

**SEVENTY-SIXTH DAY - MAY 6, 2015**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**FIRST SESSION**

**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, May 6, 2015

**PRAYER**

The prayer was offered by Dr. Curt Dodd, Westside Church, Omaha.

**ROLL CALL**

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

The roll was called and all members were present except Senators B. Harr, Larson, Nordquist, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**MOTION - Reconsider Action on Gubernatorial Appointment**

Senator Mello offered his motion, found on page 1422, to reconsider the vote on the confirmation report of the Health and Human Services Committee found on Journal page 1355 regarding the appointment of Joseph Acierno, Chief Medical Officer.

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

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

Voting in the affirmative, 33:

|            |           |           |            |            |
|------------|-----------|-----------|------------|------------|
| Baker      | Friesen   | Kintner   | Mello      | Smith      |
| Bloomfield | Gloor     | Kolowski  | Murante    | Stinner    |
| Brasch     | Groene    | Kolterman | Riepe      | Sullivan   |
| Campbell   | Hadley    | Kuehn     | Scheer     | Watermeier |
| Cook       | Hilkemann | Larson    | Schnoor    | Williams   |
| Craighead  | Hughes    | Lindstrom | Schumacher |            |
| Ebke       | Johnson   | McCoy     | Seiler     |            |

Voting in the negative, 7:

|          |          |             |         |
|----------|----------|-------------|---------|
| Chambers | Haar, K. | Krist       | Morfeld |
| Garrett  | Hansen   | McCollister |         |

Present and not voting, 6:

|       |          |                |
|-------|----------|----------------|
| Bolz  | Crawford | Pansing Brooks |
| Coash | Howard   | Schilz         |

Absent and not voting, 1:

Davis

Excused and not voting, 2:

Harr, B.      Nordquist

The Mello motion to reconsider prevailed with 33 ayes, 7 nays, 6 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### COMMITTEE REPORT(S)

#### Enrollment and Review

**LEGISLATIVE BILL 468.** Placed on Select File with amendment.

ER119

- 1 1. In the Standing Committee amendments, AM1172:
- 2 a. On page 8, line 29, after the last comma insert "and";
- 3 b. On page 16, line 1, after "1" insert "of";
- 4 c. On page 17, line 26, strike "member" and insert "member's";
- 5 d. On page 18, lines 23 and 24, strike "judges retirement system"
- 6 and insert "Nebraska Judges Retirement System"; and
- 7 e. On page 21, line 4, after "(a)" insert "(i)"; in line 14 strike
- 8 "For", reinstate the stricken"; and", and after the reinstated matter
- 9 insert paragraphing and "(ii) For"; and in line 23 after "subdivision"
- 10 insert "(a)".
- 11 2. On page 1, strike beginning with "the" in line 1 through line 6
- 12 and insert "judges' retirement; to amend sections 29-3602, 29-3606,
- 13 33-123, 33-124, and 33-125, Reissue Revised Statutes of Nebraska, and
- 14 sections 24-701, 24-701.01, 24-703, and 24-710.13, Revised Statutes
- 15 Cumulative Supplement, 2014; to redefine a term; to provide for and
- 16 change provisions relating to contributions by judges and cost-of-living
- 17 adjustments; to provide for fees for enrollment in pretrial diversion
- 18 programs as prescribed; to provide powers and duties; to change
- 19 provisions relating to court fees; to harmonize provisions; to repeal the
- 20 original sections; and to declare an emergency."

**LEGISLATIVE BILL 259.** Placed on Select File with amendment.  
ER118 is available in the Bill Room.

**LEGISLATIVE BILL 480.** Placed on Select File with amendment.  
ER121

1 1. On page 1, strike lines 2 through 4 and insert "amend section  
2 48-145, Reissue Revised Statutes of Nebraska, and sections 48-120,  
3 48-125, and 48-1,110, Revised Statutes Cumulative Supplement, 2014; to  
4 provide for denial of compensation in situations of false representation;  
5 to change provisions relating to the collection of fees; to change  
6 interest rate provisions on certain compensation court awards; to change  
7 provisions relating to the investment of trust funds for self-insurers;  
8 to harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 525.** Placed on Select File with amendment.  
ER120 is available in the Bill Room.

