 5 to poverty for each school district.  
 6 (7) The state board shall establish a procedure for appeal of  
 7 decisions of the department to the state board for a final determination.  
 8 2. Renumber the remaining sections and correct the repealer and  
 9 internal references accordingly.

The Cook amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Kolowski offered the following amendment to the committee amendment:

AM1493

(Amendments to Standing Committee amendments, AM1306)

1 1. Insert the following new sections:  
 2 Sec. 3. The Legislature finds that:  
 3 (1) In order for Nebraska's students to adequately prepare for  
 4 postsecondary education and careers, public schools in conjunction with  
 5 educational service units in Nebraska should offer courses of increased  
 6 educational rigor and relevancy, including, but not limited to, academic  
 7 programs of excellence, dual-enrollment courses, and career academies;

8 (2) The startup costs of implementing and the ongoing costs of  
9 offering such programs, courses, and academies, including, but not  
10 limited to, curricula, textbooks, testing fees, postsecondary tuition,  
11 technology, equipment, staffing, staff training, and other related  
12 expenses, can often exceed the resources available to a school district  
13 or an educational service unit; and

14 (3) It is in the best interests of the state to provide a dedicated  
15 source of funding to public schools in Nebraska through educational  
16 service units for such programs, courses, and academies.

17 Sec. 4. For purposes of sections 3 to 8 of this act:

18 (1) Academic program of excellence means a nationally recognized  
19 program, offered in the high school grades that includes a curriculum and  
20 pedagogy, professional development for teachers, and a rigorous  
21 assessment external to the school system;

22 (2) Career academy means a career academy established pursuant to  
23 section 79-777; and

24 (3) Dual-enrollment course means a course taught to students for  
25 credit at both a high school and a postsecondary educational institution  
26 accredited by an accrediting organization recognized by the United States  
27 Department of Education.

28 Sec. 5. (1) Educational service units shall apply on behalf of  
29 member school districts to the State Department of Education for  
30 reimbursement calculated pursuant to section 6 of this act. School  
31 districts seeking reimbursement pursuant to such section shall provide  
32 documentation to the appropriate educational service unit of the number  
33 of students in each program, course, or academy for which reimbursement  
34 is requested and the number of students successfully completing such  
35 program, course, or academy.

36 (2) Reimbursement shall be available based on students who  
37 successfully complete an academic program of excellence, a dual-  
38 enrollment course, or a career academy. Applications shall be submitted  
39 based on completions during the immediately preceding fiscal year not  
40 later than August 1, 2016, and on or before August 1 of each year  
41 thereafter. The department shall award the reimbursements provided for in  
42 this section and distribute such reimbursements after September 1 and no  
43 later than October 1 of every year beginning in 2016.

44 Sec. 6. (1) For each student who successfully completes an academic  
45 program of excellence, a dual-enrollment course, or a career academy, the  
46 department shall approve and reimburse the school district through its  
47 educational service unit as provided in this section if the school  
48 district through its educational service unit has applied pursuant to  
49 section 5 of this act.

50 (2) The reimbursement for each qualifying school district shall be  
51 determined by (a) dividing the statewide aggregate number of approved  
52 students completing academic programs of excellence, dual enrollment  
53 courses, and career academies into the total funds appropriated for such  
54 purpose and (b) multiplying the result by the district's number of such  
55 approved students.

56 (3) For purposes of the general fund budget of expenditures as

31 defined in section 79-1003, funds received pursuant to this section shall  
 1 be considered special grant funds.

2 Sec. 7. The State Board of Education shall adopt and promulgate  
 3 rules and regulations to carry out sections 3 to 8 of this act. Such  
 4 rules and regulations shall include, but not be limited to, mechanisms to  
 5 determine successful student completion of an academic program of  
 6 excellence, dual-enrollment course, or career academy for purposes of  
 7 reimbursement authorized by section 6 of this act.

