

SEVENTY-EIGHTH DAY - MAY 12, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 12, 2015

PRAYER

The prayer was offered by Pastor Chuck Tschetter, Community Bible Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Davis, Groene, Hadley, B. Harr, Kolowski, Kolterman, Kuehn, Mello, Morfeld, Murante, Nordquist, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 329. Placed on Select File with amendment.
ER123

1 1. In the Schilz amendment, AM1580, on page 2, line 5, after "(3)"
2 insert "(a)"; in line 8 strike "(a)" and insert "(i)"; in line 10 strike
3 "(b)" and insert "(ii)"; in line 11 strike "(c)" and insert "(iii)"; in
4 line 14 strike "(d)" and insert "(iv)"; and in line 18 before "Inherent"
5 insert "(b)".

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Tuesday, May 19, 2015 12:00 p.m.

Darrel J. Huenergardt - Nebraska Arts Council
Reven Wright - Nebraska Arts Council
Julie Jacobson - Nebraska Arts Council
Sue Roush - Nebraska Arts Council

(Signed) Tyson Larson, Chairperson

MESSAGE(S) FROM THE GOVERNOR

May 12, 2015

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

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

Contingent upon your approval, the following individuals are being appointed to the Nebraska Motor Vehicle Industry Licensing Board:

Lori G. Scherer, 150 Beemer Road, Beemer, NE 68716
Joe Kosiski, 5808 M Street, Omaha, NE 68117

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

May 12, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the State Personnel Board:

Patrick Guinan, 525 South 58 Street, Omaha, NE 68106

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

GENERAL FILE

LEGISLATIVE BILL 259A. Title read. Considered.

Senator Gloor offered the following amendment:

AM1592

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated \$19,600,000 from the General
3 Fund for FY2016-17 to the Department of Revenue, for Program 109, to aid
4 in carrying out the provisions of Legislative Bill 259, One Hundred
5 Fourth Legislature, First Session, 2015.
6 No expenditures for permanent and temporary salaries and per diems
7 for state employees shall be made from funds appropriated in this
8 section.

The Gloor amendment was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

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

MOTION(S) - Confirmation Report(s)

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1430:

Commission for the Deaf and Hard of Hearing
Frank R. Turk

Voting in the affirmative, 36:

Baker	Craighead	Hilkemann	McCollister	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Ebke	Hughes	Mello	Watermeier
Brasch	Friesen	Kintner	Pansing Brooks	Williams
Campbell	Garrett	Kolterman	Riepe	
Chambers	Gloor	Krist	Scheer	
Coash	Hadley	Larson	Schilz	
Cook	Hansen	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 5:

Haar, K.	Johnson	Kolowski	Smith	Stinner
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Excused and not voting, 8:

Davis	Harr, B.	Morfeld	Nordquist
Groene	Kuehn	Murante	Sullivan

The appointment was confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1430:

State Board of Health
Kevin Borchert
Shane Fleming
Russell Hopp
Kevin C. Low
Travis James Teetor
Douglas Vander Broek

Voting in the affirmative, 39:

Baker	Craighead	Hadley	Larson	Schilz
Bloomfield	Crawford	Hansen	Lindstrom	Schnoor
Bolz	Davis	Howard	McCollister	Schumacher
Brasch	Ebke	Hughes	Morfeld	Seiler
Campbell	Friesen	Johnson	Murante	Stinner
Chambers	Garrett	Kintner	Pansing Brooks	Watermeier
Coash	Gloor	Kolowski	Riepe	Williams
Cook	Haar, K.	Krist	Scheer	

Voting in the negative, 0.

Present and not voting, 6:

Groene	Kolterman	Mello
Hilkemann	McCoy	Smith

Excused and not voting, 4:

Harr, B.	Kuehn	Nordquist	Sullivan
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The appointments were confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1430:

Climate Assessment Response Committee
R.M. (Matt) Joeckel

Voting in the affirmative, 40:

Baker	Craighead	Hadley	Krist	Scheer
Bloomfield	Crawford	Hilkemann	Larson	Schilz
Bolz	Ebke	Howard	Lindstrom	Schumacher
Brasch	Friesen	Hughes	McCollister	Smith
Campbell	Garrett	Johnson	McCoy	Stinner
Chambers	Gloor	Kintner	Morfeld	Sullivan
Coash	Groene	Kolowski	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolterman	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 7:

Davis	Mello	Nordquist	Seiler
Hansen	Murante	Schnoor	

Excused and not voting, 2:

Harr, B.	Kuehn
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The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 598A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 598, One Hundred Fourth Legislature, First Session, 2015; and to reduce appropriations.

LEGISLATIVE BILL 173A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 173, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 605A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 605, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 251. Introduced by Scheer, 19.

WHEREAS, the Norfolk Veterans' Home opened in 1963 to provide high quality, dignified care to enable residents to live their lives to the fullest through different levels of health care; and

WHEREAS, the Norfolk Veterans' Home recently received a deficiency-free survey from the United States Department of Veterans Affairs for the fourth consecutive year; and

WHEREAS, such surveys have been achieved after unannounced on-site inspections; and

WHEREAS, the Norfolk Veterans' Home's deficiency-free surveys illustrate the commitment of the facility and its employees to veterans and their families.

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

1. That the Legislature congratulates the Norfolk Veterans' Home on its fourth straight deficiency-free survey from the United States Department of Veterans Affairs.

2. That a copy of this resolution be sent to the Norfolk Veterans' Home and its administrator, Jerry Eisenhower.

Laid over.

LEGISLATIVE RESOLUTION 252. Introduced by Judiciary Committee: Seiler, 33, Chairperson; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Williams, 36.