**LEGISLATIVE BILL 175.** Placed on Select File with amendment.  
ER122 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

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

Senator Coash filed the following amendment to LB268:  
AM1532

(Amendments to Standing Committee amendments, AM754)

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

**NOTICE OF COMMITTEE HEARING(S)**  
Business and Labor

Room 2102

Monday, May 18, 2015 12:00 p.m.

William G. Blake - Commission of Industrial Relations

(Signed) Burke Harr, Chairperson

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 241.** Introduced by Davis, 43.

WHEREAS, Cherry County Hospital in Valentine was named one of the iVantage Health Analytics Top 100 Critical Access Hospitals in the United States; and

WHEREAS, the iVantage Hospital Strength Index, a comprehensive rating of acute care hospitals in the United States, was used to create this ranking; and

WHEREAS, this hospital strength index measures over 60 performance metrics including quality, outcomes, patient perspectives, affordability, financial stability, population risk, and efficiency; and

WHEREAS, critical access hospitals provide an invaluable service to rural America.

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

1. That the Legislature congratulates Cherry County Hospital on being named one of the iVantage Health Analytics Top 100 Critical Access Hospitals in the United States.

2. That a copy of this resolution be sent to Cherry County Hospital.

Laid over.

**LEGISLATIVE RESOLUTION 242.** Introduced by Coash, 27; Campbell, 25.

**PURPOSE:** The purpose of this resolution is to study the interplay between developmental disability and child welfare services to ensure proper treatment and protection of the rights of state wards.

The study shall include, but not be limited to, an examination of the following:

(1) A comparison of licensing standards for foster homes and group homes for child welfare placements with the licensing standards for group homes and extended family homes for persons with developmental disabilities;

(2) The alignment of systems to best serve children and families with complex needs, especially children whose needs are not met with a single program; and

(3) The funding mechanisms available to provide permanency for youth with developmental disabilities in the child welfare system, including the possibility of a dual agency or a blended rate for individuals or families providing a permanent placement for such children.

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

1. That the Health and Human Services Committee and the Developmental Disabilities Special Investigative Committee of the

Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTION(S) - Confirmation Report(s)**

Senator Campbell reconsidered the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

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

Senator Chambers offered the following motion:

Recommit the confirmation report of Joseph Acierno to the Health and Human Services Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 38 ayes, 1 nay, and 10 not voting.

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

Voting in the affirmative, 2:

Garrett          Haar, K.

Voting in the negative, 40:

|            |           |           |             |            |
|------------|-----------|-----------|-------------|------------|
| Baker      | Davis     | Hughes    | Lindstrom   | Schnoor    |
| Bloomfield | Ebke      | Johnson   | McCollister | Schumacher |
| Brasch     | Friesen   | Kintner   | McCoy       | Seiler     |
| Campbell   | Gloor     | Kolowski  | Mello       | Smith      |
| Coash      | Groene    | Kolterman | Murante     | Stinner    |
| Cook       | Hadley    | Krist     | Riepe       | Sullivan   |
| Craighead  | Hansen    | Kuehn     | Scheer      | Watermeier |
| Crawford   | Hilkemann | Larson    | Schilz      | Williams   |

Present and not voting, 6:

|          |         |                |
|----------|---------|----------------|
| Bolz     | Howard  | Nordquist      |
| Chambers | Morfeld | Pansing Brooks |

Excused and not voting, 1:

Harr, B.

The Chambers motion to recommit to committee failed with 2 ayes, 40 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider the vote to recommit to committee.

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

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on the motion to adopt the confirmation report.

