

EIGHTIETH DAY - MAY 14, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 14, 2015

PRAYER

The prayer was offered by Pastor Doyle Karst, Cornerstone Lutheran Church, Beatrice.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz, Craighead, Hansen, Kolowski, Krist, McCoy, Morfeld, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

MESSAGE(S) FROM THE GOVERNOR

May 14, 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 Environmental Quality Council:

Jeremy J. Buhl, 8905 N. 81 Avenue, Omaha, NE 68122

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

ATTORNEY GENERAL'S OPINION

Opinion 15-008

SUBJECT: LB 619 - Constitutionality of Legislation Defining Certain Forms of Poker as "Games of Skill" and Authorizing the Conduct of Poker Cash Games and Tournaments.

REQUESTED BY: Senator Merv Riepe
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

LB 619, as amended by AM115, would authorize persons applying to the Nebraska Liquor Control Commission ["Commission"] for the issuance of a liquor license to apply for an endorsement to host poker games or tournaments. AM115, § 17. The Commission would also be allowed to issue, in conjunction with special designated liquor licenses, special designated poker licenses to host poker games and tournaments. AM115, § 6. Poker is defined to mean "a draw or community card game in which a player bets that the value of his or her hand is greater than the value of the hands held by others and each subsequent player must either equal or raise the bet or drop out." AM115, § 4. "Poker includes a draw poker game, such as five-card draw, in which a player determines whether to discard and then receive new cards from the dealer, and a community card game, such as Texas Hold'em and Omaha Hold'em, in which the player combines the cards he or she is holding with the community cards that all players share and the player with the highest hand at the end of the betting wins the pot unless the player is the only player playing once the other players have dropped out." Id. Section 5 of AM115 provides:

(1) The Legislature finds that:

(a) Certain poker games require skill and players that are able to develop that skill may become professional poker players; and

(b) While poker does have a random component in the cards that players are dealt, there is more skill than luck for successful poker players in

games where the player implements a strategy by making decisions that influence the other players and ultimately the game's outcome.

(2) It is the intent of the Legislature to recognize various forms of the card game poker as games of skill, including variations of draw and community card poker games.

Noting the prohibition in Neb. Const. art. III, § 24, against the Legislature's authorization of "any game of chance," you state that you are "concerned LB 619 and AM115 may violate the prohibition against authorizing games of chance, which would require the payment of money to play." In particular, you point to the language in § 5 of AM115 stating the Legislature's intent to "recognize various forms of the card game poker as games of skill, including variations of draw and community card poker games." In light of prior Attorney General opinions in which poker has been characterized as a game of chance, and the Nebraska Supreme Court's opinion in *Indoor Recreation Enterprises, Inc. v. Douglas*, 194 Neb. 715, 235 N.W.2d 398 (1975) affirming a trial court's finding that poker was a game of chance and not a game of skill, you ask us to address whether LB 619 and AM115, if enacted, would allow wagering on a game of chance in violation of art. III, § 24.

ANALYSIS

A. The Constitutional Prohibition Against the Legislature's Authorization of Any "Game of Chance."

Neb. Const. art. III, § 24 (1) provides: "Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time." "[A] distinction is made in article III, § 24, between a 'game of chance' and 'lottery.'" *Stewart v. Advanced Gaming Technologies, Inc.*, 272 Neb. 471, 482, 723 N.W.2d 65, 74 (2006). "In paragraph (1) of article III, § 24, 'game of chance' and 'lottery' are referred to as distinct activities that are generally prohibited." *Id.* "However, paragraphs (2) and (3) provide that a 'lottery' may be authorized under certain conditions and with certain requirements." *Id.*

In Op. Att'y Gen. No. 95085 (November 17, 1995), we concluded the Legislature could not enact legislation authorizing the use of slot machines, video, or electronic devices based on a slot machine theme, or video or electronic gambling devices based on games such as poker, blackjack, or dice, as a form of "lottery" permitted under art. III, § 24. We recognized that, while the Constitution permitted the Legislature to establish lotteries for certain purposes, it was prohibited from authorizing "any game of chance." *Id.* at 11. Accordingly, art. III, § 24, prohibits the Legislature

from authorizing any game, scheme or contest which constitutes a "game of chance."

B. The Dominant Factor Test Determines Whether a Game is One of Chance or Skill.

In *Baedero v. Caldwell*, 156 Neb. 489, 56 N.W.2d 706 (1953) [*Baedero*] the Nebraska Supreme Court considered whether a five-ball pinball machine capable of awarding free replays constituted a "game of chance" barred under art. III, § 24, as well as an illegal "gambling device" prohibited by Neb. Rev. Stat. § 28-945. Discussing the test for determining whether a game constituted a "game of chance," the Court stated:

The test of the character of the game is not whether it contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game. . . .

A game of chance is one in which the result as to success or failure depends less on the skill and experience of the player than on purely fortuitous or accidental circumstances incidental to the game or the manner of playing it or the device or apparatus with which it is played, but not under the control of the player.

Id. at 493-94, 56 N.W.2d at 709.

While noting that some element of skill may be involved in the playing of a pinball machine, the Court found that the element of chance was the dominant factor in determining the result of the game. Stating that "Article III, section 24, of the Constitution is clear, explicit, and unambiguous that the Legislature shall not authorize any game of chance," and that § 28-945 "conforms to the constitutional provision in banning any game of chance in this state," the Court concluded the pinball machine was a prohibited "game of chance," as well as an illegal "gambling device." *Id.* at 494-97, 56 N.W.2d at 710-11.

In *State ex rel. Spire v. Strawberries, Inc.*, 239 Neb. 1, 473 N.W.2d 428 (1991), the Court considered whether certain video gambling devices, authorized by a 1987 statute excluding mechanical, computer, electronic, or video gaming devices capable of awarding free games from the definition of "gambling device" under § 28-1107(2) (1989), were legal. The devices in question allowed the play of various games, including video poker, blackjack, and dice. *Id.* at 4, 473 N.W.2d at 432. The Attorney General argued that the statute purporting to authorize such devices violated the prohibition in art. III, § 24, against the Legislature's authorization of "games of chance."

In addressing the constitutionality of the statute, the Court stated that the "constitutional provision (art. III, § 24) had remained relatively unchanged since 1875," and, "[c]orrespondingly, the statute relating to the 'possession

of gambling devices' enacted pursuant to [the] constitutional provision [had] also remained relatively unchanged for 100 years." *Id.* at 6, 473 N.W.2d at 433. Discussing the scope of the prohibition against "games of chance" in the Constitution, the Court stated:

Neb. Const. art. III, § 24, is in clear and unambiguous language and can be divided into three elements: (1) chance: "[t]he Legislature shall not authorize any game of chance"; (2) consideration: "when the consideration for a chance to participate involves the payment of money"; and (3) prize: "for the purchase of property [or] services."

In defining these elements, this court has held that a game of chance is one in which the result as to success or failure depends less on the skill and experience of the player than on purely fortuitous or accidental circumstances incidental to the game or the manner of playing it or on the device or apparatus with which it is played. *Indoor Recreation Enterprises, Inc. v. Douglas*, 194 Neb. 715, 235 N.W.2d 398 (1975). *See, also, CONTACT, Inc. v. State*, 212 Neb. 584, 324 N.W.2d 804 (1982) (a game of chance is one in which the winner is determined by mere luck and not by skill; the predominant nature of the game, i.e., skill or chance, determines its classification). Free replays are things of value and when obtained on a gambling device constitute property within the meaning of Neb. Const. art. III, § 24. *Baeder v. Caldwell*, 156 Neb. 489, 56 N.W.2d 706 (1953).

239 Neb. at 7, 473 N.W.2d at 434.

Applying the test for determining if a game constitutes a prohibited "game of chance," the Court determined the statute purporting to authorize the video gaming devices was unconstitutional, stating:

Section 28-1107(2) attempts to exempt devices which would normally fall under the "games of chance" prohibition by redefining them. Subsection (2) provides that subsection (1) shall not apply to games used for amusement only and also attempts to exclude free replays from being considered as property under the "prize" element. Neb. Const. art. III, § 24, is clear. The court has already ruled that free replays on a device otherwise considered a gambling device constitute property within the meaning of the prohibition.

The Legislature cannot avoid constitutional provisions by statutorily redefining constitutionally unacceptable activity. The Legislature's power of definition may not be employed to nullify or circumvent the provisions of the Nebraska Constitution. *MAPCO Ammonia Pipeline v. State Bd. of Equal.*, 238 Neb. 565, 471 N.W.2d 734 (1991). To redefine the activity that the Legislature seeks to permit would require an amendment to this state's Constitution. Absent such an amendment, § 28-1107(2) is unconstitutional for being in contravention of the express provision of Neb. Const. art. III, § 24.

239 Neb. at 8, 473 N.W.2d at 434.

Most recently, in *American Amusements Co. v. Nebraska Dep't of Revenue*, 282 Neb. 908, 807 N.W.2d 492 (2011) [*"American Amusements"*] the Supreme Court determined that a version of a video gaming device known as Bankshot was not an illegal gambling device. The Court noted that art. III, § 24, provides that "the Legislature shall not authorize any game of chance....," and that, in *Baedero*, it "held that the test for determining whether a game violated the constitutional and statutory prohibition against any game of chance was 'not whether [the game] contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game.'" 282 Neb. at 919, 807 N.W.2d at 500. The Court "reaffirm[ed] [its] prior holdings that gambling occurs in Nebraska when a bet is placed on an outcome that is determined predominantly by chance." *Id.* at 922, 807 N.W.2d at 502.

C. Judicial Decisions Applying the Dominant Factor Test to Determine if Poker is a Game of Chance or Skill.

In 1975, the Nebraska Supreme Court, applying the dominant factor test articulated in *Baedero*, affirmed a district court decision finding that poker and bridge were games of chance and not games of skill. *Indoor Recreation Enterprises, Inc. v. Douglas*, 194 Neb. 715, 235 N.W.2d 398 (1975) [*"Indoor Recreation"*]. *Indoor Recreation* was an action seeking a judgment declaring that poker, bridge, chess and checkers were games of skill, and that the playing of such games or operation of a place where such games were played did not violate the State's gambling laws. In deciding the issue, the Court relied on the "dominant factor" test for distinguishing between games of skill and games of chance employed in *Baedero*, which requires that "[t]he test of the character of the game is not whether it contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game." 194 Neb. at 716-17, 235 N.W.2d at 400 (*quoting Baedero*, 156 Neb. 489, 56 N.W.2d 705 (1953)).

In addressing this test, the Court cited an annotation stating that " * * * games of cards are games of chance even though the element of skill is more or less involved, since the element of chance predominates...." 194 Neb. at 717, 235 N.W.2d at 400 (*quoting* Annotation, *Games of Chance or Skill*, 135 A.L.R. 104 (1941)). The Court also cited the following observation made by the North Carolina Supreme Court concerning card games:

It is a matter of universal knowledge that no game played with ordinary playing cards is unattended with risk, whatever may be the skill, experience, or intelligence of the gamesters engaging in it. From the very nature of such games, where cards must be drawn by and dealt out to players, who cannot anticipate what ones may be received by each, the order in which they will be placed, or the effect

of a given play or mode of playing, there must be unavoidable uncertainty as to the results.' 194 Neb. at 717, 35 N.W.2d at 400 (quoting *State v. Taylor*, 11 N.C. 680, 681-82, 16 S.E. 168, 169 (1892)).

In addition, the Court recognized that " * * *the test of whether a game is one of skill or of chance, or one in which skill greatly predominates over chance, is not measured by the standard of experts or any limited class of players, but that of the average skill of a majority of players likely to play the game, * * *." 194 Neb. at 717, 35 N.W.2d at 401 (quoting *State v. Prevo*, 44 Haw. 665, 675-76, 361 P.2d 1044, 1050 (1961)).

In spite of expert testimony expressing the opinion that poker was a game of skill and not chance, the Court found there was sufficient evidence in the record to support the district court's conclusion "that the predominate purpose of the games in issue was chance." 194 Neb. at 719, 235 N.W.2d at 401. The Court found the expert's opinion was not binding on the court, and pointed to testimony by the expert on cross-examination agreeing that, "in 100 hands, the winner and the loser is going to be determined upon the deal of the cards...", which the expert conceded was based on "[l]uck." *Id.* The expert also acknowledged that "the initial deal in [a] draw poker game [was] also luck...", and agreed that, "in poker, in any one deal, ..., the chance of getting any one of the two or three million hands would be called luck...." *Id.*

In addition to our Supreme Court's opinion in *Indoor Recreation*, numerous other courts have held that poker, in various forms, is a game in which the outcome is predominately determined by chance and not player skill. *See, e.g., Commonwealth v. Dent*, 992 A.2d 190, 196 (Pa. Super. Ct. 2010) ("Applying the 'predominate-factor test'..., while the outcome of poker may be dependent on skill to some degree, it is predominately a game of chance. While...skill can determine the outcome in a poker game, players are still subject to defeat at the turn of the cards.") (footnote omitted); *Three Kings Holding, L.L.C. v. Six*, 45 Kan. App. 2d 1043, 1057, 225 P.3d. 1218, 1227 (Kan. Ct. App. 2011) (Determining variant of Texas Hold-em poker known as Kandu was a game of chance, noting "the weight of authority from other states" supported the conclusion that "chance dominates over skill in poker..."); *Joker Club, L.L.C. v. Hardin*, 183 N. C. App. 92, 99, 643 S.E.2d 626, 630 (N.C. Ct. App. 2007) ["*Hardin*"] ("We determine that chance predominates over skill in the game of poker, making that game a game of chance...."); *In re Advisory Opinion to the Governor*, 856 A.2d 320, 329 (R.I. 2004) (Recognizing that games, including poker, under proposal to allow casino gambling "that depend on an unpredictable and uncontrollable variable, such as in games involving cards and dice, are, as a matter of law, games of chance.").

The North Carolina Court of Appeals decision in *Hardin* contains an extensive analysis of the predominance of chance over skill inherent in the

game of poker. Addressing the "logic underpinning North Carolina's interpretation of the predominate-factor test..., the court stated that test

makes clear that while all games have elements of chance, games which can be determined by superior skill are not games of chance. For example, bowling, chess, and billiards are games of skill because skill determines the outcome. The game itself is static and the only factor separating the players is their relative skill levels. In short, the instrumentality for victory is in each player's hands and his fortunes will be determined by how skillfully he used that instrumentality. 183 N.C. App. at 98, 643 S.E.2d at 630.

In *Hardin*, expert testimony was presented by a professional poker player, a consultant who ran poker tournaments, a casino manager, and an amateur player. *Id.* at 96-97, 643 S.E.2d at 629. The professional poker player "testified that there are certain strategies to poker that allow a player to improve his mathematical odds over the course of a game...", and "that while in a single hand of poker, chance may defeat a skilled and experienced player, the skilled player is likely to prevail when multiple hands are played." *Id.* The consultant "also testified that skill will prevail over luck over a long period of time in the course of a poker tournament...", and "further stated that there are certain skills that players can develop to consistently win at poker, including patience, memory, and the ability to analyze odds." *Id.* The casino manager "testified that there are numerous skills needed for a player to succeed in poker,....," stating "that patience, knowledge of the odds, the ability to read people, and self-control are all necessary skills." *Id.* Finally, the amateur player "testified that his poker skills [had] improved greatly since he began studying poker and reading books on winning poker strategies..." and "that in his experience, poker is a game where skill prevails over chance." *Id.* The State's witness, a North Carolina Alcohol Law Enforcement officer, stated he had "played poker for more than 39 years...", and "testified that while there was skill involved in poker, luck ultimately prevailed." *Id.* The trial court "was unable to determine whether skill or chance predominated in poker, but concluded that poker [was] a game of chance." *Id.*

Affirming the trial court's ruling, the appeals court explained why poker was different than other games in which skill predominates in determining the outcome:

Poker...presents players with different hands, making the players unequal in the same game and subject to defeat at the turn of a card. Although skills such as knowledge of human psychology, bluffing, and the ability to calculate and analyze odds make it more likely for skilled players to defeat novices, novices may yet prevail with a simple run of luck. No amount of skill can change a deuce into an ace. Thus, the instrumentality for victory is not entirely in the player's hand. 183 N.C. App. at 99, 643 S.E.2d at 630. In *State v.*

Taylor, our Supreme Court noted this distinction. 111 N.C. 680, 16 S.E. 168 (1892).

It is a matter of universal knowledge that no game played with the ordinary playing cards is unattended with risk, whatever may be the skill, experience or intelligence of the gamesters engaged in it. From the very nature of such games, where cards must be drawn by and dealt out to players, who cannot anticipate what ones may be received by each, the order in which they will be placed or the effect of a given play or mode of playing, there must be unavoidable uncertainty as to the results.