PURPOSE: The purpose of this resolution is to study court costs and fees in Nebraska.

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.

SELECT FILE

LEGISLATIVE BILL 605. ER81, found on page 1214, was adopted.

The B. Harr amendment, AM1330, found on page 1245, was withdrawn.

Senator Seiler offered his amendment, AM1530, found on page 1390.

SPEAKER HADLEY PRESIDING

Senator Mello offered the following amendment to the Seiler amendment: AM1609

(Amendments to AM1530)

1 1. On page 90, strike lines 22 through 30 and insert:

2 "(5) The Committee on Justice Reinvestment Oversight shall monitor
3 and guide analysis and policy development in all aspects of the criminal
4 justice system in Nebraska within the scope of the justice reinvestment
5 initiative, including tracking implementation of evidence-based
6 strategies as established in this legislative bill, and reviewing
7 policies to improve public safety, reduce recidivism, and reduce spending
8 on corrections in Nebraska. With assistance from the Council of State
9 Governments Justice Center, the committee shall monitor performance and
10 measure outcomes by collecting data from counties and relevant state
11 agencies for analysis and reporting."

12 2. On page 109, lines 10 and 11, after "daily" insert "jail"; strike
13 beginning with "No" in line 21 through the period in line 22; and in line
14 27 strike "use" and insert "prioritize use of".

The Mello amendment was adopted with 36 ayes, 0 nays, 11 present and not

voting, and 2 excused and not voting.

Senator Seiler offered the following amendment to his amendment:
AM1610

(Amendments to AM1530)

- 1 1. On page 63, line 19, after "be" insert "any term of years".
- 2 2. On page 67, line 13, strike "a Class I, IA, IB, IC, II, or IIA
3 felony" and insert "any felony other than another Class IV felony".
- 4 3. On page 137, line 4, strike "Section" and insert "Sections
5 29-2204.01 and".

The Seiler amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

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

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 253. Introduced by Kolterman, 24.

WHEREAS, the Ridgewood Rehabilitation and Care Center in Seward was established to provide nursing care, rehabilitation therapy, respite care, hospice care, and memory care to Nebraskans; and

WHEREAS, the Ridgewood Rehabilitation and Care Center recently received a deficiency-free survey from the Department of Health and Human Services; and

WHEREAS, the Ridgewood Rehabilitation and Care Center was in full compliance as determined by unannounced onsite inspections; and

WHEREAS, the Ridgewood Rehabilitation and Care Center's deficiency-free survey illustrates the commitment that the facility and its employees have to residents and their families.

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

1. That the Legislature congratulates the Ridgewood Rehabilitation and Care Center on its deficiency-free survey from the Department of Health and Human Services.
2. That a copy of this resolution be sent to the Ridgewood Rehabilitation and Care Center and its administrator, Joseph Caldwell.

Laid over.

LEGISLATIVE RESOLUTION 254. Introduced by Coash, 27; Hughes, 44.

PURPOSE: The purpose of this resolution is to examine public charitable corporations in Nebraska. The study will include a review of the history, as well as the financing, assets, ownership, management, maintenance, and structure of public charitable corporations. The study shall also investigate and make recommendations regarding the authority of the Legislature over the personnel, buildings, utilities, and grounds of public charitable corporations.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Executive Board 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.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB664	Natural Resources

Guinan, Patrick - State Personnel Board - Government, Military and Veterans Affairs

Kosiski, Joe - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Scherer, Lori G. - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

(Signed) Bob Krist, Chairperson
Executive Board

BILL ON FIRST READING

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

LEGISLATIVE BILL 525A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 525, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 360. Placed on Final Reading.

ST38

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

1. In the Johnson amendment, AM1520:
 - a. On page 2, line 17, "a" has been inserted before "licensee" and "violation"; and
 - b. On page 3, line 23, "section" has been struck and "subsection" inserted.
2. In the E & R amendments, ER90:
 - a. On page 13, line 28, "21" has been struck and "22" inserted;
 - b. On page 23, line 10, "Applicants, licensees," has been struck and "An applicant, a licensee," inserted;
 - c. On page 28, line 31, "a" has been inserted before "dealer" and "boarding";
 - d. On page 29, line 1, "an" has been inserted before each occurrence of "animal" and "a" has been inserted before "pet"; and
 - e. On page 31, line 5, "a" has been inserted before "licensee"; and in lines 18 and 25 "54-632," has been inserted after "54-628.01,".

LEGISLATIVE BILL 360A. Placed on Final Reading.**LEGISLATIVE BILL 554.** Placed on Final Reading.**LEGISLATIVE BILL 657.** Placed on Final Reading.**LEGISLATIVE BILL 658.** Placed on Final Reading.**LEGISLATIVE BILL 659.** Placed on Final Reading.**LEGISLATIVE BILL 660.** Placed on Final Reading.

ST39

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

1. In the Standing Committee amendments, AM830:
 - a. On page 12, line 9, "project is" has been struck and "projects are" inserted; and in line 19 "project" has been struck and "projects" inserted; and
 - b. On page 15, line 1; and page 16, line 19, "in" has been inserted before "private".

LEGISLATIVE BILL 661. Placed on Final Reading.

ST37

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

1. In the Mello amendment, AM1506, on page 3, line 11, "fund" has been struck, shown as stricken, and "Job Training Cash Fund" inserted.
2. In the Standing Committee amendments, AM831:
 - a. On page 16, the matter beginning with "Legislative" in line 17 through "2014" in line 18 has been struck and "Laws 2014, LB1098" inserted;
 - b. On page 24, line 15, "38" has been struck and "39" inserted; and

c. On page 27, line 23, "81-1201.21," has been inserted after the first comma.