Voting in the affirmative, 34:

|            |           |           |            |            |
|------------|-----------|-----------|------------|------------|
| Baker      | Davis     | Hughes    | McCoy      | Seiler     |
| Bloomfield | Ebke      | Johnson   | Mello      | Smith      |
| Brasch     | Friesen   | Kintner   | Murante    | Stinner    |
| Campbell   | Gloor     | Kolterman | Riepe      | Sullivan   |
| Cook       | Groene    | Kuehn     | Scheer     | Watermeier |
| Craighead  | Hadley    | Larson    | Schnoor    | Williams   |
| Crawford   | Hilkemann | Lindstrom | Schumacher |            |

Voting in the negative, 6:

|         |          |             |
|---------|----------|-------------|
| Coash   | Haar, K. | McCollister |
| Garrett | Krist    | Morfeld     |

Present and not voting, 8:

|          |        |           |                |
|----------|--------|-----------|----------------|
| Bolz     | Hansen | Kolowski  | Pansing Brooks |
| Chambers | Howard | Nordquist | Schilz         |

Excused and not voting, 1:

Harr, B.

The appointment was confirmed with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider the vote on the adoption of the confirmation report.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 55.** Placed on Final Reading.  
**LEGISLATIVE BILL 104.** Placed on Final Reading.  
**LEGISLATIVE BILL 123.** Placed on Final Reading.  
**LEGISLATIVE BILL 138.** Placed on Final Reading.  
**LEGISLATIVE BILL 206.** Placed on Final Reading.  
**LEGISLATIVE BILL 246.** Placed on Final Reading.  
**LEGISLATIVE BILL 257.** Placed on Final Reading.  
**LEGISLATIVE BILL 277.** Placed on Final Reading.

**LEGISLATIVE BILL 283.** Placed on Final Reading.  
ST33

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

1. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "political subdivisions; to amend sections 13-511, 73-106, 79-1023, 81-829.49, and 81-829.51, Reissue Revised Statutes of Nebraska; to change provisions relating to budgets, public lettings, and state aid for school districts as prescribed; to provide for payment of emergency expenses by school districts and educational service units as prescribed; to repeal the original sections; and to declare an emergency." inserted.

**LEGISLATIVE BILL 334.** Placed on Final Reading.  
**LEGISLATIVE BILL 342.** Placed on Final Reading.  
**LEGISLATIVE BILL 365.** Placed on Final Reading.  
**LEGISLATIVE BILL 455.** Placed on Final Reading.  
**LEGISLATIVE BILL 456.** Placed on Final Reading.  
**LEGISLATIVE BILL 464.** Placed on Final Reading.  
**LEGISLATIVE BILL 477.** Placed on Final Reading.  
**LEGISLATIVE BILL 570.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

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

Room 1113

Thursday, May 14, 2015 12:00 p.m.

Teresa L. Bittinger - Board of Parole  
Virgil J. Patlan Sr. - Board of Parole

(Signed) Les Seiler, Chairperson

## General Affairs

Room 1510

Wednesday, May 13, 2015 12:00 p.m.

Bruce D. Bailey - Nebraska Liquor Control Commission  
Janice Wiebusch - Nebraska Liquor Control Commission  
Matthew Anselmo - Nebraska Commission on Problem Gambling  
Timothy Hart - Nebraska Arts Council  
Jon Hinrichs - Nebraska Arts Council  
Pamela Price - Nebraska Arts Council  
Tom Ourada - State Electrical Board

(Signed) Tyson Larson, Chairperson

## Transportation and Telecommunications

Room 1113

Monday, May 18, 2015 9:00 a.m.

Ricky Pearson - Motor Vehicle Industry Licensing Board  
Lisa Kramer - Board of Public Roads Classifications and Standards

(Signed) Jim Smith, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 243.** Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Davis, 43; Kolowski, 31; Kolterman, 24.

**PURPOSE:** The purpose of this resolution is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the Class V school employees retirement system administered under the Class V School Employees Retirement Act.

The study will examine issues relating to the funding needs, benefits, contributions, and administration of each retirement system.