Id. at 681–82, 16 S.E. at 169.

This is not so with bowling, where the player's skill determines whether he picks up the spare; or with billiards, where the shot will find the pocket or not according to its author's skill. During oral arguments, counsel for plaintiff analogized poker to golf, arguing that while a weekend golfer might, by luck, beat a professional golfer such as Tiger Woods on one hole, over the span of 18 holes, Woods' superior skill would prevail. The same would be true for a poker game, plaintiff contended, making poker, like golf, a game of skill. This analogy, while creative, is false. In golf, as in bowling or billiards, the players are presented with an equal challenge, with each determining his fortune by his own skill. Although chance inevitably intervenes, it is not inherent in the game and does not overcome skill, and the player maintains the opportunity to defeat chance with superior skill. Whereas in poker, a skilled player may give himself a statistical advantage but is always subject to defeat at the turn of a card, an instrumentality beyond his control. We think that is the critical difference.

For the reasons stated above, we determine that chance predominates over skill in the game of poker, making that game a game of chance. 183 N.C. App. at 99, 643 S.E.2d at 630-31.

While a majority of courts have found poker to be game of chance, some courts have concluded that at least certain forms of poker are games of skill. *See, e.g., Town of Mount Pleasant v. Chimento*, 401 S.C. 522, 533, 737 S.E.2d 830, 837 (S.C. 2013) (Upholding conviction for gambling based on wagering money on Texas-Hold'em game, "even though it is a game in which skill predominates."); *Bell Gardens Bicycle Club v. Dep't of Justice*, 36 Cal. App. 4th 717, ___, 42 Cal. Rptr. 2d 730, 744 (Cal. Ct. App. 1995) ("Jackpot poker" found to be illegal lottery that was "'piggy-backed' onto a legal poker game as a chance bonus that, unlike poker, does not predominately implicate a player's skill."). *See also Gallatin County v. D & R Music & Vending, Inc.*, 208 Mont. 138, 141-42, 676 P.2d 779, 781 (Mont. 1984) (Describing poker as "a game of skill and chance..." that is "played by individuals with one player pitting his skills and talents against

those of the other players."); *State v. Coats*, 158 Or. 122, 133, 74 P.2d 1102, 1106 (Or. 1938) ("Poker, when played for money, is a gambling game, but, since it involves a substantial amount of skill and judgment, it cannot reasonably be contended that it is a lottery."). These cases, however, are of little assistance, as they involve no discussion of the relative degree of skill or chance in poker.¹

A recent federal court decision from New York, however, contains an extensive discussion of the factual basis leading the court to conclude that Texas Hold'em poker is predominated by skill rather than chance. *United States v. Dicristina*, 886 F.Supp.2d 164 (E.D.N.Y. 2012), *rev'd on other grounds* 726 F.3d 92 (2d Cir. 2013), *cert. denied* ___ U.S. ___, 134 S.Ct. 1281 (2014) ["*Dicristina*"]. *Dicristina* was charged with operating an illegal gambling business involving Texas Hold'em poker games in violation of the Illegal Gambling Business Act ["IGBA"], 18 U.S.C. § 1955. 886 F.Supp.2d at 168. Before trial, Dicristina moved to dismiss the indictment on the ground that poker was not illegal under the IGBA, arguing that the IGBA did not include Texas Hold'em poker, and that poker was a skill based game, not a game of chance, and thus did not fall within the IGBA's definition of illegal gambling. *Id.* Following pretrial oral argument and expert testimony, the court ruled the question of whether poker constituted gambling under the IGBA was a matter of law, reserving decision on the motion to dismiss. *Id.* The case proceeded to trial, and Dicristina was convicted. *Id.* Dicristina then renewed his motion to dismiss asking for a judgment of acquittal. *Id.*

The district court initially determined that the listing of gambling activities in the IGBA, which did not specifically include poker, should be interpreted to include only activity sufficiently similar to the listed games. *Id.* at 226. The court found that the "governing criteria must be derived by determining what common characteristics unified the games listed in § 1955(b)(2) into a cohesive group." *Id.* Relying on "dictionary, common law, and other federal definitions of gambling...", the court found "the definition [was] limited to games of chance." *Id.* at 230. This led the court to decide the issue of whether poker (specifically, Texas Hold'em poker), was a game predominated by chance or skill. *Id.* at 231.

The court began by noting that "[g]ame play in poker is influenced by both the cards dealt (determined by chance) and the decisions made by the players (determined by skill)." *Id.* The court further reasoned that, "[w]hile players actions are influenced by chance events, their decisions are based on skill....," and that "[p]layer's decisions, in turn, affect game play, both in the hand being played and in subsequent hands." *Id.* The court stated that "[b]y bluffing, for example, players can overcome the power of chance and win a hand despite holding inferior cards....," and noted that "[t]he majority of poker hands end when one player induces his opponents to fold." *Id.* In that case, "[s]ince the cards are never revealed or compared, the players' decisions alone determine the outcome." *Id.*

The *Dicristina* court phrased "[t]he fundamental question" to be "not whether *some* chance or skill is involved in poker, but what element *predominates*." *Id.* (emphasis in original). "To predominate, skill must account for a greater percentage of the outcome than chance—i.e., more than fifty percent." *Id.* In deciding this question, the court relied heavily on the testimony of *Dicristina*'s expert, Dr. Randal D. Heeb, an economist, statistician, and player in national poker tournaments. *Id.* at 173, 231. The court found Dr. Heeb had "presented persuasive evidence proving that skill predominates over chance in poker....," and summarized his points as follows:

(1) [P]oker involves a large number of complex decisions, which allow players of varying skill to differentiate themselves....; (2) many people play poker for a living and consistently win money over time....; (3) players who obtain superior results with other starting hands tend to obtain superior results with any given hand, indicating that the players' abilities, not the cards, are responsible for the results....; [and] (4) the published studies are all consistent with [these] conclusions. *Id.* at 231-32.

The court noted the government's expert, Dr. David DeRosa, an econometrician with no personal experience with poker who had not independently analyzed the game, did not submit any contrary testimony, or "any studies which support the conclusion that chance predominates over skill in poker." *Id.* at 185, 232. The court rejected Dr. DeRosa's implication that the relevant time frame to determine if poker was a game of skill or chance was "a single hand rather than the large number of hands evaluated by" Dr. Heeb, and found that, "[e]ven if a single hand is the relevant frame of reference, Dr. Heeb has shown that experts can outplay amateurs when dealt the same starting hand." *Id.* at 232-33. The court also noted Dr. Heeb's testimony concluding that "'the number of hands by which the higher skilled players predominate with a high degree of certainty could be played in a few sessions of poker...'," finding that Dr. Heeb had "shown persuasively that skilled players will predominate over the less skilled in a relatively short time." *Id.* at 233, 234.

Ultimately, the district court in *Dicristina* concluded Dr. DeRosa "provided no basis for the court to conclude that chance predominates over skill in poker....," and found Dr. Heeb's studies and conclusions "to be accurate and persuasive...." *Id.* at 234. Having found the Texas Hold'em poker played on *Dicristina*'s premises was not predominately a game of chance, the court determined it was not gambling within the meaning of the IGBA, and dismissed the conviction and indictment. *Id.* at 234-35.²

D. Studies and Literature Exploring the Relationship Between Chance and Skill in Poker.

In *Dicristina*, the district court, in finding that Texas Hold'em poker was a game predominated by skill, relied on statistical analyses performed by Dr.

Heeb utilizing 415 million hands of No Limit Texas Hold'em played online at a poker website. 886 F.Supp.2d at 178. Using this data, "Dr. Heeb conducted two different analyses to evaluate the relative effect of skill and luck on players' success rate in poker." *Id.* at 179. First, Dr. Heeb, examined if a player's win rate on all hands was predictive of their success on a particular kind of hand. *Id.* Dr. Heeb "concluded that a player's skill had a statistically significant effect on the amount of money won or lost in a particular hand in poker." *Id.* at 181. Second, Dr. Heeb, using regression analysis, created 'a skill index that related to how skillfully the player played to what their actual win rates were.' " *Id.* His findings demonstrated that "[t]he lowest skill players according to the predicted skill index in fact achieve[d] much worse results..." while "[a]verage players still [didn't] do very well..." and "[v]ery good players [were] winning players.'" *Id.* at 182. In addition to his own analyses, Dr. Heeb relied on a number of other published studies which provided "additional empirical support for the fact that skill determines the outcome in poker." *Id.* at 193-94.³

In addition to Dr. Heeb's analyses and the studies cited in *Dicristina*, other literature supports the conclusion that skill predominates in poker. *See, e.g.,* Anthony Cabot and Robert Hannum, *Poker: Public Policy, Law, Mathematics, and the Future of an American Tradition*, 22 T. M. Cooley L. Rev. 443, 446 (2005) ["Cabot and Hannum"] (Concluding "[t]he collective expert opinion is unequivocal" that "poker is a game of skill, and in the long run, a skilled player will beat an unskilled player."); Robert Hannum and Anthony Cabot, *Toward Legalization of Poker: The Skill vs. Chance Debate*, UNLV Gaming Res. & Rev. J. Vol. 13, Issue 1 (2009) (Summarizing scientific studies addressing the skill issue in poker, and concluding the "analysis and research presented" by the authors "suggest that poker is a game of predominantly skill, the skill elements expressed through the player's betting strategy; i.e., the decision on whether to check, bet, call, raise, or fold..." and noting that, "[t]hrough the studies [in the paper] focused primarily on Texas Hold'em, with some examination of Seven Card Stud, similar results would be expected in other forms of poker.").

E. Constitutionality of LB 619's Authorization of Wagering on Certain Forms of Poker as Predominately Games of Skill.

In light of this background, the question presented is whether the Legislature's attempt to authorize wagering on certain forms of poker (draw and community card games, including Texas Hold'em), by defining these versions of poker as games of skill, is consistent with the Constitution's prohibition against the Legislature authorizing "any game of chance." It is axiomatic that "the Legislature may not circumvent or nullify the Constitution in defining terms in statutes." *State ex rel. Stenberg v. Omaha Exposition and Racing, Inc.*, 263 Neb. 991, 999, 644 N.W.2d 563, 570 (2002). The Legislature's "power to define [terms] is limited, since (1) the Legislature cannot abrogate or contradict an express constitutional provision and (2) the legislative definition must be reasonable, and cannot be arbitrary

or unfounded." *MAPCO Ammonia Pipeline v. State Bd. of Equal.*, 238 Neb. 565, 571, 471 N.W.2d 734, 739 (1991), *cert. denied* 508 U.S. 960 (1993). Thus, the issue is whether legislation defining certain forms of poker (draw and community card games) as games of skill is improper, as these are games of chance under the dominant factor test adopted by the Nebraska Supreme Court to construe the term "game of chance" in art. III, § 24.

The Nebraska Supreme Court has already weighed in on this question, finding poker to be predominately a game of chance, not skill, in *Indoor Recreation*. The case refers to the game of poker generally, although the excerpts from cross-examination of the appellant's expert witness mention both draw and stud poker. There are four generally recognized categories of poker: "draw games, stud games, shared-or-community card games, and miscellaneous games." Cabot and Hannum at 451-52. LB 619 would define as games of skill only two versions of poker – draw poker games and community card poker games. As Texas Hold'em, currently the most popular and studied community card poker game, has taken on that status relatively recently, it was no doubt not among the forms of poker considered by the Court when *Indoor Recreation* was decided in 1975.

In draw poker, a common variant of poker referenced in *Indoor Recreation*, the initial deal of cards and the deal of replacement cards is completely random. None of the cards are exposed, so players have no knowledge of any other players' cards. Players do make decisions on which cards to discard, betting, and analyzing playing habits of other players. While these are no doubt decisions requiring the exercise of some skill, the absence of any knowledge of cards held by other players suggests that the outcome of a draw poker game is predominately determined by chance, as players have no control over the cards dealt, a purely random event. As draw poker was one of the forms of poker noted in the testimony cited in *Indoor Recreation*, it appears the Nebraska Supreme Court has determined it is a game predominated by chance, not skill.

In contrast, in community card games, the community or common cards are exposed to players. For example, in Texas Hold'em, each player is initially dealt two cards face down. A round of betting then follows, during which a player may either start the betting, meet or raise the bet, or fold his or her cards. If the number of players is reduced to a single player, that player wins regardless of his or her hand. After this initial betting, three shared cards are placed face up, followed by another round of betting. One more shared card is flipped, followed by another round of betting. The last shared card is then flipped, and a final round of betting may occur. At that point, if two or more players are still active, the person with the highest hand wins. Cabbot and Hannum at 452.

Assessing whether skill or chance predominates in a community card game such as Texas Hold'em is a more difficult task than determining the relationship between skill and chance in draw poker. Unlike draw poker, Texas Hold'em involves decision-making by players at several stages in the form of betting, calling, or folding, including after the exposure of shared

cards. The greater information provided players in Texas Hold'em appears to present the opportunity to exercise greater skill than in draw poker in making decisions which impact the outcome, as opposed to the outcome being determined by the cards. Indeed, *Dicristina* involved only the issue of whether the specific game of Texas Hold'em Poker was predominately a game of skill and not chance, and most, if not all of the evidence in that case (including the scientific studies) dealt specifically with Texas Hold'em Poker.

While the *Dicristina* decision and various studies and literature support concluding that Texas Hold'em Poker, at least when played for an extended period of time or in a tournament setting, is predominately a game of skill, it is far from clear that the Nebraska Supreme Court would reach the same conclusion if called upon to decide whether this form of poker is a game of chance or skill. Moreover, the type of fact finding necessary to determine that question is not a task which we can, or should, undertake. Ultimately, only a court could engage in the fact-finding required to weigh and evaluate the type of evidence presented in *Dicristina* to judge if Texas Hold'em, or any other type of poker, is predominately a game of chance or skill.

We can, however, note that the Nebraska Supreme Court, in determining poker was predominately a game of chance and not skill in the *Indoor Recreation* case, focused on testimony by the appellant's expert in response to questions about the odds of "winning the next hand," the odds of receiving a particular hand "in any one deal" or the "initial deal in different games," as well as questions about cards dealt "after" the initial deal. *Indoor Recreation*, 194 Neb. at 714, 235 N.W.2d at 401. This indicates the Court's focus was on the relationship between chance and skill in the outcome of a single poker hand, as opposed to judging the predominance of chance or skill over multiple hands, either during a session of poker involving a number of hands or a poker tournament.⁴ If the Court were to instead focus on evidence regarding the predominance of chance or skill over multiple hands in evaluating the status of either draw poker or Texas Hold'em poker as a game of chance or skill, that could impact the Court's determination as to whether these forms of poker are games of skill rather than games of chance.

Further, the Court has also stated that, in determining if chance or skill is the dominant factor in determining the outcome of a game, the game is to be evaluated from the standpoint of the average or typical player. *See Baedero*, 156 Neb. at 494, 56 N.W.2d at 709-10 ("While the evidence shows that by long practice a certain amount of skill may be developed, yet we must view the operation and result of the machine as it is played by the mass of the patronizing public, with whom it is purely a game of chance." (quoting *State ex rel. Dussault v. Kilburn*, 111 Mont. 400, 109 P.2d 1113, 1115 (Mont. 1941))). Thus, to the extent evidence of the predominance of skill over chance in poker is dependent on the ability of experienced, skilled players to prevail over typical or novice players, the Court may find this is

not the appropriate standard to judge poker as a game of chance as opposed to skill.

The Court in *Indoor Recreation* also quoted with approval the North Carolina Supreme Court's decision in *State v. Taylor*, 11 N.C. 680, 16 S.E. 168 (1892), recognizing "unavoidable uncertainty as to the results" of card games "whatever may be the skill, experience, or intelligence of the" players. 194 Neb. at 717, 35 N.W.2d at 400. The recent opinion of the North Carolina Court of Appeals in *Hardin* also noted this early North Carolina Supreme Court decision in finding that chance predominates over skill in poker. 183 N.C. App. at 99, 643 S.E.2d at 630-31. Given our Supreme Court's previous citation to *State v. Taylor* in *Indoor Recreation*, it may find the rationale adopted by the *Hardin* court persuasive if called upon again to determine whether the type of poker games LB 619 would authorize are predominantly games of chance.⁵

Finally, to the extent the skill associated with poker is based on the ability to calculate odds or determine the probability of outcomes, some courts have not considered this to be sufficient to overcome the chance element. See, e.g., *People v. Turner*, 165 Misc.2d 222, 224, 629 N.Y.S.2d 661, 662 (N.Y. Crim. Ct. 1005) (While poker and blackjack "require considerable skill in calculating the probability of drawing particular cards..., they "are as much games of chance as [a pure lottery], since the outcome depends to a material degree upon the random distribution of cards....The skill of the player may increase the odds in the player's favor, but cannot determine the outcome regardless of the degree of skill employed."); *Opinion of the Justices*, 795 So.2d 630, 641 (Ala. 2001) ("Mathematicians, engineers, physical scientists, or others familiar with scientific calculations might be considered more 'skilled' at using the 'laws of probability' to predict a particular outcome. A guess by someone educated in any discipline still, in its essence, remains a guess."). Thus, the ability of a poker player to calculate odds or assess the probability of outcomes may not be viewed as a skill sufficient to overcome the chance element inherent in the random distribution of cards in any poker game.