3. In the E and R amendments, ER117, on page 1, line 9, "81-1201.21," has been inserted after "13-2610,".

LEGISLATIVE BILL 662. Placed on Final Reading.

LEGISLATIVE BILL 663. Placed on Final Reading.

ST40

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

1. On page 1, line 3, the matter beginning with "the" through "judges" has been struck and "judges' salaries" inserted.

LEGISLATIVE BILL 663A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

SELECT FILE

LEGISLATIVE BILL 598. ER83, found on page 1214, was adopted.

Senator Schumacher withdrew his amendment, AM1407, found on page 1312.

Senator Seiler offered the following amendment:

AM1587

(Amendments to E and R amendments, ER83)

1 1. Insert the following new section:

2 Sec. 22. Section 83-170, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 83-170 As used in the Nebraska Treatment and Corrections Act, unless

5 the context otherwise requires:

6 (1) Administrator means ~~shall mean~~ the Parole Administrator;

7 (2) Board means ~~shall mean~~ the Board of Parole;

8 (3) Committed offender means ~~shall mean~~ any person who, under any

9 provision of law, is sentenced or committed to a facility operated by the

10 department or is sentenced or committed to the department other than a

11 person adjudged to be as described in subdivision (1), (2), (3)(b), or

12 (4) of section 43-247 by a juvenile court;

13 (4) Department means ~~shall mean~~ the Department of Correctional

14 Services;

15 (5) Director means ~~shall mean~~ the Director of Correctional Services;

16 (6) Facility means ~~shall mean~~ any prison, reformatory, training

17 school, reception center, community guidance center, group home, or other

18 institution operated by the department;

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

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

21 (8) Maximum term means ~~shall mean~~ the maximum sentence provided by

22 law or the maximum sentence imposed by a court, whichever is shorter;
 23 (9) Minimum term ~~means shall mean~~ the minimum sentence provided by
 24 law or the minimum sentence imposed by a court, whichever is longer;
 25 (10) Pardon authority ~~means shall mean~~ the power to remit fines and
 26 forfeitures and to grant respites, reprieves, pardons, or commutations;
 1 (11) Parole term ~~means shall mean~~ the time from release on parole to
 2 the completion of the maximum term, reduced by good time; and
 3 (12) Person committed to the department ~~means shall mean~~ any person
 4 sentenced or committed to a facility within the department; -
 5 (13) Restrictive housing means conditions of confinement that
 6 provide limited contact with other offenders, strictly controlled
 7 movement while out of cell, and out-of-cell time of less than twenty-four
 8 hours per week; and
 9 (14) Solitary confinement means the status of confinement of an
 10 inmate in an individual cell having solid, soundproof doors and which
 11 deprives the inmate of all visual and auditory contact with other
 12 persons.
 13 2. On page 17, lines 14 and 15; page 22, lines 28 and 29; and page
 14 33, lines 9 and 11, strike "June" and insert "July".
 15 3. On page 22, line 30, after the period insert "The director and
 16 the board shall jointly develop a transition implementation plan. The
 17 plan shall be presented to the Governor and to the Legislature no later
 18 than December 1, 2015. The report to the Legislature shall be delivered
 19 electronically.".
 20 4. On page 23, line 12, after "responsibilities" insert ", including
 21 employees of the Office of Probation Administration".
 22 5. On page 26, line 14, strike "fully explained to", show as
 23 stricken, and insert "developed with the active participation of".
 24 6. On page 27, line 15, strike "April" and insert "July"; in line 17
 25 strike "usage of segregation or other type of isolation" and insert "use
 26 of restrictive housing"; strike beginning with "segregation" in line 18
 27 through "population" in line 19 and insert "restrictive housing"; in line
 28 21 strike "housing other than general population" and insert "restrictive
 29 housing"; in line 22 strike "institution" and insert "facility"; and in
 30 line 27 strike "confinement outside the general population" and insert
 31 "restrictive housing".
 1 7. On page 28, line 9, strike the comma; in line 14 after the period
 2 insert "The notice shall identify all documents not publicly available by
 3 title, number of pages, and date adopted."; in line 16 after the period
 4 insert "Security manuals shall be made available to the Legislature for
 5 inspection upon request, but shall not be copied or removed from secure
 6 locations as designated by the director."; in line 19 strike "29 and 30"
 7 and insert "30 and 31"; in lines 28, 29, and 31, strike the new matter
 8 and reinstate the stricken matter; in line 29 before the period insert
 9 "and only as authorized by written directives, guidance documents, and
 10 operational manuals"; and in line 30 strike "in the adult division" and
 11 show as stricken.
 12 8. On page 29, lines 1 through 3, strike the new matter; and strike
 13 lines 10 through 31 and insert the following new subsections:

14 "(4) The director shall issue an annual report to the Governor and
 15 the Clerk of the Legislature. The report to the Clerk of the Legislature
 16 shall be issued electronically. For all inmates who were held in
 17 restrictive housing during the prior year, the report shall contain the
 18 race, gender, age, and length of time each inmate has continuously been
 19 held in restrictive housing. The report shall also contain:
 20 (a) The number of inmates held in restrictive housing;
 21 (b) The reason or reasons each inmate was held in restrictive
 22 housing;
 23 (c) The number of inmates held in restrictive housing who have been
 24 diagnosed with a mental illness as defined in section 71-907 and the type
 25 of mental illness by inmate;
 26 (d) The number of inmates who were released from restrictive housing
 27 directly to parole or into the general public and the reason for such
 28 release;
 29 (e) The number of inmates who were placed in restrictive housing for
 30 his or her own safety and the underlying circumstances for each
 31 placement;
 1 (f) To the extent reasonably ascertainable, comparable statistics
 2 for the nation and each of the states that border Nebraska pertaining to
 3 subdivisions (4)(a) through (e) of this section; and
 4 (g) The mean and median length of time for all inmates held in
 5 restrictive housing.
 6 (5)(a) There is hereby established within the department a long-term
 7 restrictive housing work group. The work group shall consist of:
 8 (i) The director and all deputy directors. The director shall serve
 9 as the chairperson of the work group;
 10 (ii) The director of health services within the department;
 11 (iii) The behavioral health administrator within the department;
 12 (iv) Two employees of the department who currently work with inmates
 13 held in restrictive housing;
 14 (v) Additional department staff as designated by the director; and
 15 (vi) Four members as follows appointed by the Governor:
 16 (A) Two representatives from a nonprofit prisoners' rights advocacy
 17 group, including at least one former inmate; and
 18 (B) Two mental health professionals independent from the department
 19 with particular knowledge of prisons and conditions of confinement.
 20 (b) The work group shall advise the department on policies and
 21 procedures related to the proper treatment and care of offenders in long-
 22 term restrictive housing.
 23 (c) The director shall convene the work group's first meeting no
 24 later than September 15, 2015, and the work group shall meet at least
 25 semiannually thereafter. The chairperson shall schedule and convene the
 26 work group's meetings.
 27 (d) The director shall provide the work group with quarterly updates
 28 on the department's policies related to the work group's subject
 29 matter."
 30 9. On page 30, strike lines 1 through 17.
 31 10. On page 33, line 23, strike "Beginning" and insert "Until" and

- 1 strike "shall" and reinstate the stricken "may"; in line 25 after "the"
- 2 insert "department's inmate"; in line 26 after the period insert
- 3 "Beginning July 1, 2020, a correctional system overcrowding emergency
- 4 shall exist whenever the director certifies that the department's inmate
- 5 population is over one hundred forty percent of design capacity."; and in
- 6 line 29 strike "Upon declaration of", show as stricken, and insert
- 7 "During".
- 8 11. On page 34, line 22, after "81-8,245," insert "83-170".
- 9 12. Renumber the remaining sections accordingly.

The Seiler amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 173. ER82, found on page 1214, was adopted.

Senator Coash offered the following amendment:

AM1607

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 28-105, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 28-105 (1) For purposes of the Nebraska Criminal Code and any
- 6 statute passed by the Legislature after the date of passage of the code,
- 7 felonies are divided into nine classes which are distinguished from one
- 8 another by the following penalties which are authorized upon conviction:
- 9 Class I felony Death
- 10 Class IA felony Life imprisonment
- 11 Class IB felony Maximum — life imprisonment
- 12 Minimum — twenty years imprisonment
- 13 Class IC felony Maximum — fifty years imprisonment
- 14 ~~Minimum Mandatory minimum~~ — five years imprisonment
- 15 Class ID felony Maximum — fifty years imprisonment
- 16 ~~Minimum Mandatory minimum~~ — three years imprisonment
- 17 Class II felony Maximum — fifty years imprisonment
- 18 Minimum — one year imprisonment
- 19 Class III felony Maximum — twenty years imprisonment, or
- 20 twenty-five thousand dollars fine, or both
- 21 Minimum — one year imprisonment
- 22 Class IIIA felony Maximum — five years imprisonment, or
- 23 ten thousand dollars fine, or both
- 24 Minimum — none
- 25 Class IV felony Maximum — five years imprisonment, or
- 26 ten thousand dollars fine, or both
- 1 Minimum — none
- 2 (2) All sentences of imprisonment for Class IA, IB, IC, ID, II, and
- 3 III felonies and sentences of one year or more for Class IIIA and IV
- 4 felonies shall be served in institutions under the jurisdiction of the

5 Department of Correctional Services. Sentences of less than one year
6 shall be served in the county jail except as provided in this subsection.
7 If the department certifies that it has programs and facilities available
8 for persons sentenced to terms of less than one year, the court may order
9 that any sentence of six months or more be served in any institution
10 under the jurisdiction of the department. Any such certification shall be
11 given by the department to the State Court Administrator, who shall
12 forward copies thereof to each judge having jurisdiction to sentence in
13 felony cases.

14 (3) Nothing in this section shall limit the authority granted in
15 sections 29-2221 and 29-2222 to increase sentences for habitual
16 criminals.

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

19 Sec. 2. Section 29-2221, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,
22 and committed to prison, in this or any other state or by the United
23 States or once in this state and once at least in any other state or by
24 the United States, for terms of not less than one year each shall, upon
25 conviction of a felony committed in this state, other than a Class III or
26 a Class IV felony, be deemed to be a habitual criminal and shall be
27 punished by imprisonment in a Department of Correctional Services adult
28 correctional facility for a ~~mandatory~~ minimum term of ten years and a
29 maximum term of not more than sixty years, except that if a greater
30 punishment is otherwise provided by statute, the law creating the greater
1 punishment shall govern. :

2 (a) ~~If the felony committed is in violation of section 28-303,~~
3 ~~28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, 28-929, or 28-1222,~~
4 ~~and at least one of the habitual criminal's prior felony convictions was~~
5 ~~for a violation of one of the sections listed in this subdivision or of a~~
6 ~~similar statute in another state or of the United States, the mandatory~~
7 ~~minimum term shall be twenty five years and the maximum term not more~~
8 ~~than sixty years;~~