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



1. That the Nebraska Retirement Systems 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.

### EASE

The Legislature was at ease from 12:00 p.m. until 12:22 p.m.

### MOTION(S) - Confirmation Report(s)

Senator Chambers renewed his motion, found in this day's Journal, to reconsider the vote on the adoption of the confirmation report for Joseph Acierno.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

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

Voting in the affirmative, 3:

Chambers      Garrett      Haar, K.

Voting in the negative, 36:

|            |           |           |            |            |
|------------|-----------|-----------|------------|------------|
| Baker      | Crawford  | Hughes    | Murante    | Stinner    |
| Bloomfield | Ebke      | Johnson   | Riepe      | Sullivan   |
| Bolz       | Friesen   | Kintner   | Scheer     | Watermeier |
| Brasch     | Gloor     | Kolterman | Schilz     | Williams   |
| Campbell   | Groene    | Kuehn     | Schnoor    |            |
| Coash      | Hadley    | Lindstrom | Schumacher |            |
| Cook       | Hansen    | McCoy     | Seiler     |            |
| Craighead  | Hilkemann | Mello     | Smith      |            |

Present and not voting, 8:

|        |          |             |                |
|--------|----------|-------------|----------------|
| Davis  | Kolowski | McCollister | Nordquist      |
| Howard | Krist    | Morfeld     | Pansing Brooks |

Excused and not voting, 2:

Harr, B.      Larson

The Chambers motion to reconsider failed with 3 ayes, 36 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**SENATOR COASH PRESIDING**

**SELECT FILE**

**LEGISLATIVE BILL 375.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 515.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 513.** ER106, found on page 1340, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 640.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 291.** ER107, found on page 1341, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 408.** ER108, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 310.** ER109, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 412.** ER110, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 479.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 296.** ER111, found on page 1342, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 424.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 287.** ER112, found on page 1343, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 541.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 195.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 511.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 422.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 658.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 659.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 656.** ER113, found on page 1401, was adopted.

Senator Mello offered his amendment, AM1501, found on page 1415.

The Mello amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

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

Senator Crawford filed the following amendment to LB295:  
AM556

(Amendments to Standing Committee amendments, AM323)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 16-901, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 16-901 (1) Except as provided in section 13-327, any city of the
- 6 first class may apply by ordinance any existing or future zoning
- 7 regulations, property use regulations, building ordinances, electrical
- 8 ordinances, plumbing ordinances, and ordinances authorized by section
- 9 16-240 to the unincorporated area two miles beyond and adjacent to its
- 10 corporate boundaries with the same force and effect as if such outlying
- 11 area were within the corporate limits of such city, except that no such
- 12 ordinance shall be extended or applied so as to prohibit, prevent, or

13 interfere with the conduct of existing farming, livestock operations,  
 14 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the  
 15 zoning area of a city of the first class shall be one mile beyond and  
 16 adjacent to the corporate area. The fact that such unincorporated area is  
 17 located in a different county or counties than some or all portions of  
 18 the municipality shall not be construed as affecting the powers of the  
 19 city to apply such ordinances.

20 (2)(a) A city of the first class shall provide written notice to the  
 21 county board of the county in which the city's two-mile extraterritorial  
 22 zoning jurisdiction is located when proposing to adopt or amend a zoning  
 23 ordinance which effects the city's two-mile extraterritorial zoning  
 24 jurisdiction within such county. The written notice of the proposed  
 25 change to the zoning ordinance shall be sent to the county board or its  
 26 designee at least thirty days prior to the final decision by the city.  
 1 The county board may submit comments or recommendations regarding the  
 2 change in the zoning ordinance at the public hearings on the proposed  
 3 change or directly to the city within thirty days after receiving such  
 4 notice. The city may make its final decision (i) upon the expiration of  
 5 the thirty days following the notice or (ii) when the county board  
 6 submits comments or recommendations, if any, to the city prior to the  
 7 expiration of the thirty days following the notice.