CONCLUSION

LB 619, as amended, proposes to define draw poker and community card games like Texas Hold'em as games of skill, and to authorize betting on such games in either cash games or poker tournaments. If these forms of poker are games of chance, the Legislature cannot authorize them by defining them as games of skill. Based on the Nebraska Supreme Court's *Indoor Recreation* decision, and the nature in which it is played, draw poker appears to be a game whose outcome is determined primarily by chance, not player skill, at least when the outcome is viewed as the determination of a single hand. A community card game such as Texas Hold'em, however, differs in nature from draw poker, and there is empirical evidence indicating that, over multiple hands, skill plays a greater role than chance in outcome determination in this form of poker. It would be inappropriate for us to

attempt to undertake the factfinding required to judge the predominance of chance or skill in either draw or community card poker games like Texas Hold'em in the context of play over multiple hands or in a tournament. We can advise that a majority of courts have held that poker is predominately a game of chance and not skill, but there is also authority to the contrary. Accordingly, while the Legislature's recognition of draw and community card poker games as games of skill in LB 619 would likely be found by a court to be an improper attempt to authorize games of chance prohibited by art. III, § 24, we cannot say with complete certainty that LB 619 is unconstitutional on this basis.

¹ While there is judicial disagreement as to whether versions of live poker are primarily games of chance or skill, video or electronic poker games have almost universally been recognized as games of chance. *E.g. State ex rel. Spire v. Strawberries, Inc.*, 239 Neb. 1, 473 N.W.2d 428 (1991) (Video poker and blackjack games were unauthorized games of chance.); *Score Family Fun Ctr., Inc. v. County of San Diego*, 225 Cal. App. 3d 1217, 122, 275 Cal. Rptr. 358, 361 (Cal. Ct. App. 1990) (Video game including variations of poker "present[ed] the user with, at most, only an illusion of skill..." and was "predominately a game of chance."). *Commonwealth v. Two Elec. Poker Game Machs.*, 465 A.2d 973, 976-79 (Pa. Comm. Ct. 1983) (Outcome of draw poker video game was "largely determined by chance..." noting any skill involved was "not the same skill that can indeed determine the outcome in a game of poker between human players...when it is realized that holding, folding, bluffing and raising have no role to play in [video] poker.").

² The Second Circuit reversed the judgment of acquittal and reinstated the jury verdict and judgment of conviction, holding that poker was "gambling" under the plain terms of the IGBA. 726 F.3d at 106. In light of its interpretation of the IGBA, the appeals court noted that "the question of whether skill or chance predominates in poker [was] inapposite to [the] appeal." *Id.* at 100.

³ Among the studies listed were: Paco Hope & Sean McCulloch, *Statistical Analysis of Texas Hold'em 6* (March 4, 2009) (unpublished article) (Analysis of 102 million hands of Texas Hold'em showing that 75 percent of poker hands ended when one player bets and induces his opponents to fold, so the cards are never revealed or compared, leading the authors to conclude that "in the sampled data, the vast majority of games are determined by something other than the value of the cards, since no player reveals any cards to determine the winner."; Noga Alon, *Poker, Chance, and Skill 15-16* (unpublished manuscript) (Using computer model, concluding that "although like in essentially almost any other game there is some influence of chance in poker, the game is predominately a game of skill," and that "the significance of skill increases dramatically as the number of hands played grows."); Steven D. Levitt & Thomas J. Miles, *The Role of Skill Versus Luck in Poker: Evidence from the World Series of Poker 12-14* (May 2011) (unpublished manuscript) (Analyzing data from the 2010 World

Series of Poker, and finding that "[p]layers classified as high skill [based on past performance in other tournaments] are 12 percent more likely to make the final table....").

⁴ The focus by courts on a single hand in assessing the degree of chance versus skill in poker has been criticized on the ground that it fails to consider the impact of skill over the course of repeated hands or rounds of play. Steven D. Levitt, Thomas J. Miles, and Andrew M. Rosenfeld, *Is Texas Hold'em a Game of Chance? A Legal and Economic Analysis*, 101 *Geo. L. J.* 581, 595-601 (2013).

⁵ We note that, while LB 619 proposes to authorize betting on both draw poker and community card poker games, it does not alter the definition of gambling in Neb. Rev. Stat. § 28-1101(4) (2008), which provides, in part: "A person engages in gambling if he or she bets something of value upon the outcome of a future event, which is determined by an element of chance, or upon the outcome of a game, contest, or election...." (emphasis added). In *American Amusements*, the Court recently confirmed that the phrase "outcome is determined by an element of chance" means that "an activity is gambling ...if its outcome is predominantly caused by chance." 282 Neb. at 921, 807 N.W.2d at 502. Engaging in gambling under § 28-1101(4), however, also includes betting something of value "upon the outcome of a game...." Thus, gambling includes any activity involving betting upon the outcome of a game, without any requirement that the game be only one of chance. Interpreting a statute prohibiting wagering on the outcome of a "game," the Supreme Court of South Carolina held wagering on Texas Hold'em, which it stated was "a game in which skill predominates," was unlawful as the statute included "betting money on the outcome of any 'game' whatsoever, regardless of the amount of skill involved in the game." *Town of Mount Pleasant v. Chimento*, 401 S.C. 522, 532-33, 737 S.E.2d 830, 837 (S.C. 2013). In order to remove any conflict between § 28-1101(4) and the betting proposed to be authorized on certain poker games in LB 619, the bill should be amended to exclude such betting from the definition of gambling in § 28-1101(4).

Very truly yours,
Douglas J. Peterson
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-947-29

GENERAL FILE

LEGISLATIVE BILL 623. Senator Kintner renewed his amendment, FA63, found on page 1567.

SPEAKER HADLEY PRESIDING

Senator Nordquist offered the following motion:

MO116

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Nordquist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

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

Voting in the affirmative, 39:

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

Voting in the negative, 6:

Brasch	Kintner	Murante
Groene	McCoy	Schnoor

Present and not voting, 4:

Bloomfield	Craighead	Larson	Lindstrom
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The Nordquist motion to invoke cloture prevailed with 39 ayes, 6 nays, and 4 present and not voting.

The Kintner amendment, FA63, lost with 6 ayes, 38 nays, and 5 present and not voting.

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

Voting in the affirmative, 37:

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

Voting in the negative, 8:

Bloomfield	Kintner	McCoy	Riepe
Brasch	Larson	Murante	Schnoor

Present and not voting, 4:

Craighead	Groene	Lindstrom	Watermeier
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Advanced to Enrollment and Review Initial with 37 ayes, 8 nays, and 4 present and not voting.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Buhl, Jeremy J. - Environmental Quality Council - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 285. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study class size in Nebraska's public schools. The study shall include, but not be limited to, the following:

- (1) An analysis of data compiled by the State Department of Education relating to teachers and students assigned to classrooms across the state;
- (2) The identification of specific issues leading to overcrowded classrooms;
- (3) An examination of class size as it relates to students dealing with issues of poverty, special needs, English language deficiencies, and other needs;
- (4) A review of research regarding class size as a factor impacting student achievement;

(5) The best practices in Nebraska and other states to reduce class size; and

(6) Any legislation needed to incentivize best class size practices.

In order to carry out the purposes of this resolution, the committee shall consider input of interested persons including teachers, administrators, school board members, the State Department of Education, and experts on effective education.

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 286. Introduced by Garrett, 3; Coash, 27; Ebke, 32; Krist, 10; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to examine the effectiveness of civil forfeiture under the Uniform Controlled Substances Act. The issues examined in this study shall include, but not be limited to:

(1) How the process of civil forfeiture currently works under the act;

(2) The current use of civil forfeiture;

(3) The types of civil forfeitures made and whether the forfeitures accompany criminal prosecutions;

(4) How funds seized by civil forfeitures are being expended;

(5) How reporting of, and accountability for, civil forfeitures is currently being conducted;

(6) Whether indigent property owners should be allowed to obtain court appointed counsel in civil forfeiture cases;

(7) Whether the act should be changed to shift the burden of proof to the government;

(8) A review of the act to determine whether changes are needed to reform or eliminate civil forfeiture; and

(9) An investigation of reform of civil forfeiture laws in other states.

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 287. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study craft breweries and whether brewpubs and microbreweries should be licensed as craft breweries or should have separate licenses. This study shall include, but not be limited to, an examination of the following issues:

- (1) The types of businesses that currently qualify for a Class L craft brewery license under section 53-123.14 of the Nebraska statutes;
- (2) How Nebraska's craft brewery licenses compare to those in other states and the federal government's classification of similar businesses; and
- (3) How the current classification and any proposed changes to the classification impacts the Nebraska Liquor Control Commission's ability to regulate Class L licensees.

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

1. That the General Affairs 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 288. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the statutory relationship between cities of the second class and villages and the public libraries within their jurisdictions. This study shall include, but not be limited to, an examination of the following issues:

- (1) The administration of public libraries and their budgetary process;
- (2) The current statutory structure outlined in sections 51-201 to 51-220 of the Nebraska statutes; and
- (3) Possible alternatives to the statutory structure outlined in sections 51-201 to 51-220 of the Nebraska statutes.

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

1. That the General Affairs 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 289. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the current alcohol policies of the University of Nebraska system. The study shall include, but not be limited to, an examination of the following issues:

- (1) The University of Nebraska system's current policies regarding alcohol on its campuses;
- (2) Policies of state universities in other states regarding alcohol on campus and the subsequent impact of those policies; and
- (3) Whether the University of Nebraska system's alcohol policies should be changed.

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

1. That the General Affairs 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 290. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study how public libraries are archiving newspapers. This study shall include, but not be limited to, an examination of the following issues:

- (1) The best practices for preserving Nebraska newspapers;
- (2) Whether there should be a statewide standard for the digitization of Nebraska newspapers;
- (3) The role libraries and the Nebraska State Historical Society should have in the digitization of Nebraska newspapers; and
- (4) Who maintains proprietary ownership of the news content.

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

1. That the General Affairs 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 291. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study stroke systems of care. The rapid identification, diagnosis, and treatment of strokes can save the lives of stroke patients, and in some cases can reverse neurological damage such as paralysis and speech and language impairments, leaving stroke patients with few or no detrimental neurological effects.

Despite significant advances in diagnosis, treatment, and prevention, strokes are the fifth leading cause of death and the leading cause of disability. With the aging of the population, the number of persons who have strokes is projected to increase. Forecasting by the American Heart Association predicts stroke prevalence to increase by 24.9% between 2010 and 2030.

The cost of treating strokes continues to increase. In Nebraska, total hospital charges for strokes increased by over \$54 million between 2001 and 2010, with an average charge of \$31,100 per stroke hospitalization in 2010. Nationally, direct medical costs for strokes are expected to increase by 238% from \$28.3 billion in 2010 to \$95.6 billion by 2030.

A fragmented and disorganized delivery system prohibits patients from receiving acute treatment. An effective system is needed in our communities in order to treat stroke patients in a timely manner and to improve the overall outcomes of these patients. Creation and enhancement of stroke systems of care provides patients the highest quality care while ensuring seamless transitions along the care continuum.

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

- (1) Designating comprehensive stroke centers, primary stroke centers, and acute stroke-ready hospitals;
- (2) Adoption and distribution of a nationally recognized stroke triage assessment tool;
- (3) Establishment of pre-hospital protocols and related assessment, treatment, and transport of patients by licensed emergency medical service (EMS) providers in the state;
- (4) Training for EMS and public safety answering points personnel on assessment and treatment of stroke patients;
- (5) The costs and logistics of implementing and maintaining a statewide stroke database to improve quality of care; and
- (6) Coverage for the cost of health services provided through medicine.

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 292. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to examine issues related to public assistance programs for relative or kinship caregivers who provide full-time care for minor children through the formal child welfare system or through an informal arrangement. This study shall include, but not be limited to, an examination of the following issues:

- (1) The use and availability of public assistance programs for relative or kinship caregivers inside and outside the formal child welfare system;
- (2) Financial barriers that prevent otherwise suitable adults from becoming relative or kinship caregivers;
- (3) Policies in other states that encourage and support kinship caregiving through access to public assistance programs, especially for the purpose of preventing future or continued involvement in the child welfare system; and
- (4) The interaction between public assistance program access and the availability of stable and loving homes for children with caregivers who are not their parents.

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 293. Introduced by Morfeld, 46; Baker, 30; Cook, 13; Kolowski, 31; Pansing Brooks, 28; Sullivan, 41; Watermeier, 1.

PURPOSE: The purpose of this resolution is to thoroughly examine the funding distribution for the community college areas. The current funding distribution has been considered a short-term solution. The presidents of the six community college areas have agreed that the funding distribution needs to be analyzed and have pledged their time and effort to recommend changes in the funding distribution to ensure a viable statewide community college education is available to all Nebraskans.

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 by December 1, 2015.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 294. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee.

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

1. That the Government, Military and Veterans Affairs 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 295. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to study how to improve behavioral health and mental health services in Nebraska in order to prevent crime and reduce costs associated with the incarceration of people who have heightened behavioral and mental health needs. Behavioral and mental health treatment is an important part of Nebraska's public safety and health care systems. The Department of Correctional Services Special Investigative Committee created by the Legislature with passage of LR424 in 2014 noted that a more exhaustive examination of the availability of mental health care in Nebraska must be undertaken by the Legislature. Specifically, this study shall examine the availability of behavioral and mental health services as an essential public safety strategy.

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

(1) The relationship between the availability of behavioral and mental health services and criminal activity;

(2) An examination of crimes committed by, and incarceration rates of, people with behavioral and mental health diagnoses^{3/4}

(3) The demand for public behavioral and mental health services in relation to the supply of such services through the behavioral health regions and the medicaid program, including supply and demand (a) by region, (b) for those with a criminal charge related to their behavioral or mental health status, and (c) for juvenile justice; and

(4) Reviewing best practices from other states and other strategies to address needs.

The study committee is encouraged to work with the Health and Human Services Committee of the Legislature and the Department of Correctional Services Special Investigative Committee of the Legislature to examine the

issues involved in this study and, if and when appropriate, hold joint hearings.

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 296. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine the financing of Nebraska's child welfare system. This study shall include, but not be limited to, an examination of the following issues:

(1) Nebraska's utilization of federal funding to support child welfare services such as medicaid, the federal Temporary Assistance for Needy Families (TANF) program, and Title IV-E of the federal Social Security Act;

(2) How Nebraska can more effectively use federal funds to allow state child welfare dollars to fill in funding gaps and implement approaches to improve outcomes for children and families;

(3) The status of funding within Nebraska's Title IV-E demonstration project;

(4) The use of state funds appropriated for child welfare services as part of Budget Program 354 and how Nebraska can increase transparency and accountability in this program and others that utilize state dollars to fund child welfare;

(5) The savings Nebraska has captured as a result of the federal government decoupling adoption assistance and aid to families with dependent children income standards as part of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008; and

(6) How Nebraska is reinvesting those savings in post-adoption and post-guardianship services or reunification services required by federal law.

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 297. Introduced by Mello, 5; Haar, K., 21.

PURPOSE: The purpose of this resolution is to study career technical education (CTE) in Nebraska. When employers are given surveys on concerns of the business climate, they routinely rank the need for a highly skilled workforce as one of their top concerns. CTE provides students with the academic and technical skills, knowledge, and training necessary to succeed in future careers and to become lifelong learners. CTE prepares these students for the world of work by introducing them to workplace competencies and makes academic content accessible in a hands-on context. In addition, the high school graduation rate for CTE students is about 15% higher than the national average.

This study shall examine CTE programs and the feasibility and potential benefits of their expansion in Nebraska. This study shall include, but not be limited to, an examination of the following issues:

- (1) Successful CTE pilot programs in other states;
- (2) Expanding CTE programs at various educational levels including secondary education and the transition to postsecondary study;
- (3) The impact that CTE has on preparing the emerging workforce for high demand jobs and existing unfilled jobs in Nebraska;
- (4) An analysis of existing federal, state, local, and philanthropic funding sources for CTE programs in Nebraska; and
- (5) How existing CTE programs may be integrated into the process of implementing the federal Workforce Innovation and Opportunity Act.