8 Sec. 8. It is the intent of the Legislature to appropriate from the  
 9 General Fund two million dollars for fiscal year 2016-17 to carry out the  
 10 purposes of section 6 of this act.

11 Sec. 26. Section 79-1007.13, Reissue Revised Statutes of Nebraska,  
 12 is amended to read:

13 79-1007.13 The department shall calculate a special receipts  
 14 allowance for each district equal to the amount of special education,  
 15 state ward, and accelerated or differentiated curriculum program receipts  
 16 included in local system formula resources under subdivisions (7), (8),  
 17 (16), and (17) of section 79-1018.01 and reimbursements under subdivision  
 18 (19) of section 79-1018.01 attributable to the school district.

19 2. On page 43, line 9, strike "and" and show as stricken; and in  
 20 line 11 strike the period, show as stricken, and insert "; and  
 21 (19) Reimbursements pursuant to sections 3 to 8 of this act.".

22 3. Renumber the remaining sections and correct internal references  
 23 and the repealer accordingly.

#### **SENATOR BOLZ PRESIDING**

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Senator Kolowski moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Kolowski requested a roll call vote on the amendment.

Voting in the affirmative, 25:

Baker	Crawford	Hansen	Kolowski	Nordquist
Bolz	Davis	Harr, B.	Krist	Pansing Brooks
Campbell	Garrett	Hilkemann	McCollister	Riepe
Chambers	Gloor	Howard	Mello	Seiler
Cook	Haar, K.	Johnson	Morfeld	Smith

Voting in the negative, 18:

Bloomfield	Ebke	Hughes	Schnoor	Watermeier
Brasch	Friesen	Kuehn	Schumacher	Williams
Coash	Groene	McCoy	Stinner	
Craighead	Hadley	Scheer	Sullivan	

Present and not voting, 4:

Kolterman	Lindstrom	Murante	Schilz
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Excused and not voting, 2:

Kintner	Larson
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The Kolowski amendment was adopted with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 15 nays, 5 present and not voting, and 2 excused and not voting.

#### **MESSAGE FROM THE SECRETARY OF STATE**

April 30, 2015

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

Dear Mr. President and Senators,

The purpose of this letter is to inform the honorable members of the Legislature that I have made the following appointment requiring Legislative confirmation:

Mr. Matt Enenbach, as a Democrat and a resident of the 2nd Congressional District, being an appointment to fill a vacancy with a residence in the 2nd Congressional District, to the Nebraska Accountability and Disclosure Commission, for a six-year term beginning July 1, 2015, and ending on June 30, 2021. The appointee must be a Democrat. He replaces Joe Grant, a Democrat and resident of the 2nd Congressional District.

The appointment is made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112, and 49-14,114 and is respectfully submitted for your consideration.

Attached is additional background information on the qualifications of the appointment.

Sincerely,  
(Signed) John A. Gale  
Secretary of State

cc: Frank Daley  
cc: Matt Enenbach

js

#### AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB629:  
AM1528

(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 many 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 3, line 9, strike "uses" and insert "owns, leases, or is  
 11 otherwise authorized to use"; and in line 14 after "hail" insert ".  
 12 Prearranged ride does not include shared-expense carpool or vanpool  
 13 arrangements".  
 14 3. On page 11, line 14, after "commission" insert "except when  
 15 publicly disclosed as evidence in a civil penalty proceeding pursuant to  
 16 section 75-156 or in a criminal proceeding prosecuted by the state".  
 17 4. On page 12, line 15, strike "A" and insert "Beginning on  
 18 September 1, 2015, a"; and in lines 20 and 21 strike "five hundred  
 19 thousand" and insert "one million".  
 20 5. On page 13, line 8, strike "The" and insert "Beginning on  
 21 September 1, 2015, the".  
 22 6. On page 14, strike beginning with the comma in line 20 through  
 23 "payment" in line 27 and insert "and if such personal vehicle is subject  
 24 to a lien, the transportation network company insurance carrier shall  
 25 make payment for a claim covered under collision physical damage coverage  
 26 or comprehensive physical damage coverage".  
 27 7. On page 15, line 2, after the first "coverage" insert "for  
 28 transportation network company activity".  
 29 8. On page 22, line 19, strike "twenty" and insert "twenty-five".