8 (b) Subdivision (2)(a) of this section does not apply to a city of  
 9 the first class (i) located in a county with a population in excess of  
 10 one hundred thousand inhabitants or (ii) if the city and the county have  
 11 a joint planning commission or joint planning department.

12 Sec. 2. Section 17-1001, Reissue Revised Statutes of Nebraska, is  
 13 amended to read:

14 17-1001 (1) Except as provided in section 13-327, any city of the  
 15 second class or village may apply by ordinance any existing or future  
 16 zoning ordinances, property use regulation ordinances, building  
 17 ordinances, electrical ordinances, and plumbing ordinances, to an area  
 18 within one mile of the corporate limits of such municipality  
 19 ~~municipalities~~, with the same force and effect as if such area ~~was~~ were  
 20 within ~~its~~ ~~their~~ corporate limits. No such ordinance shall be extended or  
 21 applied so as to prohibit, prevent, or interfere with the conduct of  
 22 existing farming, livestock operations, businesses, or industry. For  
 23 purposes of sections 70-1001 to 70-1020, the zoning area of a city of the  
 24 second class or village shall be one-half mile from the corporate limits  
 25 of such municipalities. The fact that the zoning area or part thereof is  
 26 located in a different county or counties than some or all portions of  
 27 the municipality shall not be construed as affecting the necessity of  
 28 obtaining the approval of the city council or board of trustees of such  
 29 municipality or its agent designated pursuant to section 19-916.

30 (2)(a) A city of the second class or village shall provide written  
 31 notice to the county board of the county in which the city or village's  
 1 one-mile extraterritorial zoning jurisdiction is located when proposing  
 2 to adopt or amend a zoning ordinance which effects the city or village's  
 3 one-mile extraterritorial zoning jurisdiction within such county. The  
 4 written notice of the proposed change to the zoning ordinance shall be

5 sent to the county board or its designee at least thirty days prior to  
6 the final decision by the city or village. The county board may submit  
7 comments or recommendations regarding the change in the zoning ordinance  
8 at the public hearings on the proposed change or directly to the city or  
9 village within thirty days after receiving such notice. The city or  
10 village may make its final decision (i) upon the expiration of the thirty  
11 days following the notice or (ii) when the county board submits comments  
12 or recommendations, if any, to the city or village prior to the  
13 expiration of the thirty days following the notice.  
14 (b) Subdivision (2)(a) of this section does not apply to a city of  
15 the second class or a village (i) located in a county with a population  
16 in excess of one hundred thousand inhabitants or (ii) if the city or  
17 village and the county have a joint planning commission or joint planning  
18 department.  
19 Sec. 3. Original sections 16-901 and 17-1001, Reissue Revised  
20 Statutes of Nebraska, are repealed.

### MESSAGE(S) FROM THE GOVERNOR

May 6, 2015

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

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

Honorable J. Russell Derr, 1701 Farnam Street, Omaha, NE 68183

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

### SELECT FILE

**LEGISLATIVE BILL 657.** ER114, found on page 1401, was adopted.

Senator Mello withdrew his amendment, AM1508, found on page 1415.

Senator Mello offered his amendment, AM1566, found on page 1449.

The Mello amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Sullivan offered the following amendment:  
AM1567

(Amendments to E & R amendments, ER114)

- 1 1. Purpose: Eliminate \$500,000 of general funds for the Master
- 2 Teacher Program Act and increase aid for special education by a like
- 3 amount for FY2015-16 and FY2016-17.
- 4 Amendment:
- 5 1. On page 18, strike line 25 and insert "GENERAL FUND 16,150,022
- 6 16,389,448"; strike line 29 and insert "PROGRAM TOTAL 41,885,759
- 7 41,530,884"; and strike line 30 and insert "SALARY LIMIT 16,479,454
- 8 14,312,555".
- 9 2. On page 20, strike line 29 and insert "GENERAL FUND 1,193,699,501
- 10 1,210,080,102".
- 11 3. On page 21, strike line 2 and insert "PROGRAM TOTAL 1,507,829,577
- 12 1,524,210,178"; in line 4 strike "\$1,193,669,501" and insert
- 13 "\$1,193,699,501"; in line 7 strike "\$1,210,050,102" and insert
- 14 "\$1,210,080,102"; in line 27 strike "\$219,112,160" and insert
- 15 "\$219,612,160"; and in line 30 strike "\$224,589,964" and insert
- 16 "\$225,089,964".
- 17 4. On page 24, strike lines 5 through 8.