9 (b) ~~If the felony committed is in violation of subsection (3) of~~
10 ~~section 28-306 and at least one of the prior convictions is in violation~~
11 ~~of subsection (3) of section 28-306 and the other is in violation of one~~
12 ~~of the sections set forth in subdivision (a) of this subsection or if the~~
13 ~~felony committed is in violation of one of the sections set forth in~~
14 ~~subdivision (a) of this subsection and both of the prior convictions are~~
15 ~~in violation of subsection (3) of section 28-306, the mandatory minimum~~
16 ~~term shall be twenty five years and the maximum term not more than sixty~~
17 ~~years; and~~

18 (c) ~~If a greater punishment is otherwise provided by statute, the~~
19 ~~law creating the greater punishment shall govern.~~

20 (2) When punishment of an accused as a habitual criminal is sought,
21 the facts with reference thereto shall be charged in the indictment or
22 information which contains the charge of the felony upon which the
23 accused is prosecuted, but the fact that the accused is charged with

24 being a habitual criminal shall not be an issue upon the trial of the
25 felony charge and shall not in any manner be disclosed to the jury. If
26 the accused is convicted of a felony, other than a Class III or a Class
27 IV felony, before sentence is imposed, a hearing shall be had before the
28 court alone as to whether such person has been previously convicted of
29 prior felonies. The court shall fix a time for the hearing and notice
30 thereof shall be given to the accused at least three days prior thereto.
31 At the hearing, if the court finds from the evidence submitted that the
1 accused has been convicted two or more times of felonies and sentences
2 imposed therefor by the courts of this or any other state or by the
3 United States, the court shall sentence such person so convicted as a
4 habitual criminal.
5 (3) If the person so convicted shows to the satisfaction of the
6 court before which the conviction was had that he or she was released
7 from imprisonment upon either of such sentences upon a pardon granted for
8 the reason that he or she was innocent, such conviction and sentence
9 shall not be considered as such under this section and section 29-2222.
10 Sec. 3. Original section 29-2221, Reissue Revised Statutes of
11 Nebraska, and section 28-105, Revised Statutes Cumulative Supplement,
12 2014, are repealed.

Pending.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 448. Placed on General File with amendment.
AM1555 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 255. Introduced by Sullivan, 41.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

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

1. That the Education 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 256. Introduced by Mello, 5; Bolz, 29; Haar, K., 21; Hilkemann, 4; Kintner, 2; Nordquist, 7; Stinner, 48; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study the history and development of the Peter Kiewit Institute (PKI) to include the University of Nebraska Omaha (UNO) College of Information Science and Technology and the University of Nebraska-Lincoln (UNL) College of Engineering. The University of Nebraska indicates that to move PKI forward, additional state financial support will be required in terms of both operations and facility development. The study of PKI shall include, but not be limited to, the following:

- (1) The history of public and private funding;
- (2) The organizational structure and management;
- (3) Past and present strategic planning efforts;
- (4) Plans for the expansion of UNO's College of Information Science and Technology and UNL's College of Engineering in education, research, and outreach;
- (5) Plans for facility development and space utilization;
- (6) The partnerships with private corporations, government agencies, and other academic institutions;
- (7) The availability of other sources of funds for expansion including federal and private funding; and
- (8) The development of measurable outcomes to evaluate progress.

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

1. That the Appropriations 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.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR226 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR226.

EASE

The Legislature was at ease from 11:59 a.m. until 12:21 p.m.

MOTION - Return LB656 to Select File

Senator Mello moved to return LB656 to Select File for the following specific amendment:

AM1597

(Amendments to AM828)

1 1. Purpose: To reduce an appropriation consistent with the
2 Appropriations Committee recommendation.

3 Amendment:

4 1. Insert the following new section:

5 Sec. 28. Laws 2014, LB905, section 59, is amended to read:

6 Sec. 59. AGENCY NO. 25 — DEPARTMENT OF HEALTH AND HUMAN SERVICES

7 Program No. 347 - Public Assistance

8		FY2013-14	FY2014-15
9	GENERAL FUND	103,359,868	108,244,583
10	<u>GENERAL FUND</u>	<u>103,359,868</u>	<u>99,244,583</u>
11	CASH FUND	3,560,000	3,560,000
12	FEDERAL FUND est.	103,059,571	102,574,856
13	<u>PROGRAM TOTAL</u>	<u>209,979,439</u>	<u>214,379,439</u>
14	<u>PROGRAM TOTAL</u>	<u>209,979,439</u>	<u>205,379,439</u>

15 There is included in the appropriation to this program for FY2013-14
16 \$103,359,868 General Funds, \$3,560,000 Cash Funds, and \$103,059,571
17 Federal Funds estimate for state aid, which shall only be used for such
18 purpose. There is included in the appropriation to this program for
19 FY2014-15 ~~\$99,244,583~~ ~~\$108,244,583~~ General Funds, \$3,560,000 Cash Funds,
20 and \$102,574,856 Federal Funds estimate for state aid, which shall only
21 be used for such purpose.

22 There is included in the appropriation to this program for FY2013-14
23 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund for state aid
24 to aid in carrying out the Nebraska Lifespan Respite Services Program and
25 to provide payment to caregivers to purchase services under the respite
26 subsidy program. There is included in the appropriation to this program
1 for FY2014-15 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund
2 for state aid to aid in carrying out the Nebraska Lifespan Respite
3 Services Program and to provide payment to caregivers to purchase
4 services under the respite subsidy program.

5 There is included in the appropriation to this program for FY2013-14
6 \$660,000 General Funds and for FY2014-15 \$660,000 General Funds which
7 shall be used solely to increase the reimbursement rate paid to providers
8 of adult day services under the Title XX Program.