Senator Seiler filed the following amendment to LB605:  
 AM1530 is available in the Bill Room.

### COMMITTEE REPORT(S)

#### Revenue

**LEGISLATIVE BILL 285.** Placed on General File with amendment.  
 AM1426

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 13-2709, Revised Statutes Cumulative Supplement,  
 4 2014, is amended to read:  
 5 13-2709 (1) The department shall submit, as part of the  
 6 department's annual status report under section 81-1201.11, the following  
 7 information regarding the Civic and Community Center Financing Act:  
 8 (a 4) Information documenting the grants conditionally approved for  
 9 funding by the Legislature in the following fiscal year;  
 10 (b 2) Reasons why a full application was not sent to any  
 11 municipality seeking assistance under the act;  
 12 (c 3) The amount of sales tax revenue generated for the fund

13 pursuant to subsection (4) of section 13-2610 and subsection (9) of  
14 section 13-3108, the total amount of grants applied for under the act,  
15 the year-end fund balance, the amount of the year-end fund balance which  
16 has not been committed to funding grants under the act, and, if all  
17 available funds have not been committed to funding grants under the act,  
18 an explanation of the reasons why all such funds have not been so  
19 committed;

20 (d 4) The amount of appropriated funds actually expended by the  
21 department for the year;

22 (e 5) The department's current budget for administration of the act  
23 and the department's planned use and distribution of funds, including  
24 details on the amount of funds to be expended on grants and the amount of  
25 funds to be expended by the department for administrative purposes; and

26 (f 6) Grant summaries, including the applicant municipality, project  
27 description, grant amount requested, amount and type of matching funds,  
1 and reasons for approval or denial based on evaluation criteria from  
2 section 13-2707 or 13-2707.01 for every application seeking assistance  
3 under the act.

4 (2) If the amount of the year-end fund balance which has not been  
5 committed to funding grants under the act as reported under subdivision  
6 (1)(c) of this section, excluding any amount required to be transferred  
7 under subsection (3) of section 13-2704, is more than one million  
8 dollars, the department shall notify the State Treasurer of the amount in  
9 excess of one million dollars. The State Treasurer shall transfer the  
10 amount in excess of one million dollars from the Civic and Community  
11 Center Financing Fund to the Political Subdivision Recapture Cash Fund.

12 (3) The Political Subdivision Recapture Cash Fund is created and  
13 shall consist of money transferred under subsection (2) of this section.  
14 Any money in the Political Subdivision Recapture Cash Fund available for  
15 investment shall be invested by the state investment officer pursuant to  
16 the Nebraska Capital Expansion Act and the Nebraska State Funds  
17 Investment Act. By October 1 of each year, the State Treasurer shall  
18 distribute the money in the Political Subdivision Recapture Cash Fund to  
19 the political subdivisions which have an application for state assistance  
20 for an eligible facility or an eligible sports arena facility approved  
21 under the Convention Center Facility Financing Assistance Act or the  
22 Sports Arena Facility Financing Assistance Act. Each political  
23 subdivision shall receive a proportionate share of the amount to be  
24 distributed under this subsection, and such proportionate share shall be  
25 based on the amount of sales tax revenue generated for the Civic and  
26 Community Center Financing Fund during the most recently completed fiscal  
27 year by the political subdivision's facility. The Tax Commissioner shall  
28 supply the State Treasurer with any information needed to make the  
29 distributions required in this subsection.

30 Sec. 2. Original section 13-2709, Revised Statutes Cumulative  
31 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 175.** Title read. Considered.