Senator Sullivan moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Chambers requested a roll call vote on the amendment.

Voting in the affirmative, 20:

|            |           |          |          |            |
|------------|-----------|----------|----------|------------|
| Baker      | Coash     | Garrett  | Howard   | Schnoor    |
| Bloomfield | Craighead | Gloor    | Kolowski | Schumacher |
| Brasch     | Ebke      | Groene   | Riepe    | Seiler     |
| Chambers   | Friesen   | Harr, B. | Scheer   | Sullivan   |

Voting in the negative, 16:

|          |           |             |                |
|----------|-----------|-------------|----------------|
| Bolz     | Hansen    | Lindstrom   | Pansing Brooks |
| Crawford | Hilkemann | McCollister | Stinner        |
| Davis    | Johnson   | Mello       | Watermeier     |
| Haar, K. | Kuehn     | Morfeld     | Williams       |

Present and not voting, 10:

|          |        |           |         |        |
|----------|--------|-----------|---------|--------|
| Campbell | Hadley | Kintner   | McCoy   | Schilz |
| Cook     | Hughes | Kolterman | Murante | Smith  |

Excused and not voting, 3:

Krist            Larson            Nordquist

The Sullivan amendment lost with 20 ayes, 16 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Scheer offered the following amendment:

FA62

On page 24, after line 8 insert "The funding for the Master Teacher Program Act shall terminate after FY2016-2017."

#### **SENATOR MURANTE PRESIDING**

Senator Scheer withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

#### **COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE RESOLUTION 35.** Placed on General File.

(Signed) John Murante, Chairperson

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Derr, J. Russell - Public Employees Retirement Board - Nebraska Retirement System

(Signed) Bob Krist, Chairperson  
Executive Board

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 244.** Introduced by Harr, B., 8.

**PURPOSE:** The purpose of this resolution is to study the salaries of all judges in Nebraska, including the history of adjusting these salaries.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 245.** Introduced by Harr, B., 8.

**PURPOSE:** The purpose of this resolution is to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska. The intent of this study is to determine the effectiveness of current billing and reimbursement methods and to examine the potential benefits of adding such services to existing fee schedules for other medical service providers.

**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 246.** Introduced by Harr, B., 8.

**PURPOSE:** The purpose of this resolution is to analyze the effectiveness of vocational rehabilitation in workers' compensation cases in Nebraska. One of the main goals of the workers' compensation system is to return injured employees to work in a timely manner. The intent of this study is to determine the effectiveness of vocational rehabilitation by examining the outcomes of those in the system who receive such rehabilitation.

**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 247.** Introduced by Haar, K., 21; Baker, 30; Kolowski, 31; Nordquist, 7; Pansing Brooks, 28; Stinner, 48.

**PURPOSE:** The purpose of this resolution is to examine the process of eliminating the Nebraska Oil and Gas Conservation Commission (NOGCC). The study shall include an examination of the current statutory duties of the NOGCC and whether other agencies or political subdivisions could assume the duties of the NOGCC.