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

11 2. Purpose: To reduce an appropriation consistent with the
12 Appropriations Committee recommendation.

13 Amendment:

14 1. On page 13, lines 22 and 23, strike "~~67,400,000~~" and insert
15 "62,779,000"; and in line 27 strike "~~\$67,400,000~~" and insert
16 "\$62,779,000".

The Mello motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 656. The Mello specific amendment, AM1597, found in this day's Journal, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 173. The Coash amendment, AM1607, found in this day's Journal, was renewed.

SENATOR WATERMEIER PRESIDING

SPEAKER HADLEY PRESIDING

Senator Coash moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Coash requested a roll call vote on the amendment.

Voting in the affirmative, 36:

Baker	Ebke	Howard	Lindstrom	Stinner
Bolz	Friesen	Hughes	McCollister	Sullivan
Campbell	Garrett	Johnson	Morfeld	Watermeier
Chambers	Gloor	Kintner	Pansing Brooks	Williams
Coash	Haar, K.	Kolowski	Scheer	
Cook	Hadley	Kolterman	Schumacher	
Crawford	Hansen	Krist	Seiler	
Davis	Hilkemann	Kuehn	Smith	

Voting in the negative, 6:

Bloomfield	Craighead	McCoy
Brasch	Harr, B.	Riepe

Present and not voting, 5:

Groene	Larson	Murante	Schilz	Schnoor
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Excused and not voting, 2:

Mello	Nordquist
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The Coash amendment was adopted with 36 ayes, 6 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator B. Harr offered the following amendment:

AM1573

(Amendments to E and R amendments, ER82)

- 1 1. Strike section 3.
- 2 2. On page 8, line 14, strike "sections 29-2221 and" and insert
- 3 "section".
- 4 3. Renumber the remaining sections accordingly.

The B. Harr amendment lost with 10 ayes, 14 nays, 21 present and not voting, and 4 excused and not voting.

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

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

Voting in the affirmative, 25:

Baker	Cook	Haar, K.	Krist	Schumacher
Bolz	Crawford	Hadley	Kuehn	Seiler
Campbell	Davis	Hansen	McCollister	Stinner
Chambers	Ebke	Howard	Morfeld	Sullivan
Coash	Gloor	Kolowski	Pansing Brooks	Williams

Voting in the negative, 16:

Bloomfield	Groene	Kintner	Riepe
Brasch	Harr, B.	Lindstrom	Scheer
Craighead	Hughes	McCoy	Schnoor
Friesen	Johnson	Murante	Watermeier

Present and not voting, 5:

Garrett	Hilkemann	Kolterman	Schilz	Smith
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Excused and not voting, 3:

Larson	Mello	Nordquist
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Advanced to Enrollment and Review for Engrossment with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

PRESIDENT FOLEY PRESIDING

RESOLUTION(S)

LEGISLATIVE RESOLUTION 257. Introduced by Kuehn, 38; Haar, K., 21.

PURPOSE: The purpose of this resolution is to study how to create a sustainable and adequate stream of state funds to local public health departments to ensure the departments are able to meet their core responsibilities and functions as set forth in statute. The study shall include, but not be limited to, the following:

- (1) The history of the formation and funding of local public health departments;
- (2) An examination of current and future public health threats;
- (3) An examination of health care cost containment strategies that can slow the growth of overall health care spending by instituting strategic chronic disease management programs and prevention strategies;
- (4) A review of public health readiness and current public health detection programs and prevention efforts;
- (5) A review of the public health core functions and essential services set forth in section 71-1628.04 of the Nebraska statutes and the necessary revenue streams available to fulfill such functions and services;
- (6) Identifying additional health-related funding streams that have a nexus with public health programming;
- (7) A strategic plan for investments in local public health departments to properly equip them to respond to a critical public health crisis within their community.

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

1. That the Appropriations 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 by December 15, 2015.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 258. Introduced by Johnson, 23; Scheer, 19.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be amended. The study shall include an examination of issues raised during consideration by the Banking, Commerce and Insurance Committee of LB 139 (Laws 2015) regarding what persons and activities should be subject to the requirements of the act.

In order to carry out the purpose of this resolution, the committee shall consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 259A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

MOTION(S) - Print in Journal

Senator Smith filed the following motion to LB610:

MO108

Becomes law notwithstanding the objections of the Governor.

Senator Smith filed the following motion to LB610A:

MO109

Becomes law notwithstanding the objections of the Governor.

MOTION - Return LB81 to Select File

Senator Cook moved to return LB81 to Select File for her specific amendment, AM1303, found on page 1225.

The Cook motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 81. The Cook specific amendment, AM1303, found on page 1225, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION - Return LB347 to Select File

Senator Krist moved to return LB347 to Select File for his specific amendment, AM1490, found on page 1377.

The Krist motion to return prevailed with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 347. The Krist specific amendment, AM1490, found on page 1377, was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB347

Senator Krist withdrew his amendment, AM1547, found on page 1453, to LB347.

GENERAL FILE

LEGISLATIVE BILL 643. Senator Gloor withdrew his amendment, AM1564, found on page 1449 and considered on page 1507.

Senator Gloor withdrew his amendment, AM1576, found on page 1474.

Committee AM1254, found on page 1217 and considered on page 1507, was renewed.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?"

Senator Garrett moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The motion to cease debate prevailed with 28 ayes, 1 nay, and 20 not voting.

The committee amendment was adopted with 27 ayes, 10 nays, 11 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Garrett withdrew his amendment, AM680, found on page 728.