Committee AM492, found on page 747, was offered.

**SPEAKER HADLEY PRESIDING**

The committee amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator K. Haar offered his amendment, AM1409, found on page 1348.

Senator K. Haar withdrew his amendment.

Senator Davis offered the following amendment:

AM1452

1 1. On page 3, strike beginning with "designated" in line 26 through

2 "54-2802" in line 27.

3 2. On page 4, line 11, strike "and"; and in line 14 after the second

4 "and" insert the following new subdivision:

5 "(vi) Developing value-added agriculture, local and regional food

6 systems, and certified organic food systems. Value-added agriculture has

7 the same meaning as in section 81-12,153; and".

The Davis amendment lost with 7 ayes, 14 nays, 25 present and not voting, and 3 excused and not voting.

Senator Davis offered the following amendment:

FA61

On page 4, line 11, strike "and"; and in line 14 after the second "and" insert the following new subdivision: "(vi) Developing value-added agriculture, local and regional food systems, and certified organic food systems. Value-added agriculture has the same meaning as in section 81-12,153; and".

Senator Davis moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Davis amendment lost with 21 ayes, 10 nays, 15 present and not voting, and 3 excused and not voting.

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

The Chair declared the call raised.



**AMENDMENT(S) - Print in Journal**

Senator B. Harr filed the following amendment to LB175:  
AM1513

- 1 1. Insert the following new sections:
- 2 Sec. 8. Section 81-2,147.01, Reissue Revised Statutes of Nebraska,
- 3 is amended to read:
- 4 81-2,147.01 As used in the Nebraska Seed Law:
- 5 (1) Advertisement means all representations, other than those on the
- 6 label, disseminated in any manner or by any means relating to seed,
- 7 including farm grain represented as suitable for sowing, within the scope
- 8 of the Nebraska Seed Law;
- 9 (2) Agricultural seed includes the seeds of grass, forage, cereal,
- 10 oil and fiber crops, and lawn and mixtures of such seeds and any other
- 11 kinds of seed commonly recognized within this state as agricultural seeds
- 12 and may include the seed of any plant that is being used as an
- 13 agricultural crop when the Director of Agriculture establishes in rules
- 14 and regulations that such seed is being used as agricultural seed;
- 15 (3) Blend means seeds consisting of more than one variety of a kind,
- 16 each in excess of five percent by weight of the whole;
- 17 (4) Brand means a word, name, symbol, number, or design to identify
- 18 seed of one person to distinguish it from seed of another person;
- 19 (5) Certifying agency means (a) an agency authorized under the laws
- 20 of a state, territory, or possession of the United States to officially
- 21 certify seed and which has standards and procedures approved by the
- 22 United States Secretary of Agriculture to assure genetic purity and
- 23 identity of the seed certified or (b) an agency of a foreign country
- 24 which is determined by the United States Secretary of Agriculture to
- 25 adhere to procedures and standards for seed certification comparable to
- 26 those adhered to generally by certifying agencies under subdivision (a)
- 27 of this subdivision;
- 1 (6) Conditioning means drying, cleaning, scarifying, or other
- 2 operations which could change the purity or germination of the seed and
- 3 require the seed lot or any definite amount of seed to be retested to
- 4 determine the label information;
- 5 (7) Director means the Director of Agriculture or his or her
- 6 designated employee or representative or authorized agent;
- 7 (8) Dormant seed means viable seeds, other than hard seeds, which
- 8 fail to germinate when provided the specified germination conditions for
- 9 the kind of seed in question;
- 10 (9) Flower seed includes seeds of herbaceous plants grown for their
- 11 blooms, ornamental foliage, or other ornamental parts and commonly known
- 12 and sold under the name of flower or wildflower seeds in this state;
- 13 (10) Germination means the emergence and development from the seed
- 14 embryo of those essential structures which for the kind of seed in
- 15 question are indicative of the ability to produce a normal plant under
- 16 favorable conditions;
- 17 (11) Hard seed means seeds which remain hard at the end of the
- 18 prescribed test period because they have not absorbed water due to an