The study shall include an examination of the following:

- (1) The history and current role of the NOGCC;
- (2) The statutory and regulatory duties currently under the jurisdiction of the NOGCC that could be better conducted by the Department of Environmental Quality, the Department of Natural Resources, the Public Service Commission, natural resource districts, counties, or other appropriate agencies or political subdivisions;
- (3) Appropriate protections needed for landowners and local political subdivisions;
- (4) Appropriate protections needed for Nebraska's natural resources with particular emphasis on creating the highest standard for protection of groundwater;
- (5) The funding and financial assurance needed in order to protect the interests of taxpayers;
- (6) The statutes, rules, and regulations governing the NOGCC in comparison with the relevant statutes, rules, and regulations of other agencies and political subdivisions;
- (7) The statutes, rules, and regulations governing the NOGCC in comparison with those of other states with an emphasis on developing best practices for the State of Nebraska;
- (8) The appropriate public hearing process needed to ensure that the people of the State of Nebraska have an open and meaningful way to have input into the process; and
- (9) Any other issues necessary or appropriate for a complete and full examination of this issue.

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

1. That the Natural Resources Committee and the Appropriations Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 660.** ER116, found on page 1402, was adopted.

Senator Mello offered his amendment, AM1502, found on page 1419.

The Mello amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 661.** ER117, found on page 1402, was adopted.

Senator McCoy withdrew his amendment, AM1488, found on page 1347.

Senator Mello offered his amendment, AM1506, found on page 1419.

The Mello amendment was adopted with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

Senator Chambers withdrew his amendment, AM1434, found on page 1347.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 662.** Senator Chambers withdrew his amendment, AM1435, found on page 1329.

Senator Mello offered his amendment, AM1538, found on page 1421.

The Mello amendment was adopted with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 663.** Considered.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 663A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 554.** ER115, found on page 1402, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 360.** Senator Davis withdrew his amendment, AM1518, found on page 1379 and considered on page 1444.

Senator Davis offered the following amendment:

AM1574

(Amendments to E & R amendments, ER90)

- 1 1. Insert the following new section:
- 2 Sec. 22. Section 54-640, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 54-640 A commercial dog or cat breeder shall:
- 5 (1) Maintain housing facilities and primary enclosures in a sanitary
- 6 condition with not more than twenty-four hours of feces and urine
- 7 accumulation;
- 8 (2) Enable all dogs and cats to remain dry and clean;
- 9 (3) Provide shelter and protection from extreme temperatures and
- 10 weather conditions that may be uncomfortable or hazardous to the dogs and
- 11 cats;
- 12 (4) Provide sufficient shade to shelter all the dogs and cats housed
- 13 in the primary enclosure at one time;
- 14 (5) Provide dogs and cats with easy and convenient access to
- 15 adequate amounts of clean food and a regular supply of potable water in
- 16 clean, non-porous containers ~~water~~;
- 17 (6) Provide dogs with adequate socialization. For purposes of this
- 18 subdivision, adequate socialization means physical contact with other
- 19 dogs and with human beings, other than being fed;
- 20 (7) Assure that a handler's hands are washed before and after
- 21 handling each infectious or contagious cat;
- 22 (8) Maintain a written veterinary care plan developed in conjunction
- 23 with an attending veterinarian; and
- 24 (9) Provide veterinary care without delay when necessary.
- 25 2. On page 17, line 24, strike beginning with "that" through
- 26 "temperature"; and in line 27, strike "Acute" and insert "Apparent
- 1 illness or".
- 2 3. Renumber the remaining sections and correct internal references
- 3 and the repealer accordingly.

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

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

Voting in the affirmative, 22:

|          |          |           |                |          |
|----------|----------|-----------|----------------|----------|
| Baker    | Davis    | Hilkemann | McCollister    | Seiler   |
| Campbell | Gloor    | Kolowski  | Mello          | Sullivan |
| Chambers | Haar, K. | Krist     | Morfeld        |          |
| Cook     | Hadley   | Kuehn     | Pansing Brooks |          |
| Crawford | Hansen   | Lindstrom | Scheer         |          |

Voting in the negative, 19:

|            |         |           |         |            |
|------------|---------|-----------|---------|------------|
| Bloomfield | Garrett | Kintner   | Murante | Schumacher |
| Brasch     | Groene  | Kolterman | Riepe   | Smith      |
| Ebke       | Hughes  | Larson    | Schilz  | Watermeier |
| Friesen    | Johnson | McCoy     | Schnoor |            |

Present and not voting, 2:

Craighead Harr, B.