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

Advanced to Enrollment and Review Initial with 27 ayes, 12 nays, 8 present and not voting, 1 absent and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 656. Placed on Final Reading.

ST36

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

1. In the Standing Committee amendment, AM828:
 - a. On page 1, line 19, "30" has been struck and "31" inserted;
 - b. On page 17, line 27, "Laws 2013, LB530A, section 1;" has been struck and "59," has been inserted after the last comma; and
 - c. Sections 16 to 24 have been renumbered as sections 17 to 25 and sections 28 to 32 have been renumbered as sections 29 to 33, respectively.
2. On page 1, line 2, "Laws 2013, LB530A, section 1;" has been struck; and in line 3 "59," has been inserted after the third comma.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 259. Introduced by Mello, 5.

PURPOSE: Early childhood education is increasingly being recognized throughout the country as critical for the development of children's health, education, and civic responsibilities. A child's first experiences and relationships set the stage for the learning and literacy that lead to achievement in school and beyond as documented by an ever expanding body of research from a range of disciplines including neuroscience, behavioral research, program evaluation, and economic analysis. For children born into low-income families, early interventions such as voluntary home visiting can help mitigate risks and build parenting skills and significantly improve a child's chances of growing up healthy and prepared to succeed. Economists have found that, over time, well-designed and well-implemented home visiting programs can return up to \$5.70 per taxpayer dollar invested by reducing societal costs associated with poor health and academic failure.

The purpose of this study is to examine Nebraska's current programming regarding home visitation for early childhood education and development and assess the feasibility of expansion to universal statewide programming. This study shall include, but not be limited to, an examination of the following:

- (1) Existing home visitation statutes;
- (2) The clarity of purpose and expectations surrounding current home visitation programs;
- (3) Successful evidence-based home visitation models;

(4) Existing and potential mechanisms for tracking funds expended in home visitation programs;

(5) The effectiveness of current programming by examining goals and outcome evaluation procedures;

(6) The populations targeted for program assistance to assess the at-risk communities and high-risk populations that have access to services; and

(7) Funding mechanisms and levels to determine the adequate investment necessary to reach all eligible families.

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.

LEGISLATIVE RESOLUTION 260. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the feasibility of developing tax-preferential zones on college and university campuses for the strategic development of new start-up businesses and expanding the commercialization of joint public/private research ventures. Tax-preferential zones have been proven to benefit higher education institutions by providing students with internship and employment opportunities while providing intellectual access to start-up businesses, showcasing innovative business and technology developments advanced by the institution, and giving academic faculty real world access to partner with the private sector to develop their ideas.

The issues examined by this study shall include, but not be limited to, the following:

(1) Options for governance structure and management systems;

(2) Proven and effective tax incentives for the attraction of high-growth and early-stage businesses;

(3) The types of businesses that best fit the intent and goals envisioned in tax-preferential zones;

(4) Similar public/private partnerships in place in other states; and

(5) Other public/private partnership models used with the goal of integrating higher education research, faculty, and students with high technology and other start-up businesses.

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

1. That the Revenue 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 261. Introduced by Mello, 5.

PURPOSE: Cameras designed to be worn on the body are the latest in a string of technological advances that can help capture encounters between law enforcement and citizens. The use of body cameras has potential benefits including increased transparency, improved officer and citizen behavior, expedited resolution of complaints and lawsuits, and the facilitation of evidence collection. However, there are also concerns about the use of body cameras including concerns related to citizen and officer privacy, officer health and safety, the need for training and policies governing camera use, managing the large amount of video data, and the financial resources needed to use the technology.

This study will examine the issues of implementing the use of body cameras for state and local law enforcement in Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) The current use of body cameras by law enforcement agencies in Nebraska;

(2) The potential costs for equipping law enforcement agencies with body cameras, employing appropriate information technology personnel, purchasing software, and other items necessary to support body camera use;

(3) The potential funding sources to support body camera use including federal, state, local, and other potential funds;

(4) The policies regarding the use of body cameras in other states and best practices including, but not limited to, the types of interactions to be recorded, when cameras should be turned on, who has access to video recordings, and how long videos should be stored; and

(5) The potential issues surrounding personal privacy.

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 262. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine the creation of a separate program within the budget of the Department of Health and Human Services for long-term care expenditures made from all funding sources.

The department currently uses the long-term care numbers in building the overall agency budget. Assigning long-term care expenditures under a separate program may better serve the appropriations process as well as consumer, provider, and advocacy interests. Currently, members of the public involved in the appropriations process are limited in their ability to understand and track the public funds involved for long-term care because such funds are not broken out for this significant portion of the department's budget. The Governor has said that accountability begins with transparency, and the purpose of this study is to increase the transparency of the appropriations process regarding long-term care expenditures made by the Department of Health and Human Services.

The issues examined in this study shall include, but not be limited to, the following:

(1) What expenditures are appropriate for inclusion as line-items under a separate program for state-supported long-term care services;

(2) How various long-term care services should be classified for inclusion in a long-term care program in the biennial budget; and

(3) How the results and efficacy of various expenditures for long-term care services may be more easily assessed from the information included under a long-term care program.

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

1. That the Appropriations 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 263. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study possible changes to the Nebraska Model Business Corporation Act as enacted by LB 749 (Laws 2014) to replace the Business Corporation Act. LB 749 contained an operative date of January 1, 2016. However, LB 157 (Laws 2015) delayed the operative date of the Nebraska Model Business Corporation Act to January 1, 2017, in order to afford an additional interim and legislative session during which amendments can be considered before such act becomes operative.

In order to carry out the purposes of this resolution, the committee shall consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance 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 264. Introduced by Hughes, 44.