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.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB243:
AM1622

(Amendments to Final Reading copy)

- 1 1. On page 4, strike beginning with "one" in line 19 through line 21
- 2 and insert "seven hundred fifty thousand dollars from the General Fund
- 3 for each of fiscal years 2015-16 and 2016-17 and one million five hundred
- 4 thousand dollars from the General Fund for each of fiscal years 2017-18
- 5 and 2018-19 to the department".

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB656 with 45 ayes, 1 nay, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 656. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 34, 35, 44, 112, and 175; Laws 2014, LB905, sections 52, 54, 59, and 60; and Laws 2014, LB907A, section 3; to define terms; to provide, change, and eliminate provisions relating to appropriations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB657 with 45 ayes, 1 nay, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 657. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2017; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 658. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2015-16 and FY2016-17; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the

emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 659. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2015-16 and FY2016-17; to define terms; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 1:

Groene

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB660 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 660. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Baker	Ebke	Howard	McCollister	Schnoor
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Groene	Kolowski	Murante	Stinner
Coash	Haar, K.	Kolterman	Nordquist	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Riepe	Williams
Crawford	Harr, B.	Larson	Scheer	
Davis	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB661 to Select File

Senator Chambers moved to return LB661 to Select File for the following specific amendment:

FA65

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB661 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 661. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 2-1587, 13-1905, 13-1906, 13-1907, 13-2610, 81-1201.21, 81-1354.05, 81-3119, and 85-1401, Reissue Revised Statutes of Nebraska, and sections 2-1507, 2-1513, 2-1588, 13-2704, 39-1390, 61-222, 71-7611, and 77-2602, Revised Statutes Cumulative Supplement, 2014; to provide for fund transfers; to create funds; to provide for and change the source and use of certain funds; to state findings and intent; to change provisions relating to certain funds, financial assistance, and cigarette tax proceeds as prescribed; to provide for oral health training and services contracts; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Baker	Gloor	Kintner	McCoy	Schilz
Bolz	Haar, K.	Kolowski	Mello	Schnoor
Brasch	Hadley	Kolterman	Morfeld	Schumacher
Campbell	Hansen	Krist	Murante	Smith
Coash	Harr, B.	Kuehn	Nordquist	Stinner
Craighead	Hilkemann	Larson	Pansing Brooks	Sullivan
Crawford	Howard	Lindstrom	Riepe	Watermeier
Davis	Hughes	McCollister	Scheer	Williams

Voting in the negative, 9:

Bloomfield	Cook	Friesen	Groene	Seiler
Chambers	Ebke	Garrett	Johnson	

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 662. With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to provide for transfers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Baker	Friesen	Hughes	McCoy	Schumacher
Bloomfield	Garrett	Kintner	Mello	Smith
Bolz	Gloor	Kolowski	Morfeld	Stinner
Brasch	Haar, K.	Kolterman	Murante	Sullivan
Campbell	Hadley	Krist	Nordquist	Watermeier
Coash	Hansen	Kuehn	Pansing Brooks	Williams
Craighead	Harr, B.	Larson	Riepe	
Crawford	Hilkemann	Lindstrom	Scheer	
Davis	Howard	McCollister	Schilz	

Voting in the negative, 7:

Chambers	Ebke	Johnson	Seiler
Cook	Groene	Schnoor	

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 663. With Emergency Clause.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2014; to change judges' salaries; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Baker	Ebke	Hughes	McCoy	Schumacher
Bolz	Friesen	Johnson	Mello	Seiler
Brasch	Garrett	Kintner	Morfeld	Smith
Campbell	Gloor	Kolowski	Murante	Stinner
Chambers	Haar, K.	Kolterman	Nordquist	Sullivan
Coash	Hadley	Krist	Pansing Brooks	Watermeier
Cook	Hansen	Kuehn	Riepe	Williams
Craighead	Harr, B.	Larson	Scheer	
Crawford	Hilkemann	Lindstrom	Schilz	
Davis	Howard	McCollister	Schnoor	

Voting in the negative, 2:

Bloomfield Groene

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 663A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 663, One Hundred Fourth Legislature, First Session, 2015; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Baker	Friesen	Johnson	Mello	Seiler
Bolz	Garrett	Kintner	Morfeld	Smith
Brasch	Gloor	Kolowski	Murante	Stinner
Campbell	Haar, K.	Kolterman	Nordquist	Sullivan
Chambers	Hadley	Krist	Pansing Brooks	Watermeier
Coash	Hansen	Kuehn	Riepe	Williams
Craighead	Harr, B.	Larson	Scheer	
Crawford	Hilkemann	Lindstrom	Schilz	
Davis	Howard	McCollister	Schnoor	
Ebke	Hughes	McCoy	Schumacher	

Voting in the negative, 2:

Bloomfield Groene

Present and not voting, 1:

Cook

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 554. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB294 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 294. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 21-20,177, 29-812, 29-815, 86-2,108, and 86-2,112, Reissue Revised Statutes of Nebraska, and sections 21-2,212, 27-413, 28-801.01, 28-802, 28-804, 28-831, 43-250, and 43-1303, Revised Statutes Cumulative Supplement, 2014; to adopt the Human Trafficking Victims Civil Remedy Act; to change certain service of process provisions; to redefine offense of sexual assault; to change penalties for solicitation of prostitution, pandering, keeping a place of prostitution, and human trafficking; to change provisions relating to search warrants, temporary custody requirements for juveniles, and foster care placement reports; to provide for forfeiture of assets for persons engaged in human trafficking; to create a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 21-20,177, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB360 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 360.

A BILL FOR AN ACT relating to animals; to amend sections 28-1011, 54-603, 54-628, 54-628.01, 54-632, and 54-633, Reissue Revised Statutes of Nebraska, and sections 28-1006, 28-1008, 28-1012, 28-1013, 28-1014, 28-1015, 28-1016, 28-1019, 29-818, 54-625, 54-626, 54-627, and 54-630, Revised Statutes Cumulative Supplement, 2014; to change enforcement procedures related to crimes involving animals; to provide for seizure and disposition of certain animals; to define and redefine terms; to change state licensing fees relating to dogs and cats; to change provisions relating to fees, inspections, licenses, and enforcement under the Commercial Dog and Cat Operator Inspection Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Ebke	Howard	McCollister	Schnoor
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Groene	Kolowski	Murante	Stinner
Coash	Haar, K.	Kolterman	Nordquist	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Riepe	Williams
Crawford	Harr, B.	Larson	Scheer	
Davis	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 360A.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Baker	Ebke	Howard	McCollister	Schnoor
Bolz	Friesen	Hughes	McCoy	Schumacher
Brasch	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Chambers	Groene	Kolowski	Murante	Stinner
Coash	Haar, K.	Kolterman	Nordquist	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Craighead	Hansen	Kuehn	Riepe	Williams
Crawford	Harr, B.	Larson	Scheer	
Davis	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Bloomfield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB575 with 42 ayes, 0 nays, and 7 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 575. With Emergency Clause.

A BILL FOR AN ACT relating to elections; to amend sections 13-404, 23-148, 23-2,100, 32-227, 32-228, 32-330, 32-528, 32-569, 32-612, 32-813, 32-952, 32-1032, 32-1037, 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and sections 10-703.01, 32-101, 32-208, 32-304, 32-567, 32-607, 32-615, 32-710, 32-941, 32-942, 32-947, 32-953, 32-1203, and 60-4,144, Revised Statutes Cumulative Supplement, 2014; to change

provisions relating to election expenses, filling vacancies, election commissioners, payment and service of election workers, implementation of the electronic voter registration application process, the voter registration register, county commissioners, candidate filings, deadlines for write-in candidates, political party conventions, statewide general election ballots, ballots for early voting, special elections by mail, inspection of election materials, and the board of state canvassers; to provide access to certain commercial driver's license information; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Baker	Ebke	Hughes	McCoy	Schnoor
Bloomfield	Garrett	Kintner	Mello	Seiler
Bolz	Gloor	Kolowski	Morfeld	Smith
Brasch	Groene	Kolterman	Murante	Stinner
Campbell	Haar, K.	Krist	Nordquist	Sullivan
Coash	Hadley	Kuehn	Pansing Brooks	Watermeier
Craighead	Hansen	Larson	Riepe	Williams
Crawford	Harr, B.	Lindstrom	Scheer	
Davis	Hilkemann	McCollister	Schilz	

Voting in the negative, 2:

Chambers Schumacher

Present and not voting, 3:

Cook Friesen Howard

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 226. Title read. Considered.

Committee AM585, found on page 772, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 656, 657, 658, 659, 660, 661, 662, 663, 663A, 554, 294, 360, 360A, and 575.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 382. Placed on Select File with amendment.
ER127

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 79-2306, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 79-2306 (1) ~~The Using the funds allocated from the Education~~
6 ~~Innovation Fund pursuant to subdivision (4)(b)(viii) of section 9-812,~~
7 ~~the State Department of Education shall provide for grants to any entity~~
8 ~~each institution offering a high school equivalency program, which entity~~
9 ~~is not an institution. Grants pursuant to this section shall be awarded~~
10 ~~to applicants which meet the requirements of section 79-2304 a one-time~~
11 ~~payment for the acquisition and upgrade of equipment and software~~
12 ~~necessary to administer examinations for diplomas of high school~~
13 ~~equivalency.~~
14 (2) The High School Equivalency Grant Fund is created. Any money in
15 the fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act and the
17 Nebraska State Funds Investment Act.
18 (3) It is the intent of the Legislature to transfer four hundred
19 thousand dollars from the Job Training Cash Fund to the High School
20 Equivalency Grant Fund to carry out the purposes of subsection (1) of
21 this section.
22 Sec. 2. Section 81-1201.21, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 81-1201.21 (1) There is hereby created the Job Training Cash Fund.
25 The fund shall be under the direction of the Department of Economic
26 Development. Money may be transferred to the fund pursuant to subdivision
27 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the
1 direction of the Legislature. The department shall establish a subaccount
2 for all money transferred from the Cash Reserve Fund to the Job Training
3 Cash Fund on or after July 1, 2005.
4 (2) ~~The money in department shall use~~ the Job Training Cash Fund or
5 the subaccount established in subsection (1) of this section shall be
6 used (a) to provide reimbursements for job training activities, including
7 employee assessment, preemployment training, on-the-job training,
8 training equipment costs, and other reasonable costs related to helping

9 industry and business locate or expand in Nebraska, (b) to provide
 10 upgrade skills training of the existing labor force necessary to adapt to
 11 new technology or the introduction of new product lines, ~~or~~ (c) to
 12 provide grants pursuant to section 81-1210.02, or (d) as provided in
 13 section 79-2306. The department shall give a preference to job training
 14 activities carried out in whole or in part within an enterprise zone
 15 designated pursuant to the Enterprise Zone Act.
 16 (3) The department shall establish a subaccount within the fund to
 17 provide training grants for training employees and potential employees of
 18 businesses that (a) employ twenty-five or fewer employees on the
 19 application date, (b) employ, or train for potential employment,
 20 residents of rural areas of Nebraska, or (c) are located in or employ, or
 21 train for potential employment, residents of high-poverty areas as
 22 defined in section 81-1203. The department shall calculate the amount of
 23 prior year investment income earnings accruing to the fund and allocate
 24 such amount to the subaccount for training grants under this subsection.
 25 The subaccount shall also be used as provided in the Teleworker Job
 26 Creation Act and as provided in section 81-1210.02. The department shall
 27 give a preference to training grants for businesses located in whole or
 28 in part within an enterprise zone designated pursuant to the Enterprise
 29 Zone Act.
 30 (4) Any money in the fund available for investment shall be invested
 31 by the state investment officer pursuant to the Nebraska Capital
 1 Expansion Act and the Nebraska State Funds Investment Act.
 2 Sec. 3. Original sections 79-2306 and 81-1201.21, Reissue Revised
 3 Statutes of Nebraska, are repealed.
 4 2. On page 1, line 4, strike "provide" and insert "create".

LEGISLATIVE BILL 382A. Placed on Select File.

LEGISLATIVE BILL 325. Placed on Select File with amendment.

ER125

- 1 1. On page 2, line 31, after "service" insert an underscored comma.
- 2 2. On page 5, line 19, strike the period and insert "; and".

LEGISLATIVE BILL 547. Placed on Select File with amendment.

ER126

- 1 1. In the Campbell amendment, AM1275:
- 2 a. On page 2, line 15, after "seven" insert "percent"; and
- 3 b. On page 4, line 24, strike the comma.
- 4 2. On page 1, strike beginning with "the" in line 1 through line 4
- 5 and insert "child care and early childhood education; to amend sections
- 6 43-2621 and 79-1104.02, Reissue Revised Statutes of Nebraska; to provide
- 7 for reservation and allocation of federal funds for child care
- 8 activities; to provide for and change provisions relating to grants to
- 9 early childhood education programs; and to repeal the original
- 10 sections."

LEGISLATIVE BILL 547A. Placed on Select File.

LEGISLATIVE BILL 591. Placed on Select File with amendment.
ER128 is available in the Bill Room.

LEGISLATIVE BILL 591A. Placed on Select File.

LEGISLATIVE BILL 605A. Placed on Select File.

LEGISLATIVE BILL 598A. Placed on Select File.

LEGISLATIVE BILL 173A. Placed on Select File.

LEGISLATIVE BILL 629A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Natural Resources

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

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

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

EASE

The Legislature was at ease from 12:15 p.m. until 12:37 p.m.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 586. Title read. Considered.

Committee AM289, found on page 521, was offered.

Senator Morfeld withdrew his amendment, AM998, found on page 945.

Senator Campbell offered the following amendment to the committee amendment:

AM1644

(Amendments to Standing Committee amendments, AM289)

1 1. Strike section 9 and insert the following new section:

2 Sec. 9. Section 48-1103, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 48-1103 (1) The Nebraska Fair Employment Practice Act shall not
5 apply to:

6 (a) A religious corporation, association, or society with respect
7 to the employment of individuals of a particular religion to perform work
8 connected with the carrying on by such corporation, association, or
9 society of its religious activities;~~or~~

10 (b) The employment of any individual (i) by his or her parent,
11 grandparent, spouse, child, or grandchild or (ii) in the domestic
12 service of any person; or

13 (c) The hiring or termination of individuals whose duties are
14 ministerial, in that they consist of teaching or spreading theological
15 doctrine or belief, religious governance, supervision of a religious
16 order, supervision of persons teaching or spreading theological doctrine
17 or belief, or supervision or participation in religious ritual or worship
18 by any religious corporation, association, or society.

19 (2) The Nebraska Fair Employment Practice Act shall not be
20 interpreted to infringe upon the freedom of expressive association or the
21 free exercise of religion protected by the First Amendment of the United
22 States Constitution. An employee may express the employee's religious or
23 moral beliefs and commitments in the workplace in a reasonable, non-
24 disruptive, and non-harassing way on equal terms with similar types of
25 expression of beliefs or commitments allowed by the employer in the
26 workplace unless the expression is in direct conflict with the essential
1 business-related interests of the employer. This subsection does not
2 apply to speech directed at customers, clients, or patients of any
3 covered entity.

SPEAKER HADLEY PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 298. Introduced by Watermeier, 1;
Davis, 43; Kolterman, 24.

PURPOSE: The purpose of this resolution is to examine issues to improve the emergency medical services system in Nebraska.

Residents, workers, and visitors in rural, suburban, and nonurban areas rely, almost exclusively, on volunteer providers of emergency medical services. Volunteer firefighters and volunteer emergency medical services personnel have provided emergency medical services to their local communities for over a century at only a fraction of the cost to the taxpayers which would have resulted from implementing a system of paid fire departments and paid emergency medical services. Many cities, villages, and rural areas cannot afford the cost of maintaining their current level of emergency medical services without the presence of a local pool of

committed and dedicated volunteer firefighters and volunteer emergency medical services personnel.

Nebraska communities which rely on volunteers to provide emergency medical services are faced with numerous economic and demographic trends and conditions which make the recruitment and retention of qualified volunteers increasingly difficult. As a consequence, some volunteer departments are trying to cope with declining rosters of active volunteers. However, recruiting people to volunteer their time to serve as volunteer emergency medical services personnel is very difficult because there are extensive educational requirements including at least 160 hours of classroom time plus independent study time. Upon completion of the classwork lasting at least six months, an emergency medical services candidate must pass the National Registry of Emergency Medical Technicians exam in order to obtain a credential to serve as an emergency medical services provider. Many candidates fail to pass the exam making recruitment and retention efforts that much more difficult in Nebraska.

Nebraska must ensure that volunteer providers of emergency medical services and volunteer firefighters are given the support they need in order to continue to provide emergency medical services in the communities they serve. The study shall include, but not be limited to, an examination of the following issues:

(1) The number of volunteer providers of emergency medical services in Nebraska over the past 15 years;

(2) The current delivery and possible improvement of emergency medical services instruction and training to volunteer emergency medical service candidates in Nebraska;

(3) Barriers which limit the passage of the National Registry of Emergency Medical Technicians exam by those being tested;

(4) The efforts which have been undertaken in other states to address the education, training, testing, and certification of volunteer providers of emergency medical services;

(5) The cost of emergency medical services apparatus and equipment used by providers of emergency medical services, as well as the costs of training and the sources of funds available to pay for such costs;

(6) The composition of the Board of Emergency Medical Services and the possible expansion of the board in an effort to make sure there is an adequate representation of volunteers; and

(7) Steps to improve the emergency medical services system in Nebraska in consultation with the Board of Emergency Medical Services.

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 299. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the opportunity gap in 3rd grade reading scores. The study shall include, but not be limited to, an examination of the following issues:

- (1) Data compiled by the State Department of Education relating to 3rd grade reading scores across the state;
- (2) Third grade reading scores as they relate to students dealing with poverty, special needs, English language deficiencies, and other obstacles;
- (3) Research regarding 3rd grade reading scores as a factor in graduation rates and juvenile delinquency;
- (4) The best practices in Nebraska and other states and countries to increase 3rd grade reading scores;
- (5) Developing performance goals for increasing 3rd grade reading scores and lessening opportunity gaps; and
- (6) Any legislation needed to incentivize best practices to achieve reading success for all students in 3rd grade.

In order to carry out this study, the committee shall develop a team of interested persons including students, teachers, parents, administrators, school board members, the State Department of Education, child welfare advocates, and experts on effective education.

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 300. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the out-of-state placements of Nebraska children pursuant to section 43-247 of the Nebraska statutes. During FY2014, the Foster Care Review Office found there were 381 children in out-of-state placements with 25% in relative placements, 28% in group homes, and 42% in treatment placements. For the first quarter of 2015, the Office of Probation Administration reported 158 youth in out-of-state placements with 3% in relative placements, 39% in group homes, and 51% in treatment placements. This study shall include, but not be limited to, an examination of the following issues:

- (1) The types of out-of-state congregate care placements where Nebraska children are or have been placed, including group homes, treatment facilities, staff secure facilities, or other institutional care;
- (2) The rates of such placements and the lengths of stay;

- (3) Whether the level of care needed and the placements are appropriate;
- (4) The reasons why children are not placed in Nebraska;
- (5) The role of medicaid and other funding sources in paying for out-of-state placements;
- (6) Family input and preference regarding the placement of children in out-of-state or instate placements; and
- (7) The possibility of utilizing geographically closer placements or strengthening Nebraska's provider system to allow instate treatment or placement.

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 301. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Kolterman, 24; Mello, 5.

PURPOSE: The purpose of this study is to examine the practice of "double dipping" which occurs when public employees retire with a public pension and become reemployed by the same or a different public employer and earn a second public pension benefit. The study shall include, but not be limited to, the frequency of double dipping, the cost, if any, to public retirement systems, and possible mechanisms to limit or eliminate the practice.

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.

LEGISLATIVE RESOLUTION 302. Introduced by Schumacher, 22.

PURPOSE: The purpose of this resolution is to examine whether imposition of a sales or income tax upon the sale of agricultural land may provide funding for a targeted property tax relief fund for agricultural property owners and whether there are any more viable alternatives to meaningfully

address the agricultural property tax situation. The issues to be considered by this study shall include, but not be limited to:

(1) The dramatic increase in the price, and thus the valuation, of agricultural land in the past decade and the failure to offset the increase with a decrease in the levy which has resulted in significant increases in the property tax burden on agricultural land and corresponding increases in local spending commitments;

(2) Whether significant relief from the increased property tax burden on agricultural property can only come from a severe downturn in the price of agricultural land or from large increases in income or sales taxes which already are high;

(3) The variability of agricultural income due to weather, grain or livestock prices, and other economic factors which can from time to time cause shortfalls in available cash and acute difficulty in paying agricultural property taxes;

(4) How the dramatic increase in the price of agricultural land causes very large amounts of income to be transferred, often to out-of-state heirs at the time of the sale of agricultural land; and

(5) Why there is currently no sales tax collected at the time of the sale of agricultural land and, in cases where the owner is deceased, no income tax collected on very large amounts of income.

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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 14, 2015, at 12:37 p.m. were the following: LBs 656e, 657e, 658e, 659e, 660e, 661e, 662e, 663e, 663Ae, 554e, 294e, 360, 360A, and 575e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

BILL ON FIRST READING

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

LEGISLATIVE BILL 468A. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 468, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB591:
AM1624

(Amendments to E and R amendments, ER128)

1 1. Insert the following new sections:

2 Sec. 12. Section 77-2715.07, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 77-2715.07 (1) There shall be allowed to qualified resident
5 individuals as a nonrefundable credit against the income tax imposed by
6 the Nebraska Revenue Act of 1967:

7 (a) A credit equal to the federal credit allowed under section 22 of
8 the Internal Revenue Code; and

9 (b) A credit for taxes paid to another state as provided in section
10 77-2730.

11 (2) There shall be allowed to qualified resident individuals against
12 the income tax imposed by the Nebraska Revenue Act of 1967:

13 (a) For returns filed reporting federal adjusted gross incomes of
14 greater than twenty-nine thousand dollars, a nonrefundable credit equal
15 to twenty-five percent of the federal credit allowed under section 21 of
16 the Internal Revenue Code of 1986, as amended, except that for taxable
17 years beginning or deemed to begin on or after January 1, 2016, such
18 nonrefundable credit shall be allowed only if the individual would have
19 received the federal credit allowed under section 21 of the code after
20 adding back in any carryforward of a net operating loss that was deducted
21 pursuant to such section in determining eligibility for the federal
22 credit;

23 (b) For returns filed reporting federal adjusted gross income of
24 twenty-nine thousand dollars or less, a refundable credit equal to a
25 percentage of the federal credit allowable under section 21 of the
26 Internal Revenue Code of 1986, as amended, whether or not the federal
1 credit was limited by the federal tax liability. The percentage of the
2 federal credit shall be one hundred percent for incomes not greater than
3 twenty-two thousand dollars, and the percentage shall be reduced by ten
4 percent for each one thousand dollars, or fraction thereof, by which the
5 reported federal adjusted gross income exceeds twenty-two thousand
6 dollars, except that for taxable years beginning or deemed to begin on or
7 after January 1, 2016, such refundable credit shall be allowed only if
8 the individual would have received the federal credit allowed under
9 section 21 of the code after adding back in any carryforward of a net
10 operating loss that was deducted pursuant to such section in determining
11 eligibility for the federal credit;

12 (c) A refundable credit as provided in section 77-5209.01 for
13 individuals who qualify for an income tax credit as a qualified beginning
14 farmer or livestock producer under the Beginning Farmer Tax Credit Act
15 for all taxable years beginning or deemed to begin on or after January 1,

16 2006, under the Internal Revenue Code of 1986, as amended;
17 (d) A refundable credit for individuals who qualify for an income
18 tax credit under the Angel Investment Tax Credit Act, the Nebraska
19 Advantage Microenterprise Tax Credit Act, or the Nebraska Advantage
20 Research and Development Act; and
21 (e) A refundable credit equal to ten percent of the federal credit
22 allowed under section 32 of the Internal Revenue Code of 1986, as
23 amended, except that for taxable years beginning or deemed to begin on or
24 after January 1, 2016, such refundable credit shall be allowed only if
25 the individual would have received the federal credit allowed under
26 section 32 of the code after adding back in any carryforward of a net
27 operating loss that was deducted pursuant to such section in determining
28 eligibility for the federal credit.
29 (3) There shall be allowed to all individuals as a nonrefundable
30 credit against the income tax imposed by the Nebraska Revenue Act of
31 1967:
1 (a) A credit for personal exemptions allowed under section
2 77-2716.01;
3 (b) A credit for contributions to certified community betterment
4 programs as provided in the Community Development Assistance Act. Each
5 partner, each shareholder of an electing subchapter S corporation, each
6 beneficiary of an estate or trust, or each member of a limited liability
7 company shall report his or her share of the credit in the same manner
8 and proportion as he or she reports the partnership, subchapter S
9 corporation, estate, trust, or limited liability company income;
10 (c) A credit for investment in a biodiesel facility as provided in
11 section 77-27,236;
12 (d) A credit as provided in the New Markets Job Growth Investment
13 Act; and
14 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
15 Revitalization Act.
16 (4) There shall be allowed as a credit against the income tax
17 imposed by the Nebraska Revenue Act of 1967:
18 (a) A credit to all resident estates and trusts for taxes paid to
19 another state as provided in section 77-2730;
20 (b) A credit to all estates and trusts for contributions to
21 certified community betterment programs as provided in the Community
22 Development Assistance Act; and
23 (c) A refundable credit for individuals who qualify for an income
24 tax credit as an owner of agricultural assets under the Beginning Farmer
25 Tax Credit Act for all taxable years beginning or deemed to begin on or
26 after January 1, 2009, under the Internal Revenue Code of 1986, as
27 amended. The credit allowed for each partner, shareholder, member, or
28 beneficiary of a partnership, corporation, limited liability company, or
29 estate or trust qualifying for an income tax credit as an owner of
30 agricultural assets under the Beginning Farmer Tax Credit Act shall be
31 equal to the partner's, shareholder's, member's, or beneficiary's portion
1 of the amount of tax credit distributed pursuant to subsection (4) of
2 section 77-5211.

3 (5)(a) For all taxable years beginning on or after January 1, 2007,
4 and before January 1, 2009, under the Internal Revenue Code of 1986, as
5 amended, there shall be allowed to each partner, shareholder, member, or
6 beneficiary of a partnership, subchapter S corporation, limited liability
7 company, or estate or trust a nonrefundable credit against the income tax
8 imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the
9 partner's, shareholder's, member's, or beneficiary's portion of the
10 amount of franchise tax paid to the state under sections 77-3801 to
11 77-3807 by a financial institution.

12 (b) For all taxable years beginning on or after January 1, 2009,
13 under the Internal Revenue Code of 1986, as amended, there shall be
14 allowed to each partner, shareholder, member, or beneficiary of a
15 partnership, subchapter S corporation, limited liability company, or
16 estate or trust a nonrefundable credit against the income tax imposed by
17 the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's,
18 member's, or beneficiary's portion of the amount of franchise tax paid to
19 the state under sections 77-3801 to 77-3807 by a financial institution.

20 (c) Each partner, shareholder, member, or beneficiary shall report
21 his or her share of the credit in the same manner and proportion as he or
22 she reports the partnership, subchapter S corporation, limited liability
23 company, or estate or trust income. If any partner, shareholder, member,
24 or beneficiary cannot fully utilize the credit for that year, the credit
25 may not be carried forward or back.

26 Sec. 14. Section 77-3504, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 77-3504 Household income means the total federal adjusted gross
29 income, as defined in the Internal Revenue Code, plus (1) any Nebraska
30 adjustments increasing the total federal adjusted gross income, (2) any
31 interest or dividends received by the owner regarding obligations of the
1 State of Nebraska or any political subdivision, authority, commission, or
2 instrumentality thereof to the extent excluded in the computation of
3 gross income for federal income tax purposes, ~~and~~ (3) any social security
4 or railroad retirement benefit to the extent excluded in the computation
5 of gross income for federal income tax purposes, and (4) beginning
6 January 1, 2016, any carryforward of a net operating loss to the extent
7 deducted for federal income tax purposes, of the claimant and spouse, and
8 any additional owners who are natural persons and who occupy the
9 homestead, for the taxable year of the claimant immediately prior to the
10 year for which the claim for exemption is made, less all medical expenses
11 actually incurred and paid by the claimant, his or her spouse, or any
12 owner-occupant which are in excess of four percent of household income
13 calculated prior to the deduction for medical expenses. For purposes of
14 this section, medical expenses means the costs of health insurance
15 premiums and the costs of goods and services purchased from a person
16 licensed under the Uniform Credentialing Act or a health care facility or
17 health care service licensed under the Health Care Facility Licensure Act
18 for purposes of restoring or maintaining health, including insulin and
19 prescription medicine, but not including nonprescription medicine.

20 2. Renumber the remaining sections and correct the repealer
21 accordingly.

MOTION - Override Veto on LB610

Senator Smith offered his motion, MO108, found on page 1532, that LB610 becomes law notwithstanding the objections of the Governor.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Smith moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Smith requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Baker	Gloor	Hughes	Lindstrom	Scheer
Campbell	Haar, K.	Johnson	McCollister	Schumacher
Coash	Hadley	Kolowski	Mello	Seiler
Crawford	Hansen	Kolterman	Morfeld	Smith
Davis	Harr, B.	Krist	Nordquist	Stinner
Friesen	Howard	Kuehn	Pansing Brooks	Williams

Voting in the negative, 16:

Bloomfield	Craighead	Hilkemann	Murante
Bolz	Ebke	Kintner	Riepe
Brasch	Garrett	Larson	Sullivan
Chambers	Groene	McCoy	Watermeier

Present and not voting, 3:

Cook	Schilz	Schnoor
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB610A

Senator Smith offered his motion, MO109, found on page 1532, that LB610A becomes law notwithstanding the objections of the Governor.

Senator Smith moved for a call of the house. The motion prevailed with 29

ayes, 0 nays, and 20 not voting.

Senator Smith requested a roll call vote, in reverse order, on the motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Baker	Gloor	Hughes	Lindstrom	Scheer
Campbell	Haar, K.	Johnson	McCollister	Schumacher
Coash	Hadley	Kolowski	Mello	Seiler
Crawford	Hansen	Kolterman	Morfeld	Smith
Davis	Harr, B.	Krist	Nordquist	Stinner
Friesen	Howard	Kuehn	Pansing Brooks	Williams

Voting in the negative, 13:

Bloomfield	Craighead	Hilkemann	McCoy	Sullivan
Brasch	Garrett	Kintner	Murante	
Chambers	Groene	Larson	Riepe	

Present and not voting, 6:

Bolz	Ebke	Schnoor
Cook	Schilz	Watermeier

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 303. Introduced by Krist, 10.

PURPOSE: The purpose of this resolution is to study the issues raised in LB501 (2015). LB501 was introduced to address the appropriate use of legislative audio or video materials produced by a public television or public radio broadcasting station.

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

(1) The Legislature's partnership with Nebraska Educational Telecommunications (NET), including a review of NET's appropriate use policy to ensure that the use of legislative audio or video content does not jeopardize NET's Federal Communications Commission license;

(2) Whether statutory restrictions are needed to address the use of audio or video created and owned by public entities for campaign or commercial purposes;

(3) First Amendment issues related to restricted use; and

(4) Archiving and displaying audio and video streams, including file size and compression, formatting, and file management.

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 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.

LEGISLATIVE RESOLUTION 304. Introduced by Campbell, 25; Sullivan, 41.

PURPOSE: The purpose of this resolution is to study and assess the behavioral health needs of children and youth in Nebraska and the resources available to meet those needs. The study shall include, but not be limited to, an examination of the following issues:

(1) Nebraska's system of care strategic plan;

(2) Behavioral health programs and services available to children and youth through the State Department of Education, the Department of Health and Human Services, and the behavioral health regions;

(3) Funding sources for assessment, treatment, and community support; and

(4) Model policies and programs used by school districts or other groups to ensure that children's behavioral health needs are met.

The study committee is encouraged to work with the Education Committee of the Legislature to examine the issues involved in this study.

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 305. Introduced by Mello, 5.

PURPOSE: To investigate and review matters and issues which are within the jurisdiction of the Appropriations 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 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 306. Introduced by McCollister, 20; Campbell, 25; Cook, 13; Craighead, 6; Crawford, 45; Gloor, 35; Hilkemann, 4; Howard, 9; Krist, 10; Kuehn, 38; Mello, 5; Nordquist, 7; Scheer, 19; Stinner, 48; Williams, 36.

PURPOSE: The purpose of this resolution is to study the various ways in which medicaid expansion could be implemented in Nebraska under the federal Patient Protection and Affordable Care Act for medical assistance for newly eligible individuals described under section 1902(a)(10)(A)(i)(VIII) of the federal Social Security Act, as amended. This study shall include, but not be limited to, an examination of the following issues:

(1) Plans adopted by other states to expand medicaid eligibility to newly eligible individuals, including comparing plan elements and actual or projected impacts on health plan enrollment, health outcomes, and state budgets;

(2) Options for incorporating innovative practices to reform and improve the quality of health care services in Nebraska;

(3) Possible demonstration projects or waivers for which Nebraska could apply under section 1115 of the federal Social Security Act; and

(4) Existing areas of flexibility in Nebraska's medicaid and health care policies that provide opportunities for lowered costs and improved health outcomes without a demonstration project or waiver.

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 307. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee.