19 impermeable seed coat;  
20 (12) Hybrid means the first generation seed of a cross produced by  
21 controlling the pollination and by combining (a) two or more inbred  
22 lines, (b) one inbred or a single cross with an open-pollinated variety,  
23 or (c) two varieties or species except open-pollinated varieties of corn  
24 (*Zea mays*). The second generation and subsequent generations from such  
25 crosses shall not be regarded as hybrids. Hybrid designations shall be  
26 treated as variety names;  
27 (13) Inert matter means all matter not seed which includes broken  
28 seeds, sterile florets, chaff, fungus bodies, and stones as established  
29 by rules and regulations;  
30 (14) Kind means one or more related species or subspecies which  
31 singly or collectively are known by one common name, such as corn, oats,  
1 alfalfa, and timothy;  
2 (15) Labeling includes all labels and other written, printed,  
3 stamped, or graphic representations, in any form whatsoever, accompanying  
4 or pertaining to any seed, whether in bulk or in containers, and includes  
5 representations on invoices;  
6 (16) Lot means a definite quantity of seed in containers or bulk  
7 identified by a lot number or other mark, every portion of which is  
8 uniform within recognized tolerances for the factors that appear in the  
9 labeling;  
10 (17) Mixture, mix, or mixed means seeds consisting of more than one  
11 kind, each present in excess of five percent by weight of the whole;  
12 (18) Mulch means a protective covering of any suitable material  
13 placed with seed which acts to retain sufficient moisture to support seed  
14 germination and sustain early seedling growth and aids in preventing the  
15 evaporation of soil moisture, controlling weeds, and preventing erosion;  
16 (19) Origin means a foreign country or designated portion thereof, a  
17 state, the District of Columbia, Puerto Rico, or a possession of the  
18 United States, where the seed was grown;  
19 (20) Other crop seed means seed of plants grown as crops, other than  
20 the kind or variety included in the pure seed, as established by rules  
21 and regulations;  
22 (21) Person includes any corporation, company, society, association,  
23 body politic and corporate, community, individual, partnership, limited  
24 liability company, or joint-stock company or the public generally;  
25 (22) Primary noxious weed seeds means the seeds of any plant  
26 designated by the director as a noxious weed pursuant to the Noxious Weed  
27 Control Act. Pursuant to subdivision (1)(c) of section 81-2,147.06, the  
28 director may add to or subtract from this primary noxious weed seeds  
29 list;  
30 (23) Prohibited noxious weed seeds means the seeds of plants which  
31 are highly destructive and difficult to control in this state by ordinary  
1 good cultural practice, the use of herbicides, or both and includes field  
2 bindweed (*Convolvulus arvensis*), hoary cress (*Cardaria draba*), Russian  
3 knapweed (*Centaurea repens*), johnsongrass (*Sorghum halepense*), Scotch  
4 thistle (*Onopordum acanthium*), morning glory (*Ipomoea purpurea*) when  
5 found in field crop seeds, skeletonleaf bursage (*Ambrosia discolor*),

6 woollyleaf bursage (*Ambrosia tomentosa*), serrated tussock (*Nassella*  
7 *trichotoma*), and puncturevine (*Tribulus terrestris*). Pursuant to  
8 subdivision (1)(c) of section 81-2,147.06, the director may add to or  
9 subtract from this prohibited noxious weed seeds list;

10 (24) Pure live seed means the product of the percent of germination  
11 plus percent of hard or dormant seed multiplied by the percent of pure  
12 seed divided by one hundred. The result shall be expressed as a whole  
13 number;

14 (25) Pure seed means seed exclusive of inert matter and all other  
15 seeds not of the seed being considered as established by rules and  
16 regulations;

17 (26) Record means any and all information which relates to the  
18 origin, treatment, germination, purity, kind, and variety of each lot or  
19 definite amount of seed handled in this state. Such information includes  
20 seed samples and records of declarations, labels, purchases, sales,  
21 conditioning, bulking, treatment, handling, storage, analyses, tests, and  
22 examinations;

23 (27) Restricted noxious weed seeds means the seeds of plants which  
24 are objectionable in fields, lawns, and gardens of this state but can be  
25 controlled by ordinary good cultural practice, the use of herbicides, or  
26 both and includes dodder (*Cuscuta* spp.), wild mustard (*Brassica* spp.),  
27 dock (*Rumex* spp.), quackgrass (*Elytrigia repens*), pennycress (*Thlaspi*  
28 *arvense*), purple loosetrife (*Lythrum salicaria*), and horsenettle (*Solanum*  
29 *carolinense*). Pursuant to subdivision (1)(c) of section 81-2,147.06, the  
30 director may add to or subtract from this restricted noxious weed seeds  
31 list;

1 (28) Sale in any of its variant forms means sale, to barter,  
2 exchange, offer for sale, expose for sale, move, or transport, in any of  
3 their variant forms, or otherwise supplying. Sale does not mean the  
4 donation, exchange, or other transfer of seeds to or from a seed library  
5 or among members of, or participants in, a seed library;

6 (29) Screenings means the results of the process which removes, in  
7 any way, weed seed, inert matter, and other materials from any  
8 agricultural, vegetable, or flower seed in any kind of cleaning process;

9 (30) Seed library means a nonprofit, governmental, or cooperative  
10 organization, association, or activity for the purpose of facilitating  
11 the donation, exchange, preservation, and dissemination of seeds of open  
12 pollinated, public domain plant varieties by or among its members or  
13 members of the public when the use, exchange, transfer, or possession of  
14 seeds acquired by or from the seed library is free of any charge or  
15 consideration;

16 (31 ~~30~~) Seizure means a legal process carried out by court order  
17 against a definite amount or lot of seed;

18 (32 ~~34~~) Stop-sale order means an administrative order provided by  
19 law restraining the sale, use, disposition, and movement of a definite  
20 amount or lot of seed;

21 (33 ~~32~~) Tetrazolium (TZ) test means a type of test in which  
22 chemicals are used to produce differential staining of strong, weak, and  
23 dead tissues, which is indicative of the potential viability of seeds;

24 (34 ~~33~~) Treated means that the seed has been given an application of  
25 a substance or subjected to a process or coating for which a claim is  
26 made or which is designed to reduce, control, or repel disease organisms,  
27 insects, or other pests which attack seeds or seedlings growing  
28 therefrom;

29 (35 ~~34~~) Variety means a subdivision of a kind which is distinct,  
30 uniform, and stable. For purposes of this subdivision: (a) Distinct means  
31 that the variety can be differentiated by one or more identifiable  
1 morphological, physiological, or other characteristics from all other  
2 varieties of public knowledge; (b) uniform means that variations in  
3 essential and distinctive characteristics are describable; and (c) stable  
4 means that the variety will remain unchanged in its essential and  
5 distinctive characteristics and its uniformity when reproduced or  
6 reconstituted as required by the different categories of varieties;

7 (36 ~~35~~) Vegetable seed includes the seeds of those crops which are  
8 grown in gardens and on truck farms and are generally known and sold  
9 under the name of vegetable or herb seeds in this state; and

10 (37 ~~36~~) Weed seed includes the seeds of any plant generally  
11 recognized as a weed within this state as established in rules and  
12 regulations and includes the primary noxious weed seeds, prohibited  
13 noxious weed seeds, and restricted noxious weed seeds.

14 Sec. 9. Section 81-2,147.05, Reissue Revised Statutes of Nebraska,  
15 is amended to read:

16 81-2,147.05 (1) Sections 81-2,147.02 and 81-2,147.03 shall not  
17 apply:

18 (a) To seed or grain not intended for sowing purposes;  
19 (b) To seed in storage in, or being transported or consigned to, a  
20 cleaning or conditioning establishment for cleaning or conditioning,  
21 except that the invoice or labeling accompanying any shipment of such  
22 seed shall bear the statement Seed for Conditioning, and any labeling or  
23 other representation which may be made with respect to the uncleaned  
24 unconditioned seed shall be subject to the Nebraska Seed Law;~~or~~  
25 (c) To any carrier in respect to any seed transported or delivered  
26 for transportation in the ordinary course of its business as a carrier if  
27 such carrier is not engaged in producing, conditioning, or marketing  
28 agricultural, vegetable, or flower seeds subject to the Nebraska Seed  
29 Law; or -

30 (d) To seed libraries.

31 (2) No person shall be subject to the penalties of the Nebraska Seed  
1 Law for having sold agricultural, vegetable, or flower seed which was  
2 incorrectly labeled or represented as to kind, variety, or origin, if  
3 required, which seeds cannot be identified by examination thereof, unless  
4 he or she has failed to obtain an invoice, genuine grower's declaration,  
5 or other labeling information and to take such other precautions as may  
6 be reasonable to insure the identity to be as stated.

7 Sec. 10. Sections 10 to 14 of this act shall be known and may be  
8 cited as the Community Gardens Act.

9 Sec. 11. (1) The Legislature finds and declares that:

10 (a) Community gardens provide significant health, educational, and

11 social benefits to the general public, especially for those who reside in  
12 urban and suburban areas of this state;  
13 (b) The community garden movement (i) continues to provide low-cost  
14 food that is fresh and nutritious for those who may be unable to readily  
15 afford fresh fruits and vegetables for themselves or their families, (ii)  
16 promotes public health and healthier individual lifestyles by encouraging  
17 better eating habits and increased physical activity by growing food,  
18 (iii) fosters the retention and expansion of open spaces, particularly in  
19 urban environments, (iv) enhances urban and suburban environmental  
20 quality and community beautification, (v) provides inexpensive community  
21 building activities, recreation, and physical exercise for all age  
22 groups, (vi) establishes a safe place for community involvement and helps  
23 to reduce the incidence of crime, (vii) engenders a closer relationship  
24 between urban residents, nature, and the local environment, and (viii)  
25 fosters green job training and ecological education at all levels; and  
26 (c) It is the public policy of this state to promote and foster  
27 growth in the number of community gardens and the acreage of such  
28 gardens.  
29 (2) It is the intent of the Legislature and the purpose of the  
30 Community Gardens Act to foster growth in the number, size, and scope of  
31 community gardens in this state by encouraging state agencies,  
1 municipalities, and private parties in their efforts to promote community  
2 gardens.  
3 Sec. 12. For purposes of the Community Gardens Act:  
4 (1) Community garden means public or private land upon which  
5 individuals have the opportunity to raise a garden on land which they do  
6 not themselves own;  
7 (2) Garden means a piece or parcel of land appropriate for  
8 cultivation of herbs, fruits, flowers, nuts, honey, poultry for egg  
9 production, maple syrup, ornamental or vegetable plants, nursery  
10 products, or vegetables;  
11 (3) Municipality means any county, village, or city or any office or  
12 agency of a county, village, or city;  
13 (4) State agency means any department or other agency of the State  
14 of Nebraska;  
15 (5) Use means to avail oneself of or to employ without conveyance of  
16 title gardens on vacant public land by any individual or organization;  
17 and  
18 (6) Vacant public land means any land owned by the state or another  
19 governmental subdivision, including a municipality, that is not in use  
20 for a public purpose, is otherwise unoccupied, idle, or not being  
21 actively utilized for a period of at least six months, and is suitable  
22 for garden use.  
23 Sec. 13. (1) A state agency or municipality having title to vacant  
24 public land may permit community organizations to use such lands for  
25 community garden purposes. Such use of vacant public land may be  
26 conditioned on the community organization having liability insurance and  
27 accepting liability for injury or damage resulting from use of the vacant  
28 public land for community garden purposes. State agencies and

29 municipalities may adopt and promulgate rules, regulations, ordinances,  
30 or resolutions to establish an application process for a community  
31 garden. The applicant may include a request for access to a fire hydrant  
1 or other source of water owned or operated by the state agency or  
2 municipality or by a utility district in order to provide water to the  
3 community garden. The state agency, municipality, or utility district  
4 shall consider whether to supply the water to the applicant at a reduced  
5 or fixed rate.

6 (2) A state agency or municipality which receives an application  
7 pursuant to this section shall respond to the applicant within sixty days  
8 from the date on which the application is received and shall make a final  
9 determination within one hundred eighty days from such date.

10 Sec. 14. (1) The Director of Agriculture shall establish a  
11 community gardens task force on or before August 1, 2015, to identify and  
12 develop ways to encourage state agencies, municipalities, and individuals  
13 to establish and expand community gardens. The director shall designate a  
14 chairperson of the task force. The members of the task force shall be  
15 appointed by the director and shall include no more than nine members. At  
16 least three of the members shall be representatives of nonprofit  
17 organizations involved with community gardens. The remaining members may  
18 include representation from appropriate state agencies, existing  
19 community gardens, counties, cities, towns, villages, utility districts,  
20 and school districts.

21 (2) The director may request the assistance of other state agencies  
22 to carry out the work of the task force.

23 (3) The goals of the task force may include, but are not limited to,  
24 the study, evaluation, and development of recommendations (a) to  
25 encourage the establishment and expansion of community gardens by state  
26 agencies, municipalities, and individuals, (b) to encourage cooperation  
27 between the activities and operations of community gardens and the  
28 provision of donated food to local voluntary food assistance programs for  
29 the poor and disadvantaged, and (c) to increase the benefits that  
30 community gardens may provide to the community in which they are located.

31 (4) In carrying out its duties under subsection (3) of this section,  
1 the task force may consider recommendations that (a) encourage the  
2 execution of conservation easements by state agencies, municipalities, or  
3 individuals to establish or protect community gardens, (b) encourage the  
4 donation or lease of lands for community gardens, (c) encourage  
5 development of model zoning codes, local land use laws, or other  
6 municipal policies that could encourage the establishment or retention of  
7 community gardens, and (d) provide for any other activity to achieve the  
8 goals deemed appropriate by the task force.

9 (5) The task force shall issue a preliminary report to the  
10 Department of Agriculture and electronically to the Legislature no later  
11 than December 15, 2015, and shall issue a final report to the Department  
12 of Agriculture and electronically to the Legislature no later than  
13 December 15, 2016.

14 Sec. 16. Since an emergency exists, this act takes effect when  
15 passed and approved according to law.

16 2. Renumber the remaining section and correct the repealer  
17 accordingly.

### **VISITORS**

Visitors to the Chamber were 20 sixth- through eighth-grade students and teacher from Millard Central Middle School, Omaha; David Adkins, National Executive Director, and Maggie Mick from The Council of State Governments; 20 members of The Friendship Force from Australia, New Zealand, and United States; U.S. State Department Exchange participants, Jayanta Baruah, Ganesh Kumar, and Harsh Sanghavi from India; 80 eighth-grade students and teachers from Mary Our Queen School, Omaha; 46 fourth-grade students and teachers from Arbor Park Elementary, Blair; 34 fifth-grade students and teachers from Boone Central Elementary, Albion; and 18 third- and fourth-grade students and teachers from Holy Family School, Lindsay.

The Doctor of the Day was Dr. Russell Ebke from Crete.

### **ADJOURNMENT**

At 7:06 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Tuesday, May 5, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