WHEREAS, Carli Schultz, a San Francisco emergency room nurse who grew up in Imperial, was vacationing in Nepal when the magnitude-7.8 earthquake hit on April 25, 2015; and

WHEREAS, Carli and her friend, Paul Moore, arrived in Kathmandu, Nepal, to hike through the Himalayan Mountains the day before the earthquake hit; and

WHEREAS, instead of vacationing, Carli and Paul stayed in Nepal to help distribute food, provide medical care, resupply water sources, and build semi-permanent structures for the victims of the earthquake; and

WHEREAS, Carli and Paul remarked that after 12 days in the Kathmandu Valley, they were overwhelmed by the loving spirits, kind hearts, and generous hospitality of the people of Nepal.

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

1. That the Legislature commends Carli Schultz for her courageous service to the victims of the earthquake in Nepal.

2. That a copy of this resolution be sent to Carli Schultz.

Laid over.

LEGISLATIVE RESOLUTION 265. Introduced by Davis, 43; Coash, 27; Ebke, 32; Groene, 42; Kolowski, 31; Kolterman, 24; Krist, 10; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Seiler, 33; Williams, 36.

PURPOSE: The purpose of this resolution is to examine minor traffic violation, adult, and juvenile pretrial diversion programs authorized by counties and municipalities. The study shall include, but not be limited to, an examination of the following:

(1) The pretrial diversion programs authorized by counties and municipalities and the approved private pretrial diversion program providers;

(2) The costs for participation in pretrial diversion programs and the additional fees assessed by counties and municipalities including court costs;

(3) The delivery of court costs collected by the court system for credit to appropriate funds;

(4) The utilization of fees collected by counties and municipalities;

(5) The treatment of indigent persons and uncollectible costs and fees; and
(6) The feasibility of establishing a central reporting system of all pretrial diversion programs including the assessment, collection, and utilization of program costs and fees.

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.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB390:
AM1144 is available in the Bill Room.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

Wednesday, May 27, 2015 12:00 p.m. - 1:30 p.m.

LB664

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 382. Title read. Considered.

SENATOR KRIST PRESIDING

Committee AM728, found on page 796, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, and 19 present and not voting.

LEGISLATIVE BILL 382A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, and 19 present and not voting.

LEGISLATIVE BILL 325. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 547. Title read. Considered.

Committee AM785, found on page 920, was offered.

Senator Campbell withdrew her amendment, AM994, found on page 946.

Senator Campbell offered her amendment, AM1275, found on page 1203, to the committee amendment.

The Campbell amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, and 15 present and not voting.

LEGISLATIVE BILL 547A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, and 20 present and not voting.

LEGISLATIVE BILL 591. Title read. Considered.

Committee AM627, found on page 906, was offered.

Senator Bolz withdrew her amendment, AM1168, found on page 1187.

Senator Bolz offered her amendment, AM1352, found on page 1300, to the committee amendment.

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

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 591A. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 629A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 629, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB330:
AM1614

(Amendments to Larson amendments, AM1479)

- 1 1. On page 1, after line 1 insert the following new section:
- 2 Section 1. Section 29-431, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to
- 5 29-434, and 48-1231 and section 8 of this act, unless the context
- 6 otherwise requires, infraction means the violation of any law, ordinance,
- 7 order, rule, or regulation, not including those related to traffic, which
- 8 is not otherwise declared to be a misdemeanor or a felony. Infraction
- 9 includes violations of section 60-6,267.; in line 2 strike '3, 4, 11, and
- 10 29' and insert '4, 5, 12, and 30'; in line 11 strike the second "and"; in
- 11 line 12 before the period insert "; after line 20 insert the following
- 12 new subsection:
- 13 '(4) Any person knowingly or intentionally possessing powdered
- 14 alcohol shall:
- 15 (a) For the first offense, be guilty of an infraction, receive a
- 16 citation, and be fined three hundred dollars;
- 17 (b) For the second offense, be guilty of a Class IV misdemeanor,
- 18 receive a citation, and be fined four hundred dollars and may be
- 19 imprisoned not to exceed five days; and
- 20 (c) For the third and all subsequent offenses, be guilty of a Class
- 21 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
- 22 be imprisoned not to exceed seven days.'; in lines 12 and 21 strike '(4)
- 23 and insert '(5)'; in line 13 after '29' insert 'after "sections" insert
- 24 "29-431," and'; and in line 15 after 'sections' insert 'and correct
- 25 internal references and the repealer accordingly'".
- 26 2. Renumber sections 27, 28, and 29 as sections 28, 29, and 30.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Campbell, Craighead, Crawford, Haar, K., Howard, Sullivan - LB591
Mello - LB581
Krist - LB591

VISITORS

Visitors to the Chamber were tenth- through twelfth-grade students and teachers from Omaha Bryan High School, Bellevue; 50 fourth-grade students and teachers from West Lawn Elementary, Grand Island; 20 fourth-grade students and teachers from Florence Elementary, Omaha; 60 fourth-grade students and teachers from Lincoln Elementary, Grand Island; Lea Sprenger, an exchange student from Landshut, Germany, and her host parent, John Turnbull, from York; 47 fourth-grade students and teachers from Sandoz Elementary, Omaha; 7 seventh-grade students and teachers from McPherson County Schools, Tryon; 34 fifth-grade students and teachers from Sandy Creek, Fairfield; and 20 fourth-grade students and teacher from Axtell Community School.

ADJOURNMENT

At 6:44 p.m., on a motion by Senator Groene, the Legislature adjourned until 9:00 a.m., Wednesday, May 13, 2015.

Patrick J. O'Donnell
Clerk of the Legislature