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

1. That the General Affairs 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 308. Introduced by Harr, B., 8.

PURPOSE: The purpose of this study is to examine issues regarding the growth of Nebraska's agricultural-related economy in order to determine what actions can be taken to spur population growth and the expansion of businesses in rural communities throughout Nebraska. The study shall include, but not be limited to, an examination of the following issues:

(1) A review of past studies and reports related to the growth of Nebraska's agricultural-related economy and rural economic development programs;

(2) The delivery and effectiveness of rural economic development programs in Nebraska;

(3) Policies in Nebraska and other states that partner urban areas with more rural areas; and

(4) Policies in Nebraska and other states that promote job creation in rural communities.

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 309. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine the personal income tax rates in Nebraska. The study shall include, but not be limited to, an examination of the following issues:

- (1) The history of personal income tax rates, including deductions allowed;
- (2) The fiscal impact of past changes of personal income tax rates and related deductions; and
- (3) Options for improving Nebraska's personal income tax rates and any related fiscal impacts.

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 310. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine the services provided by community paramedics including the ability of community paramedics to provide additional services in order to deliver unique health care services in Nebraska.

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 311. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine Second Chances, the operating while intoxicated jail diversion program in Iowa, in order to determine whether the program would be workable and successful in Nebraska. The program in Iowa is a weekend diversion program that is an alternative to jail for people convicted of a first offense of operating a motor vehicle while intoxicated. Under the law in Iowa, a person convicted of first offense operating while intoxicated is sentenced to serve a minimum of two

days of drinking drivers education training. The program is administered by community colleges and private entities and the costs of the program are charged to the individual.

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 312. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to examine ways to improve and fund child behavioral health programming in Nebraska.

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.

COMMUNICATION

May 14, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB610 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB610, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 610, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2015.

(Signed) Galen Hadley
President of the Legislature

COMMUNICATION

May 14, 2015

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB610A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB610A, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 610A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 14th day of May 2015.

(Signed) Galen Hadley
President of the Legislature

AMENDMENT(S) - Print in Journal

Senator Sullivan filed the following amendment to LB525:
AM1645

(Amendments to E & R amendments, ER120)

1 1. On page 34, line 16, after "qualifications" insert "for free

2 meals".

3 2. On page 64, line 18, strike "plan" and insert "program"; and in

4 line 21 after "Education" insert "adopted and promulgated pursuant to

5 section 79-777".

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 586. Senator Campbell renewed her amendment, AM1644, found in this day's Journal, to the committee amendment.

Senator Campbell moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Campbell requested a roll call vote on the amendment.

Voting in the affirmative, 20:

Baker	Cook	Hadley	Lindstrom	Nordquist
Bolz	Crawford	Harr, B.	McCollister	Pansing Brooks
Campbell	Gloor	Howard	Mello	Schumacher
Coash	Haar, K.	Kolowski	Morfeld	Sullivan

Voting in the negative, 12:

Brasch	Krist	Riepe	Seiler
Kintner	McCoy	Scheer	Watermeier
Kolterman	Murante	Schnoor	Williams

Present and not voting, 16:

Bloomfield	Friesen	Hilkemann	Larson
Chambers	Garrett	Hughes	Schilz
Davis	Groene	Johnson	Smith
Ebke	Hansen	Kuehn	Stinner

Absent and not voting, 1:

Craighead

The Campbell amendment lost with 20 ayes, 12 nays, 16 present and not voting, and 1 absent and not voting.

The Chair declared the call raised.

Senator Hansen offered the following motion:

MO117

Reconsider the vote taken on AM1644.

SENATOR SCHEER PRESIDING**SENATOR KRIST PRESIDING**

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 607. Placed on Select File with amendment.
ER129

1 1. On page 1, strike beginning with "health" in line 1 through line
2 2 and insert "public assistance; to amend sections 43-512, 68-1713, and
3 68-1726, Revised Statutes Cumulative Supplement, 2014; to change
4 provisions relating to aid to dependent children; to change provisions
5 related to an earned income disregard; to create the Intergenerational
6 Poverty Task Force; to provide powers and duties; to require reports; to
7 provide a termination date; to provide operative dates; to repeal the
8 original sections; and to declare an emergency."

LEGISLATIVE BILL 607A. Placed on Select File.

LEGISLATIVE BILL 196. Placed on Select File with amendment.
ER131

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 71-5650, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 71-5650 Sections 71-5650 to 71-5670 and section 10 of this act shall
6 be known and may be cited as the Rural Health Systems and Professional
7 Incentive Act.
8 Sec. 2. Section 71-5652, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 71-5652 The purposes of the Rural Health Systems and Professional
11 Incentive Act are to (1) create the Nebraska Rural Health Advisory
12 Commission and establish its powers and duties, (2) establish a student
13 loan program that will provide financial incentives to medical, dental,
14 master's level and doctorate-level mental health, and physician assistant
15 students who agree to practice their profession in a designated health
16 profession shortage area within Nebraska, ~~and~~ (3) establish a loan
17 repayment program that will provide financial incentives to medical
18 residents who agree to practice their profession in a designated health
19 profession shortage area within Nebraska, and (4) establish a loan
20 repayment program that will require community matching funds and will
21 provide financial incentives to eligible health professionals who agree
22 to practice their profession in a designated health profession shortage
23 area within Nebraska.
24 Sec. 3. Section 71-5653, Reissue Revised Statutes of Nebraska, is

25 amended to read:

26 71-5653 For purposes of the Rural Health Systems and Professional
27 Incentive Act:

1 (1) Approved medical specialty means family practice, general
2 practice, general internal medicine, general pediatrics, general surgery,
3 obstetrics/gynecology, and psychiatry;

4 (2) Approved dental specialty means general practice, pediatric
5 dentistry, and oral surgery;

6 (3) Approved mental health practice program means an approved
7 educational program consisting of a master's or doctorate degree with the
8 focus being primarily therapeutic mental health and meeting the
9 educational requirements for licensure in mental health practice or
10 psychology by the department;

11 (4) Commission means the Nebraska Rural Health Advisory Commission;

12 (5) Department means the Division of Public Health of the Department
13 of Health and Human Services;

14 (6) Doctorate-level mental health student means a graduate student
15 enrolled in or accepted for enrollment in an approved mental health
16 practice program leading to a doctorate degree and meeting the
17 educational requirements for licensure in psychology by the department;

18 (7) Full-time practice means a minimum of forty hours per week;

19 (8) Health care means both somatic and mental health care services;

20 (9) Master's level mental health student means a graduate student
21 enrolled in or accepted for enrollment in an approved mental health
22 practice program leading to a master's degree and meeting the educational
23 requirements for licensure in mental health practice by the department;

24 (10) Office means the Office of Rural Health;

25 (11) Part-time practice means less than full-time practice but at
26 least twenty hours per week;

27 (12 44) Qualified educational debts means government and commercial
28 student-loan loans obtained by students for postsecondary education
29 tuition, other educational expenses, and reasonable living expenses, as
30 determined by the department, but does not include loans received under
31 the act or the Nebraska Medical Student Assistance Act; and

1 (13 42) Rural means located within any county in Nebraska having a
2 population of less than fifteen thousand inhabitants and not included
3 within a metropolitan statistical area as defined by the United States
4 Department of Commerce, Bureau of the Census.

5 Sec. 4. Section 71-5661, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 71-5661 (1) The financial incentives provided by the Rural Health
8 Systems and Professional Incentive Act shall consist of (a) student loans
9 to eligible students for attendance at an eligible school as determined
10 pursuant to section 71-5662, ~~and~~ (b) the repayment of qualified

11 educational debts owed by physicians in an approved medical specialty
12 residency program in Nebraska as determined pursuant to section 71-5662,

13 and (c) the repayment of qualified educational debts owed by eligible
14 health professionals as determined pursuant to ~~such~~ section 71-5662.

15 Funds for such incentives shall be appropriated from the General Fund to

16 the department for such purposes.

17 (2) The Rural Health Professional Incentive Fund is created. The
18 fund shall be used to carry out the purposes of the act, except that
19 transfers may be made from the fund to the General Fund at the direction
20 of the Legislature. Money credited pursuant to section 71-5670.01 and
21 payments received pursuant to sections 71-5666 and 71-5668 and section 10
22 of this act shall be remitted to the State Treasurer for credit to the
23 Rural Health Professional Incentive Fund. Any money in the fund available
24 for investment shall be invested by the state investment officer pursuant
25 to the Nebraska Capital Expansion Act and the Nebraska State Funds
26 Investment Act.

27 Sec. 5. Section 71-5662, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 71-5662 (1) To be eligible for a student loan under the Rural Health
30 Systems and Professional Incentive Act, an applicant or a recipient shall
31 be enrolled or accepted for enrollment in an accredited medical or dental
1 education program or physician assistant education program or an approved
2 mental health practice program in Nebraska.

3 (2) To be eligible for the medical resident incentive under the act,
4 an applicant or a recipient shall be enrolled or accepted for enrollment
5 in an approved medical specialty residency program in Nebraska.

6 ~~(3)~~ (2) To be eligible for loan repayment under the act, an applicant
7 or a recipient shall be a pharmacist, a dentist, a physical therapist, an
8 occupational therapist, a mental health practitioner, a psychologist
9 licensed ~~before December 1, 2008, under the requirements of the Uniform~~
10 ~~Licensing Law or on or after December 1, 2008, under the requirements of~~
11 section 38-3114 or the equivalent thereof, a nurse practitioner, a
12 physician assistant, or a physician in an approved specialty and shall be
13 licensed to practice in Nebraska, not be enrolled in a residency program,
14 not be practicing under a provisional or temporary license, and enter
15 practice in a designated health profession shortage area in Nebraska.

16 Sec. 6. Section 71-5663, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-5663 (1) The amount of financial assistance provided through
19 student loans pursuant to the Rural Health Systems and Professional
20 Incentive Act shall be limited to ~~thirty twenty~~ thousand dollars for each
21 recipient for each academic year and shall not exceed ~~one hundred twenty~~
22 ~~eighty~~ thousand dollars per medical, dental, or doctorate-level mental
23 health student or ~~thirty twenty~~ thousand dollars per master's level
24 mental health or physician assistant student.

25 (2) The amount of financial assistance provided through the medical
26 resident incentive program pursuant to the act shall be limited to forty
27 thousand dollars for each recipient for each year of residency and shall
28 not exceed one hundred twenty thousand dollars.

29 ~~(3)~~ (2) The amount of financial assistance provided by the state
30 through loan repayments pursuant to the act (a) for physicians, dentists,
31 and psychologists shall be limited to ~~thirty twenty~~ thousand dollars per
1 recipient per year of full-time practice in a designated health
2 profession shortage area and shall not exceed ~~ninety sixty~~ thousand

3 dollars per recipient and (b) for physician assistants, nurse
4 practitioners, pharmacists, physical therapists, occupational therapists,
5 and mental health practitioners shall be limited to ~~fifteen~~ ten thousand
6 dollars per recipient per year of full-time practice in a designated
7 health profession shortage area and shall not exceed ~~forty-five~~ thirty
8 thousand dollars per recipient.

9 Sec. 7. Section 71-5666, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 71-5666 Each student loan recipient shall execute an agreement with
12 the state. Such agreement shall be exempt from the requirements of
13 sections 73-501 to 73-510 and shall include the following terms, as
14 appropriate:

15 (1) The borrower agrees to practice the equivalent of one year of
16 full-time practice of an approved specialty in a designated health
17 profession shortage area in Nebraska for each year of education for which
18 a loan is received and agrees to accept medicaid patients in his or her
19 practice;

20 (2) If the borrower practices an approved specialty in a designated
21 health profession shortage area in Nebraska, the loan shall be forgiven
22 as provided in this section. Practice in a designated area shall commence
23 within three months of the completion of formal education, which may
24 include a period not to exceed five years to complete specialty training
25 in an approved specialty. The commission may approve exceptions to any
26 period required for completion of training ~~the three-month restriction~~
27 upon showing good cause. Loan forgiveness shall occur on a quarterly
28 basis, with completion of the equivalent of three months of full-time
29 practice resulting in the cancellation of one-fourth of the annual loan
30 amount. Part-time practice in a shortage area shall result in a prorated
31 reduction in the cancellation of the loan amount;

1 (3) If the borrower practices an approved specialty in Nebraska but
2 not in a designated health profession shortage area, practices a
3 specialty other than an approved specialty in Nebraska, does not practice
4 the profession for which the loan was given, discontinues practice of the
5 profession for which the loan was given, or practices outside Nebraska,
6 the borrower shall repay one hundred fifty percent of the outstanding
7 loan principal with interest at a rate of eight percent simple interest
8 per year from the date of default. Such repayment shall commence within
9 six months of the completion of formal education, which may include a
10 period not to exceed five years to complete specialty training in an
11 approved specialty, and shall be completed within a period not to exceed
12 twice the number of years for which loans were awarded;

13 (4) If a borrower who is a medical, dental, or doctorate-level
14 mental health student determines during the first or second year of
15 medical, dental, or doctorate-level mental health education that his or
16 her commitment to the loan program cannot be honored, the borrower may
17 repay the outstanding loan principal, plus six percent simple interest
18 per year from the date the loan was granted, prior to graduation from
19 medical or dental school or a mental health practice program without
20 further penalty or obligation. Master's level mental health and physician

21 assistant student loan recipients shall not be eligible for this
 22 provision;
 23 (5) If the borrower discontinues the course of study for which the
 24 loan was granted, the borrower shall repay one hundred percent of the
 25 outstanding loan principal. Such repayment shall commence within six
 26 months of the date of discontinuation of the course of study and shall be
 27 completed within a period of time not to exceed the number of years for
 28 which loans were awarded; and

29 (6) Any practice or payment obligation incurred by the student loan
 30 recipient under the student loan program is canceled in the event of the
 31 student loan recipient's total and permanent disability or death ~~In the~~
 1 ~~event of a borrower's total and permanent disability or death, the unpaid~~
 2 ~~debt accrued under the Rural Health Systems and Professional Incentive~~
 3 ~~Act shall be canceled.~~

4 Sec. 8. Section 71-5667, Revised Statutes Cumulative Supplement,
 5 2014, is amended to read:

6 71-5667 Agreements ~~Loan agreements~~ executed prior to July 1, 2007,
 7 under ~~the Nebraska Medical Student Assistance Act or the Rural Health~~
 8 ~~Systems and Professional Incentive Act~~ may be renegotiated and new
 9 agreements executed to reflect the terms required by section 71-5666. No
 10 funds repaid by borrowers under the terms of agreements executed prior to
 11 July 1, 2007, shall be refunded. Any repayments being made under the
 12 terms of prior agreements may be discontinued upon execution of a new
 13 agreement if conditions permit. Any agreement renegotiated pursuant to
 14 this section shall be exempt from the requirements of sections 73-501 to
 15 73-510.

16 Sec. 9. Section 71-5668, Revised Statutes Cumulative Supplement,
 17 2014, is amended to read:

18 71-5668 Each loan repayment recipient shall execute an agreement
 19 with the department and a local entity. Such agreement shall be exempt
 20 from the requirements of sections 73-501 to 73-510 and shall include, at
 21 a minimum, the following terms:

22 (1) The loan repayment recipient agrees to practice his or her
 23 profession, and a physician, dentist, nurse practitioner, or physician
 24 assistant also agrees to practice an approved specialty, in a designated
 25 health profession shortage area for at least three years and to accept
 26 medicaid patients in his or her practice;

27 (2) In consideration of the agreement by the recipient, the State of
 28 Nebraska and a local entity within the designated health profession
 29 shortage area will provide equal funding for the repayment of the
 30 recipient's qualified educational debts, in amounts up to thirty ~~twenty~~
 31 ~~thousand~~ dollars per year per recipient for physicians, dentists, and
 1 psychologists and up to fifteen ~~ten~~ thousand dollars per year per
 2 recipient for physician assistants, nurse practitioners, pharmacists,
 3 physical therapists, occupational therapists, and mental health
 4 practitioners toward qualified educational debts for up to three years.

5 The department shall make payments directly to the recipient; ~~and~~

6 (3) If the loan repayment recipient discontinues practice in the
 7 shortage area prior to completion of the three-year requirement, the

8 recipient shall repay to the state one hundred ~~fifty~~ twenty-five percent
9 of the total amount of funds provided to the recipient for loan repayment
10 with interest at a rate of eight percent simple interest per year from
11 the date of default. Upon repayment by the recipient to the department,
12 the department shall reimburse the local entity its share of the funds
13 which shall not be more than the local entity's share paid to the loan
14 repayment recipient; and -
15 (4) Any practice or payment obligation incurred by the loan
16 repayment recipient under the loan repayment program is canceled in the
17 event of the loan repayment recipient's total and permanent disability or
18 death.
19 Sec. 10. Each medical resident incentive recipient shall execute an
20 agreement with the department. Such agreement shall be exempt from the
21 requirements of sections 73-501 to 73-510 and shall include, at a
22 minimum, the following terms:
23 (1) The medical resident incentive recipient agrees to practice an
24 approved medical specialty the equivalent of one year of full-time
25 practice in a designated health profession shortage area and to accept
26 medicaid patients in his or her practice;
27 (2) In consideration of the agreement by the medical resident
28 incentive recipient, the State of Nebraska will provide funding for the
29 repayment of the recipient's qualified educational debts, in amounts up
30 to forty thousand dollars per year for up to three years while in an
31 approved medical specialty residency program in Nebraska. The department
1 shall make payments directly to the medical resident incentive recipient;
2 (3) If the medical resident incentive recipient extends his or her
3 residency training but not in an approved specialty, practices an
4 approved specialty in Nebraska but not in a designated health profession
5 shortage area, practices a specialty other than an approved specialty in
6 Nebraska, does not practice the profession for which the loan was given,
7 discontinues practice of the profession for which the loan was given, or
8 practices outside Nebraska, the medical resident incentive recipient
9 shall repay to the state one hundred fifty percent of the outstanding
10 loan principal with interest at a rate of eight percent simple interest
11 per year from the date of default. Such repayment shall commence within
12 six months of the completion or discontinuation of an approved specialty
13 residency training in Nebraska and shall be completed within a period not
14 to exceed twice the number of years for which the medical resident
15 incentive recipient received awards; and
16 (4) Any practice or payment obligation incurred by the medical
17 resident incentive recipient under the medical resident incentive program
18 is canceled in the event of the medical resident incentive recipient's
19 total and permanent disability or death.
20 Sec. 11. Original sections 71-5650, 71-5652, 71-5653, 71-5662, and
21 71-5663, Reissue Revised Statutes of Nebraska, and sections 71-5661,
22 71-5666, 71-5667, and 71-5668, Revised Statutes Cumulative Supplement,
23 2014, are repealed.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 326. Placed on General File with amendment. AM1453 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB390:
AM1646

(Amendments to Standing Committee amendments, AM1011)

- 1 1. Strike section 10 and insert the following new section:
- 2 Sec. 10. Section 71-7611, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
- 5 Treasurer shall transfer (a) fifty-six million one hundred thousand
- 6 dollars no later than July 15, 2009, (b) fifty-nine million one hundred
- 7 thousand dollars on or before July 15, 2010, July 15, 2011, July 15,
- 8 2012, and July 15, 2013, ~~and~~ (c) sixty million one hundred thousand
- 9 dollars on or before July 15, 2014, (d) sixty million three hundred fifty
- 10 thousand dollars on or before July 15, 2015. (e) sixty million three
- 11 hundred fifty thousand dollars on or before July 15, 2016. (f) sixty
- 12 million three hundred fifty thousand dollars on or before July 15, 2017.
- 13 (g) sixty million three hundred fifty thousand dollars on or before July
- 14 15, 2018, and (h) sixty million one hundred thousand dollars ~~and~~ on or
- 15 before every July 15 thereafter from the Nebraska Medicaid
- 16 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust
- 17 Fund to the Nebraska Health Care Cash Fund, except that such amount shall
- 18 be reduced by the amount of the unobligated balance in the Nebraska
- 19 Health Care Cash Fund at the time the transfer is made. The state
- 20 investment officer upon consultation with the Nebraska Investment Council
- 21 shall advise the State Treasurer on the amounts to be transferred from
- 22 the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska
- 23 Tobacco Settlement Trust Fund under this section in order to sustain such
- 24 transfers in perpetuity. The state investment officer shall report
- 25 electronically to the Legislature on or before October 1 of every even-
- 26 numbered year on the sustainability of such transfers. Except as
- 1 otherwise provided by law, no more than the amount specified in this
- 2 subsection may be appropriated or transferred from the Nebraska Health
- 3 Care Cash Fund in any fiscal year.
- 4 It is the intent of the Legislature that no additional programs are
- 5 funded through the Nebraska Health Care Cash Fund until funding for all
- 6 programs with an appropriation from the fund during FY2012-13 are
- 7 restored to their FY2012-13 levels.
- 8 (2) Any money in the Nebraska Health Care Cash Fund available for
- 9 investment shall be invested by the state investment officer pursuant to

- 10 the Nebraska Capital Expansion Act and the Nebraska State Funds
 11 Investment Act.
 12 (3) The University of Nebraska and postsecondary educational
 13 institutions having colleges of medicine in Nebraska and their affiliated
 14 research hospitals in Nebraska, as a condition of receiving any funds
 15 appropriated or transferred from the Nebraska Health Care Cash Fund,
 16 shall not discriminate against any person on the basis of sexual
 17 orientation.
 18 2. On page 1, line 6; page 3, line 15; page 9, lines 1, 3, and 18;
 19 and page 11, line 28, strike "10" and insert "9".
 20 3. On page 1, strike lines 21 through 25; and in line 26 strike the
 21 new matter and reinstate the stricken matter.
 22 4. On pages 2, 4, 5, 6, 7, and 8, strike the new matter and
 23 reinstate the stricken matter.
 24 5. On page 3, lines 3, 6, and 22, strike the new matter and
 25 reinstate the stricken matter.
 26 6. On page 9, lines 3 and 4, strike "intractable" and insert "
 27 (a) Cannabidiol means processed cannabis plant extract, oil, or
 28 resin that contains more than ten percent cannabidiol by weight, but not
 29 more than three-tenths of one percent tetrahydrocannabinols by weight,
 30 and delivered in the form of a liquid or solid dosage form; and
 31 (b) Intractable"; and in line 24 after "research" insert "for
 1 purposes of the Medical Cannabidiol Pilot Study".
 2 7. On page 10, line 11, strike "rules and regulations" and insert
 3 "policies and procedures".
 4 8. On page 12, lines 12 and 17, strike "11" and insert "9"; in lines
 5 24 and 25 after the first "the" insert "chairperson of the"; in line 24
 6 strike "and" and insert an underscored comma; and in line 25 after the
 7 second "the" insert "Legislature, and the Clerk of the".
 8 9. On page 13, line 10, strike "10" and insert "9".
 9 10. Renumber the remaining sections and correct the repealer
 10 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 313. Introduced by Scheer, 19.

PURPOSE: The purpose of this resolution is to examine the process utilized by the Department of Roads in the design and construction of the Nebraska expressway system, specifically the design and standards utilized in the replacement of bridges along the route of highways designated, but not yet constructed, as a four lane expressway. The study shall examine and determine the cost-effectiveness of the department replacing existing two lane bridges with bridges sufficient to meet existing expressway standards when it is necessary to replace a bridge on a designated expressway route.

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

1. That the Transportation and Telecommunications 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 314. Introduced by Kolowski, 31.

PURPOSE: The use of restraint and seclusion techniques in American schools is substantial nationwide. Allegations of severe injury and the death of students resulting from the use of restraints and seclusion in schools have been well-documented. Students are often restrained as a disciplinary measure even when the student's behavior appeared not to be aggressive. Students continue to be restrained or secluded without prior parental consent and cases have been identified where schools and staff ignored explicit parental instructions not to use restraint or seclusion.

The use of restraint and seclusion presents significant risks to the health and safety of students. Children are subjected to restraint or seclusion at higher rates than adults and are also at greater risk of injury from the use of restraint or seclusion. Many students subjected to restraint or seclusion have been physically injured, traumatized, or died as a result. Children with disabilities are at particular risk of being restrained or secluded. Students with disabilities are also disproportionately subject to the use of restraint or seclusion.

There are no federal laws which govern the use of restraint and seclusion for schools in the United States. Consequently, states are left to regulate the use of restraint and seclusion. The resulting patchwork of state legislation and regulation of the use of restraint and seclusion in schools is an uneven and confusing array of protections that still give wide latitude to school staff in responding to student behavior with aversive techniques like restraints and seclusion. Nebraska lacks specific state laws or regulations governing the use of restraints and seclusion in Nebraska schools. Consequently, there is little uniformity in the regulation of restraint and seclusion in Nebraska.

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

(1) Existing regulatory and statutory mechanisms that allow or circumscribe the use of restraint or seclusion in Nebraska schools;

(2) Data collection techniques used by schools to report incidences of the use of restraint or seclusion, to whom incidences are reported, and how those reports are catalogued;

(3) The incidence of the use of restraint or seclusion in Nebraska schools and the extent and duration of the restraint or seclusion used on students, especially those with disabilities; and

(4) Nebraska school policies and procedures on the use of restraint or seclusion, including, but not limited to, when these practices are prescribed and for what purpose, the school staff authorized to use them, the training

school staff receive regarding the use of these techniques, and the extent to which parents or legal guardians are notified when such techniques are used.

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 315. Introduced by Schilz, 47; Coash, 27.

PURPOSE: The purpose of this resolution is to study the contractual relationship between craft breweries and distributors. This study shall include, but not be limited to, an examination of the following issues:

(1) The three-tier system and the contractual relationship between beer manufacturers and distributors under Chapter 53, article 2, of the Nebraska statutes;

(2) The intent and underlying policy behind the franchise laws under Chapter 53, article 2, of the Nebraska statutes; and

(3) Whether there should be changes to allow craft beer manufacturers more flexibility when entering and exiting distribution contracts under section 53-218 of the Nebraska statutes.

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

1. That the General Affairs 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 316. Introduced by Lindstrom, 18; Gloor, 35.

PURPOSE: In 1998, Nebraska joined the Master Settlement Agreement (MSA) and enacted related statutes contained in Chapter 69, article 27, of the Nebraska statutes. Under the MSA, participating tobacco product manufacturers agreed to restrictions on certain marketing practices and agreed to make payments into a fund which is distributed to the states to enforce the MSA and investigate and litigate potential violations of state tobacco laws.

Currently the MSA payment is \$6.36 per carton. The most recent figures show the MSA allocation received by Nebraska in FY2013-14 was \$37.5 million. Currently the Nebraska tobacco excise tax is \$6.40 per carton. That excise tax generated \$55.5 million in FY2013-14. Since the excise tax and MSA payment are roughly equivalent, it would seem that the excise tax generated and the MSA allocation received should be roughly equivalent. However, Nebraska's MSA allocation is approximately only two-thirds of the amount generated by the excise tax. It appears that Nebraska residents are paying significantly more into the MSA than Nebraska is receiving back. Since most of the other restrictions agreed to by tobacco product manufacturers in the MSA have been incorporated into federal or state law, this study shall examine Nebraska withdrawing from the MSA and increasing its excise tax to approximate the MSA payment. In this way, an additional \$15-\$20 million per year could be generated for Nebraska without increasing the amount paid by Nebraska residents.

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 317. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to review the Nebraska Rules of the Road and examine those provisions which establish maximum weight limits for vehicles operated upon public roads.

The study shall specifically examine existing axle and overall vehicle weight limits for registered motor vehicles, equipment, machinery, and implements of husbandry utilized in farm and ranch operations.

The study shall also review the appropriateness of existing penalties for operating overweight vehicles on a public road and the penalties for the damage to, or the destruction of, a bridge by vehicles that exceed authorized weight limitations.

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

1. That the Transportation and Telecommunications 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 318. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to conduct a comprehensive study of Nebraska's state and local roads system, including current and potential funding sources dedicated to highways, roads, and bridges. The study shall include, but not be limited to, the following subjects:

(1) A review of the needs of the state highway system, including preservation of the current system, rural and urban needs, bridge conditions, and proposals to accelerate the completion of the state expressway system;

(2) A review of the needs of county and municipal roads, including bridge needs and the allocation of state funding to counties and municipalities;

(3) A review of current statutory restrictions on the use of roads funding allocated to counties and municipalities and the need to provide for further restrictions on the allowed expenditures of such funding;

(4) An examination of the sustainability of current funding sources dedicated to state and local highways;

(5) An examination of alternative or expanded highway funding sources and practices including, but not limited to, vehicle fees, vehicle miles traveled fees, non-motor vehicle related revenue sources, highway bonding, vehicle tolling, and the utilization of design-build projects and public-private partnership programs. The examination of the feasibility of authorizing the use of public-private partnership programs shall include the feasibility of using this method for three pending projects: (a) The south Lincoln beltway; (b) the east Lincoln beltway; and (c) the completion of the four lane expansion of Highway 275; and

(6) The existing management structure and overall efficiency of the Department of Roads and any statutory changes required to increase productivity and the financial efficiency of the department in project development, design, and delivery.

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

1. That the Transportation and Telecommunications 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 319. Introduced by Smith, 14.

PURPOSE: The purpose of this resolution is to study the following issues under the jurisdiction of the Public Service Commission:

(1) The administration of Enhanced Wireless 911 service and proposals to implement next-generation 911 services;

(2) Policy options and the role of legislation in promoting the availability and adoption of affordable broadband internet services in all regions of the state;

(3) The regulation and oversight of transportation service provided by transportation network companies; and

(4) The manner of the imposition and collection of the Nebraska Telecommunications Universal Service Fund surcharge upon prepaid wireless telecommunications services.

The committee shall seek the input of the public, the Public Service Commission, and service providers in conducting this study.

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

1. That the Transportation and Telecommunications 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 320. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to study the membership, role, and duties of the Nebraska Police Standards Advisory Council. It is important that the council represent all aspects and membership of law enforcement officers statewide. Law enforcement officers have different duties and experiences based upon rank, role, and location across Nebraska. The study shall also review the membership, role, and duties of law enforcement oversight councils in other states.

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 321. Introduced by Morfeld, 46; Stinner, 48.

PURPOSE: The purpose of this resolution is to examine the potential growth for tourism in Nebraska and to develop funding recommendations for designated Nebraska tourism sites. The study shall include, but not be limited to, an examination of the following issues:

(1) The criteria by which to designate specific tourism sites or specifically identify three to six existing tourism sites, or potential tourism sites, that have the ability to attract national and international visitors;

(2) The amount of funding necessary to properly develop tourism sites as a source of economic development;

(3) The guidelines that should be used for developing these tourism sites;

(4) Efforts and strategies in similarly situated states in funding specific tourism sites that lead to economic development; and

(5) The role of political subdivisions in the promotion and development of tourism sites.

The study committee shall develop a scoring model, matrix, or other criteria relative to comparing the economic impact of each proposed project. A proposed project should obtain a minimum economic impact score or ranking to be considered. Projects that are ranked the highest in economic development and impact should receive deference over other lower ranked projects. The study committee may collaborate with the Nebraska Tourism Commission to carry out this study.

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 322. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the potential for the expansion of fruit and produce gleaning in Nebraska. Gleaning is the act of collecting post-harvest crops from farmers' fields and orchards after the crops have been commercially harvested and it is not economically feasible to harvest further. Gleaning can also occur at farmer's markets when unsold fruit and produce remains. The study shall include, but not be limited to, an examination of the following:

(1) Data compiled by the Department of Agriculture relating to the number of fruit and produce producers in Nebraska;

(2) The estimated amount of edible crop left in the field or that does not make it to market;

(3) Research regarding gleaning as an effective tool in providing fresh fruit and produce to food deserts and reducing food waste;

(4) Research regarding the environmental impact of food waste that is placed into landfills;

(5) The best practices in Nebraska, other states, and countries to increase opportunities for gleaning;

(6) Developing performance goals for increasing gleaning opportunities in Nebraska; and

(7) Any legislation needed to incentivize the use of best practices by producers to support gleaning opportunities and help reduce hunger in both rural and urban communities.

The study committee shall work with interested persons including farmers and other producers, food pantries, gleaning organizations, the Department of Agriculture, and other experts on fruit and produce production and harvesting data, effective gleaning practices, and current food waste reduction best practices.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Groene, 42; Ebke, 32.

PURPOSE: Agriculture is one of the most important drivers of the state's economy and irrigation is essential to the ability of most producers to raise crops in Nebraska. Nebraska irrigates 8.3 million acres which is more irrigated farmland than in any other state according to the United States Department of Agriculture. Because ground water is essential to irrigation agriculture, it is important to understand ground water depletion and the complex effects that ground water pumping has on stream base flow as well as the timing of ground water pumping and the response of hydrologically connected streams.

Augmentation projects have been utilized in the Republican and Platte Rivers to offset excessive depletions to the stream flow from hydrologically connected ground water withdrawals. Nebraska has two options to meet its obligation under the Republican River Compact. Nebraska can either reduce beneficial consumptive use, or increase the water supply in the basin. Nebraska has elected to import more water from the Platte River to meet river flow obligations. Specifically, the Nebraska Cooperative Republican Platte Enhancement project (N-CORPE) is a joint effort of four natural resources districts designed in part to assist in complying with the Republican River Compact. The project consists of 19,500 acres in Lincoln County. Over 15,000 irrigated acres have been retired and approximately 65,000 acre feet of water made available annually to be piped into the Republican and Platte Rivers. Water can be banked when not immediately needed so that it will be available in future years. The cost of the N-CORPE project has been paid for by producers in the area and the project has produced some controversy.

The purpose of this resolution is to examine the issues surrounding the N-CORPE augmentation project and to give local producers an opportunity to hear and to be heard on the subject of augmentation. The study shall include, but not be limited to, an examination of the following issues:

(1) The long-term consequences of annual ground water pumping from N-CORPE for purposes of compliance with the Republican River Compact and the Twin Platte Natural Resources District Integrated Management Plan and how the effects of the pumping are determined;

(2) The potential for banking water from the N-CORPE project when banking is determined to be appropriate and how the decision to bank water is determined;

(3) Which entity is responsible for enforcement, reporting, and oversight of augmentation projects;

(4) How information about the project and the consequences to streamflow, compliance with the compact, and the tax base are disseminated to producers, taxpayers, and the general public;

(5) What impact augmentation will have on long-term sustainability including the ability of future generations of producers to remain in agriculture and be able to irrigate;

(6) Whether augmentation is causing unintended harm to other landowners, producers, agencies, counties, or other political subdivisions; and

(7) What are the long-term consequences of augmentation projects on property taxes.

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

1. That the Natural Resources 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 324. Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to analyze the ability of, and methods for, employers or associations to enter into contracts, agreements, or other arrangements with an agent or a broker for compensation to be paid to the agent or broker for the sale of a health benefit plan.

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 325. Introduced by Davis, 43.

PURPOSE: The purpose of this resolution is to examine the current method of using adjusted property valuation as the primary measurement of local resources in Nebraska's public education funding formula. The study shall examine the impact of this method on the state's reliance on property taxes.

This study may include, but shall not be limited to, an examination of the following issues:

(1) The degree to which the current measurement of resources, primarily the value of real property, accurately reflects a community's and an individual's ability to contribute to local public school funding;

(2) The concentration of real property and income in different parts of the state and in urban and rural public school districts;

(3) Methods used to measure local resources in other states, such as the utilization of local sales and income tax as a component to determine school aid;

(4) The impact of creating a local income surtax and including it in the local resources calculation and the extent to which this may improve the ability to contribute to local public school funding; and

(5) The impact of reducing state aid valuation for agricultural land to a smaller percentage of its actual value without affecting the taxable valuation of such land.

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 326. Introduced by Davis, 43; Friesen, 34; Hughes, 44; Larson, 40; Schilz, 47; Schnoor, 15.

PURPOSE: The purpose of this resolution is to examine the procedure for and use of like-kind exchanges under section 1031 of the United States Internal Revenue Code and their potential impact on the taxable value of agricultural and horticultural land. This study shall include, but not be limited to:

(1) The prevalence of the use of section 1031 exchanges for the acquisition or disposition of agricultural and horticultural land and the

number of section 1031 exchanges used to determine the taxable value of agricultural and horticultural land;

(2) The impact on the taxable value of agricultural and horticultural land with the use of section 1031 exchanges in the sales file;

(3) The adequacy of the information required on real estate transfer statements, otherwise known as form 521, with regard to section 1031 exchanges and the adequacy of the information obtained by assessors with regard to section 1031 exchanges in addition to that information obtained from the form 521; and

(4) Recommendations on policy alternatives to mitigate the impacts of section 1031 exchanges on taxable value, if warranted.

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 327. Introduced by Davis, 43; Larson, 40; Schilz, 47.

PURPOSE: The purpose of this resolution is to examine the procedures and categories used by county assessors to classify types of land for valuation and taxation purposes. This study shall include, but not be limited to, an examination of the following:

(1) Whether the uses and land classifications are being properly identified and applied by county assessors and whether the property assessment division of the Department of Revenue is providing appropriate oversight of county assessors' practices;

(2) Whether the uses and land classifications are sufficiently taking into account the difference in soil types, climate, and other local factors that could affect the actual value of the land;

(3) Situations in which land within a county is valued based on comparable land in a different county and whether this is a justifiable procedure by county assessors;

(4) Whether the category for recreational land is being properly utilized by county assessors in assessing land value;

(5) Whether the assessment practices and categories of classification for acreages in urban areas are appropriately identifying the type and value of that land;

(6) Recommendations of statutory changes to promote consistent and accurate classification of agricultural and other types of land; and

(7) Whether an additional category called irrigated grassland is merited as opposed to classifying it as irrigated cropland.

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 328. Introduced by Davis, 43; Friesen, 34; Groene, 42; Hughes, 44; Kuehn, 38; Larson, 40; Schilz, 47; Schnoor, 15.

PURPOSE: The purpose of this resolution is to examine options for implementing a "circuit breaker" tax credit to protect agricultural property owners in Nebraska from a property tax "overload" by providing a tax credit when property taxes are excessive relative to the taxpayer's income. This study shall examine the circuit breaker mechanism that was included as a property tax relief option in LR566 (2014) and as a property tax recommendation in the report of the Tax Modernization Committee created by LR155 (2013).

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

- (1) Property taxes paid by Nebraska agricultural property owners relative to their incomes;
- (2) Mechanisms for reducing property taxes for agricultural property owners paying high property taxes relative to their incomes, particularly the agricultural property tax circuit breaker concept and its variations, including multiple threshold and sliding scale circuit breakers;
- (3) Agricultural property tax circuit breakers and similar programs in other states including Michigan's Farmland and Open Space Preservation Program and Wisconsin's farmland preservation and tax relief credit programs;
- (4) Recommendations for definitions and limitations in using an agricultural property tax circuit breaker to avoid abuse of the program and ensure credits are delivered to those with the highest need, including the types of land use that would qualify as agricultural uses, the duration of agricultural use required to qualify for the credit, which families and businesses would be eligible, which property taxes would be included, and the measure of income to be used; and
- (5) The fiscal impact of potential options for an agricultural property tax circuit breaker in Nebraska.

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 329. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure of, compliance with, and administration of the state and local sales and use taxes.

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 330. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure of, compliance with, and administration of real and personal property taxes.

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 331. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to examine the structure of, compliance with, and administration of Nebraska individual and corporate income taxes, including financial institution and insurance premium taxes.

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 332. Introduced by Gloor, 35.

PURPOSE: The first recommendation by the 2013 Tax Modernization Committee regarding property taxes was to increase the state aid commitment to schools to offset property tax use and reduce property taxes as a share of total state and local taxes. The purpose of this resolution is to continue the work of the Tax Modernization Committee by further examining the tax revenues for public schools and to develop recommendations for any changes to the current structure of such tax revenues. The study committee is encouraged to work with the Education Committee of the Legislature to examine the issues involved in this study.

The study shall examine, but not be limited to, the following issues:

- (1) Fairness and equity between and among taxpayers of Nebraska;
- (2) Efficiency and effectiveness in the availability of tax resources necessary to educate the public school students of Nebraska;
- (3) Stability in the resources available to school districts and the tax expectations for citizens of the state in light of the unique constitutional limitations imposed by the uniformity clause of our state constitution; and
- (4) Competitiveness for the state in terms of the state's ability to attract and keep well-paying jobs and investments based on the state's economic climate.

The study committee shall examine relevant studies, literature, and any other information with a focus on the mix of taxable resources available and used to support public education, as well as any other information deemed appropriate by the study committee.

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 333. Introduced by Watermeier, 1.

PURPOSE: The purpose of this resolution is to examine methods to improve government efficiency. Nebraska's overall state spending has increased faster than the cost of living for numerous budget cycles. This trend at the state level is not sustainable over the long-term and will eventually result in significant financial challenges for the state as well as

Nebraska taxpayers. These spending levels have also led to Nebraska maintaining its position as one of the highest tax states in the United States.

Controlling growth in government spending at the state and local levels while simultaneously delivering high quality public services will require governmental entities to evaluate new strategies and methods for delivering these services in a more efficient and effective way. These new strategies must focus on simpler program delivery and waste reduction.

For more than 25 years, private sector employers in the United States have utilized a wide variety of quality improvement techniques to improve the development and delivery of their products and services while lowering their overall cost structure. Many of these improvement processes were derived by businesses from around the world. American automobile manufacturers, for example, copied the principles of lean manufacturing in an effort to make American cars more competitive in the world marketplace. Private businesses have more recently adopted additional strategies like Six Sigma, Kaizen, executive coaching, and supply chain management.

These various quality improvement strategies first practiced in the private sector are now being implemented in the health care, utility, and government sectors. Nebraska employers like Blue Cross and Blue Shield are fully committed to their quality improvement efforts and have committed short-term resources with the goal of improving their product offerings and lowering costs over the long term. Today, more than 13 states from both sides of the political spectrum have implemented aggressive and focused quality improvement strategies. States like Iowa have used lean government strategies to successfully decrease the amount of time necessary to improve an air quality permit. These positive results were accomplished with less overall cost.

This study shall examine, but not be limited to, the following issues:

- (1) Whether there is a clear need to improve the effective delivery of programs implemented by and administered in the State of Nebraska;
- (2) What quality improvement initiatives other states have undertaken to address program inefficiencies and cost;
- (3) What has been the result in states that have implemented lean government and other similar strategies;
- (4) What quality improvement strategies would have the greatest likelihood of success in Nebraska;
- (5) Whether initiatives should be on a wide scale or pilot basis if Nebraska decides to implement quality improvement strategies;
- (6) Whether there will be support within both the legislative and executive branches to support and implement strategies derived through quality improvement efforts;
- (7) How the state can successfully engage current employees in the quality improvement process;
- (8) How the state can engage customers in improving service delivery; and
- (9) Whether quality improvement processes could ultimately lead to cost savings.

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 334. Introduced by Morfeld, 46; Cook, 13; Kolowski, 31; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the integral link between academic achievement and risky health behaviors and to identify specific strategies in schools proven to simultaneously address and improve both academic achievement and health outcomes.

Comprehensive sex education in schools can promote healthy attitudes on adolescent growth and development, body image, dating, relationships, and family. Comprehensive sex education can also positively affect adolescent behavior and provide teens with the information, skills, and support needed to develop positive values and make healthy decisions.

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

(1) How other states have institutionalized medically accurate and age appropriate comprehensive sex education;

(2) Effective partnerships between families, schools, and health providers in providing information on sexual and reproductive health and how parents and caregivers can be equipped to provide accurate information to children and youth;

(3) Strategies in schools to increase protective factors and decrease risk factors related to improving adolescent sexual and reproductive health outcomes; and

(4) Recommendations for any legislation necessary to address issues and provide solutions suggested by this study.

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 335. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the most recent report published by the Presidential Commission on Election Administration (Commission), review the recommended election law changes, and compare

them to current Nebraska law. The study shall include, but not be limited to, an examination of the following issues:

- (1) The recommendations made by the Commission;
- (2) The recommendations made by the Commission that are not currently enacted into Nebraska law;
- (3) The recommendations made by the Commission that are already completely or partially enacted into Nebraska law; and
- (4) Legislative action necessary to mirror those recommendations made by the Commission.

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

1. That the Government, Military and Veterans Affairs 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 336. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the appropriation of funds to the State Department of Education to implement mentor teacher programs which provide ongoing support for individuals entering the teaching profession. The study shall examine mentor teacher programs in other states and how those programs are funded.

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 337. Introduced by Riepe, 12.

PURPOSE: The purpose of this resolution is to examine issues surrounding distracted driving due to texting or using a hand-held device while operating a motor vehicle. The study shall examine, but not be limited to, the following issues:

- (1) The dangers of distracted driving;
- (2) The efficacy of current Nebraska statutes on this subject;

(3) The complications of enforcing a primary offense of distracted driving; and

(4) What legislative action has been taken in other states to address these and similar safety concerns.

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

1. That the Transportation and Telecommunications 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 338. Introduced by Davis, 43; Campbell, 25; Cook, 13; Crawford, 45; Friesen, 34; Gloor, 35; Groene, 42; Haar, K., 21; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kolowski, 31; Kolterman, 24; Krist, 10; Lindstrom, 18; Mello, 5; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Williams, 36.

WHEREAS, the Federal Railroad Administration is in the process of drafting federal rules on the subject of appropriate train crew size; and

WHEREAS, the purpose of these rules is to establish minimum requirements for train crew size based on the type of operation; and

WHEREAS, the minimum requirements for train crew size are expected to take into account the various safety risks posed to railroad employees, the general public, and the environment; and

WHEREAS, the volume of freight transported by rail is particularly heavy through Nebraska, and these freight shipments include hazardous materials such as ethanol, chlorine, and Bakken crude oil; and

WHEREAS, the safety risks posed by such shipments could be reduced by requiring a train crew of at least two individuals whenever a train or light engine is used in connection with the movement of freight.

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

1. That the Legislature urges the Federal Railroad Administration to adopt a rule requiring a train crew of at least two individuals whenever a train or light engine is used in connection with the movement of freight.

2. That a copy of this resolution be sent to Sarah Feinberg, Acting Administrator of the Federal Railroad Administration, and to each member of the Nebraska congressional delegation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 361. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 231. Title read. Considered.

Committee AM296, found on page 605, was adopted with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 539. Title read. Considered.

Committee AM487, found on page 618, was offered.

Senator Crawford offered her amendment, AM653, found on page 792, to the committee amendment.

The Crawford amendment was adopted with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 200. Title read. Considered.

Committee AM646, found on page 716, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

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

LEGISLATIVE BILL 200A. Title read. Considered.

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

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR338 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB320A:
AM1655

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. There is hereby appropriated (1) \$390,887 from the
- 4 General Fund for FY2015-16 and (2) \$321,182 from the General Fund for
- 5 FY2016-17 to the Department of Health and Human Services, for Program 33,
- 6 to aid in carrying out the provisions of Legislative Bill 320, One
- 7 Hundred Fourth Legislature, First Session, 2015.
- 8 Total expenditures for permanent and temporary salaries and per
- 9 diems from funds appropriated in this section shall not exceed \$78,690
- 10 for FY2015-16 or \$104,919 for FY2016-17.
- 11 Sec. 2. There is hereby appropriated (1) \$165,652 from the General
- 12 Fund for FY2015-16 and (2) \$603,912 from the General Fund for FY2016-17
- 13 to the Department of Health and Human Services, for Program 571, to aid
- 14 in carrying out the provisions of Legislative Bill 320, One Hundred
- 15 Fourth Legislature, First Session, 2015.
- 16 No expenditures for permanent and temporary salaries and per diems
- 17 for state employees shall be made from funds appropriated in this
- 18 section.

Senator Cook filed the following amendment to LB382:
AM1638

(Amendments to E and R amendments, ER127)

- 1 1. Strike section 1 and insert the following new sections:
- 2 Section 1. Section 79-2301, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 79-2301 Sections 79-2301 to 79-2307 and section 2 of this act shall
- 5 be known and may be cited as the Diploma of High School Equivalency
- 6 Assistance Act.
- 7 Sec. 2. (1) The State Department of Education shall provide for
- 8 grants to any entity offering a high school equivalency program, which
- 9 entity is not an institution. Grants pursuant to this section shall be
- 10 awarded to applicants which meet the requirements of section 79-2304.
- 11 (2) The High School Equivalency Grant Fund is created. Any money in
- 12 the fund available for investment shall be invested by the state
- 13 investment officer pursuant to the Nebraska Capital Expansion Act and the
- 14 Nebraska State Funds Investment Act.
- 15 (3) It is the intent of the Legislature to transfer four hundred
- 16 thousand dollars from the Job Training Cash Fund to the High School
- 17 Equivalency Grant Fund to carry out the purposes of subsection (1) of
- 18 this section.
- 19 2. Renumber the remaining sections and correct the repealer
- 20 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 339. Introduced by Garrett, 3.

PURPOSE: The purpose of this study is to examine the current statutory requirements governing the removal of roadside vegetation. The study shall consider the concepts proposed by LB 639 (2015) which would require the Department of Roads to adopt a vegetation control program and authorize the department to issue permits for the removal of vegetation if such vegetation obstructs or obscures a lawfully placed advertising sign, display, or device. The study shall also include a review of the statutory fee charged for the issuance or renewal of a vegetation control permit.

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

1. That the Transportation and Telecommunications 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 Darryl Baker from Beatrice; Senator Nordquist's brother, Tim, and girlfriend, Michelle Kornman, from La Vista; 100 fourth-grade students and teachers from Newell Elementary, Grand Island; 60 fourth-grade students and teachers from G. Stanley Hall Elementary, La Vista; 38 sixth-grade students and teachers from Superior; 20 third- and fourth-grade students and teachers from Exeter-Milligan; Jamy and Teghan Sullivan from Superior; and 30 fourth-grade students and teachers from Holy Cross School, Omaha.

ADJOURNMENT

At 6:57 p.m., on a motion by Senator Nordquist, the Legislature adjourned until 9:00 a.m., Friday, May 15, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