Excused and not voting, 6:

|       |           |          |
|-------|-----------|----------|
| Bolz  | Howard    | Stinner  |
| Coash | Nordquist | Williams |

The Davis amendment lost with 22 ayes, 19 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 360A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 330.** ER92, found on page 1271, was adopted.

Senator Larson asked unanimous consent to withdraw his amendment, AM101, found on page 333, and replace it with his substitute amendment, AM1479, found on page 1446. No objections. So ordered.

Senator Kolterman offered his amendment, AM1558, found on page 1449, to the Larson amendment.

#### **SENATOR SCHEER PRESIDING**

Pending.

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

Senator Gloor filed the following amendment to LB643:  
AM1576

(Amendments to Standing Committee amendments, AM1254)

- 1 1. On page 18, strike beginning with "and" in line 12 through "act"  
2 in line 13.
- 3 2. On page 22 strike beginning with "The" in line 26 through line  
4 31.
- 5 3. On page 23, strike lines 1 and 2; in line 3 strike "(2)"; in line  
6 7 strike "(3)" and insert "(2)"; and in line 11 strike "(4)" and insert  
7 "(3)".

**MOTION - Print in Journal**

Senator Larson filed the following motion to LB423:  
MO107  
Reconsider the vote to invoke cloture.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 248.** Introduced by Campbell, 25;  
Scheer, 19.

**PURPOSE:** The purpose of this resolution is to examine the federal Preventing Sex Trafficking and Strengthening Families Act (Act) and its implementation in Nebraska. The Act was passed by the United States Congress and signed into law by President Obama on September 29, 2014. The Act includes provisions to protect children and youth at risk of sex trafficking, support normalcy for children in foster care, improve adoption incentives, and extend family connection grants. The Act includes, among other things, provisions requiring states to:

(1) Develop and implement policies and procedures to identify, collect, and report data to determine appropriate services for children or youth in the placement, care, or supervision of the state who are victims of sex trafficking or at risk of becoming sex trafficking victims;

(2) Develop and implement plans for expeditiously locating and responding to any child missing from foster care, and determine the primary factors that contributed to the child's running away as well as the child's experiences while absent from foster care;

(3) Calculate and report on any savings resulting from the phase-out of income eligibility requirements for adoption assistance and how the savings were used;

(4) Support normalcy by instituting a reasonable and prudent parent standard to allow foster children and other youth to participate in developmentally appropriate or age-appropriate extracurricular, enrichment, cultural, and social activities;

(5) Eliminate Another Planned Permanent Living Arrangement (APPLA) as a permanency goal for children under the age of 16 and add additional case plan and review requirements for older youth who have a permanency goal of APPLA;

(6) Consult with youth in foster care who are age 14 or older in the development of their own case plan and allow them to select two trusted adults to be part of their permanency planning team; and

(7) Give youth a list of their rights while in foster care regarding education, health, visitation, court participation, and the right to stay safe and avoid exploitation.

The study shall examine the status of the implementation of the Act in Nebraska, including changes to the Department of Health and Human Services' state plan, policies, and procedures and whether any changes should be made to current state law in accordance with the Act.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **VISITORS**

Visitors to the Chamber were 46 fourth-grade students and teachers from Plattsmouth; 35 sixth-grade students and teachers from Edison Elementary, Omaha; 35 fourth-grade students and teachers from Tri County Elementary, DeWitt; 21 fourth-grade students and teacher from Cross Country School, Stromsburg; 72 fourth-grade students and teachers from Arbor Park Elementary, Blair; 75 fourth-grade students from Gothenburg; 15 seventh- and eighth-grade students from St. John's Lutheran School, Battle Creek; and 32 fourth-grade students from Ravenna.

The Doctor of the Day was Dr. Mark Ptacek from Omaha.

### **ADJOURNMENT**

At 6:50 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, May 7, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature