

EIGHTY-SIXTH DAY - MAY 26, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 26, 2015

PRAYER

The prayer was offered by Reverend Barry Williams, St. John's Lutheran Church, Madison.

ROLL CALL

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

The roll was called and all members were present except Senators Cook, Kuehn, and Larson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 2015, at 2:12 p.m. were the following: LBs 390e, 390Ae, 419, 469e, 469A, 480, 500e, 500A, 504, 504A, 525, 538, 538A, 539e, 547, 547A, 559e, 566, 556A, 591e, 591Ae, 598, 598A, 605, 605A, 607e, 607A, 629e, 629Ae, and 642.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 360. Introduced by Kuehn, 38; Bolz, 29; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Hughes, 44; Johnson, 23; Kintner, 2; Kolterman, 24; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Captain Dustin Lukasiewicz of the United States Marine Corps was killed when his helicopter crashed in the mountains of Nepal; and

WHEREAS, Capt. Lukasiewicz, along with five other Marines and two Nepalese soldiers, were on a mission of mercy delivering food, blankets, and medicine to villages cut off from civilization by two devastating earthquakes that hit Nepal in April; and

WHEREAS, Capt. Lukasiewicz was serving with Light Attack Helicopter Squadron 469 based at Camp Pendleton, California. The squadron had traveled to the Philippines for a training mission when it was deployed to Nepal as part of the military aid mission; and

WHEREAS, as a Marine, Capt. Lukasiewicz earned several awards including an Air Medal with Strike/Flight Numeral 5, a Sea Service Deployment Ribbon with bronze star, and the Afghanistan Campaign Medal; and

WHEREAS, days before the helicopter crash, Capt. Lukasiewicz appeared in a Marine Corps video about relief efforts in Nepal where he stated, "My name is Captain Lukasiewicz and we stand with Nepal."; and

WHEREAS, Capt. Lukasiewicz is a 2003 graduate of Wilcox-Hildreth High School and a 2007 graduate of the University of Nebraska-Lincoln; and

WHEREAS, Capt. Lukasiewicz leaves behind his wife, Ashley, who is expecting a child in June and a daughter, Izzy.

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

1. That the Legislature honors Captain Dustin Lukasiewicz for his service to his country and the world community, and extends its deep sympathy to his family.

2. That a copy of this resolution be sent to the family of Captain Dustin Lukasiewicz.

Laid over.

COMMITTEE REPORT(S)

Business and Labor

The Business and Labor 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.

William G. Blake - Commission of Industrial Relations

Aye: 7 Bloomfield, Chambers, Crawford, Ebke, Harr, B., Johnson, McCollister. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Burke Harr, Chairperson

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 LB468 with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 468. With Emergency Clause.

A BILL FOR AN ACT relating to judges' retirement; to amend sections 33-123, 33-124, and 33-125, Reissue Revised Statutes of Nebraska, and sections 24-701, 24-701.01, 24-703, and 24-710.13, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to provide for and change provisions relating to contributions by judges and cost-of-living adjustments; to provide powers and duties; to change provisions relating to court fees; to harmonize provisions; 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, 44:

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

Voting in the negative, 2:

Bloomfield Groene

Excused and not voting, 3:

Cook Kuehn Larson

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 bill was read and put upon final passage:

LEGISLATIVE BILL 468A. With Emergency Clause.

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.

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, 44:

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

Voting in the negative, 1:

Groene

Present and not voting, 1:

Bloomfield

Excused and not voting, 3:

Cook Kuehn Larson

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 468 and 468A.

GENERAL FILE

LEGISLATIVE BILL 457. Title read. Considered.

Committee AM694, found on page 772, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 577. Title read. Considered.

Committee AM189, found on page 753, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 581. Title read. Considered.

Committee AM935, found on page 949, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Nordquist withdrew his amendment, AM1660, found on page 1678.

Senator Friesen withdrew his amendment, AM1666, found on page 1709.

Senator Friesen offered the following amendment:

AM1743

- 1 1. On page 2, after line 4, insert the following new subdivision:
- 2 "(1) Flex fuel dispenser means a fuel dispenser that is certified by
- 3 the manufacturer for use with ethanol blended fuels containing at least
- 4 fifteen percent by volume ethanol;"; in line 5 strike "(1)" and insert

5 "(2)"; in line 8 strike "(2)" and insert "(3)"; in line 9 strike "or"; in
 6 line 10 before the semicolon insert ", or gasoline containing at least
 7 fifteen percent by volume ethanol"; in line 11 strike "(3)" and insert
 8 "(4)"; in line 28 strike "and"; and in line 30 after the semicolon insert
 9 "and
 10 (iv) Flex fuel dispenser";.
 11 2. On page 3, line 1, after "to" insert "the dispensing of ethanol-
 12 blended fuels containing at least fifteen percent by volume ethanol or";
 13 in line 12 after "vehicle" add "or flex fuel dispenser"; in line 27 after
 14 the period insert "No more than thirty-five percent of the fund annually
 15 shall be used as rebates for flex fuel dispensers and conversions of
 16 motor vehicles to allow the use of gasoline containing at least fifteen
 17 percent by volume ethanol"; and strike lines 28 through 30 and insert
 18 the following new subsection:
 19 "(3) Within five days after the effective date of this act, the
 20 State Treasurer shall transfer five hundred thousand dollars from the
 21 General Fund to the Clean-burning Motor Fuel Development Fund to carry
 22 out the Nebraska Clean-burning Motor Fuel Development Act".

The Friesen amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

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 on the advancement of the bill.

Voting in the affirmative, 27:

Baker	Crawford	Harr, B.	Mello	Schumacher
Bolz	Garrett	Hilkemann	Morfeld	Seiler
Brasch	Gloor	Howard	Nordquist	Sullivan
Campbell	Haar, K.	Kolowski	Pansing Brooks	
Chambers	Hadley	Krist	Scheer	
Coash	Hansen	Lindstrom	Schilz	

Voting in the negative, 13:

Bloomfield	Groene	Kintner	Riepe	Williams
Craighead	Hughes	Kolterman	Schnoor	
Ebke	Johnson	McCollister	Stinner	

Present and not voting, 5:

Davis	Friesen	Murante	Smith	Watermeier
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Excused and not voting, 4:

Cook	Kuehn	Larson	McCoy
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Advanced to Enrollment and Review Initial with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 581A. Title read. Considered.

Senator Nordquist offered the following amendment:

AM1742

1 1. Strike section 1 and insert the following new section:
2 Section 1. There is hereby appropriated \$500,000 from the Clean-
3 burning Motor Fuel Development Fund for FY2015-16 to the State Energy
4 Office, for Program 106, to aid in carrying out the provisions of
5 Legislative Bill 581, One Hundred Fourth Legislature, First Session,
6 2015.

The Nordquist amendment was adopted with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 26, 2015, at 9:28 a.m. were the following: LBs 468e and 468Ae.

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

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB28:

AM1741

(Amendments to Standing Committee amendments, AM708)

1 1. On page 3, line 26, strike the first "and" and insert an
2 underscored comma; and in line 27 after "Legislature" insert ", and to
3 the Urban Affairs Committee of the Legislature".

COMMITTEE REPORT(S)

Transportation and Telecommunications

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

Lisa Kramer - Board of Public Roads Classifications and Standards

Aye: 7 Brasch, Davis, Friesen, Garrett, Murante, Seiler, Smith. Nay: 0. Absent: 1 McCoy. Present and not voting: 0.

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

Joe Kosiski - Nebraska Motor Vehicle Industry Licensing Board

Ricky Pearson - Motor Vehicle Industry Licensing Board

Lori G. Scherer - Nebraska Motor Vehicle Industry Licensing Board

Aye: 7 Brasch, Davis, Friesen, Garrett, Murante, Seiler, Smith. Nay: 0. Absent: 1 McCoy. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 176. Title read. Considered.

SENATOR SCHEER PRESIDING

The McCoy motion, MO120, found on page 1667, to bracket until June 5, 2015, was withdrawn.

Committee AM495, found on page 651, was offered.

Senator Bloomfield offered the following motion:

MO134

Bracket until April 15, 2016.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 361. Introduced by McCoy, 39.

WHEREAS, Donald McPherson of Adams and Lester Arasmith of Lincoln were recently awarded the Congressional Gold Medal, the highest civilian honor bestowed by the United States Congress; and

WHEREAS, Donald and Lester were both fighter pilots who were designated as American fighter aces, a title reserved for those who shot down at least five enemy aircraft in aerial combat during World War I, World War II, the Korean War, and the Vietnam War; and

WHEREAS, Donald was an ensign in the Navy and flew a Grumman F6F Hellcat during World War II. He is a member of the Nebraska Aviation Hall of Fame; and

WHEREAS, Lester was a second lieutenant in the Army Air Corps and flew various aircraft in Burma, China, Korea, and Vietnam. After his retirement as a colonel from the Air Force, Lester received his doctorate degree in economics from the University of Colorado; and

WHEREAS, of the approximate 1,450 American fighter aces from the wars of the 20th Century, only 79 are still living.

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

1. That the Legislature congratulates Donald McPherson and Lester Arasmith on being awarded the Congressional Gold Medal.

2. That a copy of this resolution be sent to Donald McPherson and Lester Arasmith.

Laid over.

EASE

The Legislature was at ease from 12:03 p.m. until 12:25 p.m.

SENATOR KRIST PRESIDING

ANNOUNCEMENT

The Chair announced the birthday of Senator Kuehn.

GENERAL FILE

LEGISLATIVE BILL 176. The Bloomfield motion, MO134, found in this day's Journal, to bracket until April 15, 2016, was renewed.

SENATOR CAMPBELL PRESIDING

SENATOR KRIST PRESIDING

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

Senator Bloomfield requested a roll call vote on the motion to bracket.

Voting in the affirmative, 10:

Bloomfield	Cook	Groene	Kolowski	Schnoor
Brasch	Davis	Haar, K.	McCoy	Sullivan

Voting in the negative, 17:

Campbell	Hilkemann	Krist	Schilz	Williams
Friesen	Hughes	McCollister	Seiler	
Gloor	Johnson	Murante	Stinner	
Hadley	Kolterman	Pansing Brooks	Watermeier	

Present and not voting, 14:

Baker	Craighead	Garrett	Nordquist	Schumacher
Bolz	Crawford	Hansen	Riepe	Smith
Chambers	Ebke	Morfeld	Scheer	

Excused and not voting, 8:

Coash	Howard	Kuehn	Lindstrom
Harr, B.	Kintner	Larson	Mello

The Bloomfield motion to bracket failed with 10 ayes, 17 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Committee AM495, found on page 651 and considered in this day's Journal, was renewed.

Senator Schilz withdrew his amendment, AM1263, found on page 1196.

Senator Schnoor offered his amendment, AM1633, found on page 1711, to the committee amendment.

SPEAKER HADLEY PRESIDING

Senator Schnoor moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

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

Voting in the affirmative, 10:

Bolz	Cook	Groene	Kolowski	Schnoor
Brasch	Davis	Haar, K.	Kuehn	Sullivan

Voting in the negative, 17:

Campbell	Gloor	Johnson	Pansing Brooks Williams
Coash	Hadley	Kolterman	Schilz
Friesen	Hilkemann	Krist	Seiler
Garrett	Hughes	Murante	Stinner

Present and not voting, 12:

Baker	Craighead	Hansen	Scheer
Bloomfield	Crawford	Nordquist	Schumacher
Chambers	Ebke	Riepe	Smith

Excused and not voting, 10:

Harr, B.	Kintner	Lindstrom	McCoy	Morfeld
Howard	Larson	McCollister	Mello	Watermeier

The Schnoor amendment lost with 10 ayes, 17 nays, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE(S) FROM THE GOVERNOR

May 26, 2015

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

Dear Mr. President and Members of the Legislature:

I am returning LB 268 without my signature and with my objections.

LB 268 would repeal Nebraska's death penalty. To do so opposes the overwhelming majority of Nebraskans who support the death penalty as an important public safety tool.

Proponents of repealing the death penalty are using arguments that are both incorrect and inapplicable to Nebraska.

For instance, there are no fiscal savings to elimination of the death penalty. The fiscal notes developed by your own staff demonstrate that enactment of the bill will not reduce costs. The costs incurred in capital murder trials are mostly spent at the trial phase – which will continue whenever heinous murders are committed. Fiscal savings that were discussed from other states have no impact in our state.

Additionally, there are no claims of actual innocence from the ten murderers currently on death row. In recent years, Nebraska has vastly expanded the use of DNA evidence and testing to determine the innocence or guilt of those charged with serious felonies. Again, proponents of LB 268 are using accounts from other states. These are not compelling or persuasive enough to warrant repeal of the death penalty with all of the other procedural safeguards contained in Nebraska's laws.

Please consider that life imprisonment is not a thoughtful compromise of some sort. Life imprisonment does not always mean that a convicted murderer will spend the rest of his life behind bars. The case of Laddie Dittrich is evidence of that. Dittrich, a convicted murderer, was sentenced to life imprisonment. After serving forty years in prison, his sentence was commuted by the Pardons Board. He was then paroled. Shortly after parole, he was arrested for molesting a young girl in Otoe County. He now faces a trial on that charge.

Recent events demonstrate the need to have the death penalty in place. In Omaha, there is one murderer convicted of four first-degree homicides who now awaits sentencing. There is one awaiting trial on charges of four first-degree homicides. There is one arrested on charges of first-degree murder of his mother and helpless four-year old brother.

Especially heinous and violent crime is not limited to our largest metropolitan area. Currently on death row are murderers who have been sentenced for evil deaths that they perpetuated in Madison, Hall, Scotts Bluff, Richardson, as well as Douglas counties.

Retaining the death penalty is not only important to the integrity of criminal prosecutions, it is also vitally important to good prison management. This fact cannot be overlooked given the recent prison disturbance in the Tecumseh facility, during which two inmates were intentionally killed by another inmate or inmates.

If the death penalty is not in place, then an inmate has no concern about receiving a more serious sanction. It is not proper to force prison wardens, corrections officers, or the correctional system to have inmates who are

fearless of additional sanctions for murders they perpetuate within the prison walls.

The argument that the death penalty should be repealed because it has not been imposed for many years is disingenuous. Following the state's last execution, aggressive and lengthy legal challenges by many of those who are now supporting LB 268 were waged against use of the electric chair.

In 2008, when that method was deemed to be no longer valid, our state enacted death by lethal injection. That change was made only six years ago. Again, the very advocates of LB 268 joined in waging legal system challenges that have precluded any execution from being properly carried out in Nebraska.

For those same advocates to now cry out that the death penalty should be removed because it has not been used for too long is dishonest. I urge you not to be moved by this false argument. It is one made in bad faith by lobbying advocates.

Among those advocating for LB 268 are out-of-state, special interests who are funded by a New York organization with out-of-state funding. It would be unfortunate for these out-of-state interests to have their wishes carried out at the expense of the overwhelming majority of Nebraskans who want to retain the death penalty.

For those family members of victims who have waited patiently for justice to be carried out, this bill is cruel. LB 268 vests the killers with more justice than the victims and their families.

Your decision will determine whether our state has the prosecutorial tools to manage the "worst of the worst" individuals who commit premeditated murder.

Your decision will determine whether the families of victims of ten murderers on Nebraska's death row will ever receive the justice they deserve which was meted out by a very deliberate and cautious judicial process in each of their cases.

Your decision tests the true meaning of representative government.

For each of these reasons, I respectfully urge you to sustain my veto of LB 268.

Sincerely,
(Signed) Pete Ricketts
Governor

MOTION - Print in Journal

Senator Chambers filed the following motion to LB268:
 MO135
 Becomes law notwithstanding the objections of the Governor.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 457. Placed on Select File with amendment.
 ER142

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 58-708, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 58-708 (1) During each calendar year in which funds are available
 6 from the Affordable Housing Trust Fund for use by the Department of
 7 Economic Development, the department shall allocate a specific amount of
 8 funds, not less than thirty percent, to each congressional district. The
 9 department shall announce a grant and loan application period of at least
 10 ninety days duration for all projects. In selecting projects to receive
 11 trust fund assistance, the department shall develop a qualified
 12 allocation plan and give first priority to financially viable projects
 13 that serve the lowest income occupants for the longest period of time.
 14 The qualified allocation plan shall:
 15 (a) Set forth selection criteria to be used to determine housing
 16 priorities of the housing trust fund which are appropriate to local
 17 conditions, including the community's immediate need for affordable
 18 housing, proposed increases in home ownership, private dollars leveraged,
 19 level of local government support and participation, and repayment, in
 20 part or in whole, of financial assistance awarded by the fund; and
 21 (b) Give first priority in allocating trust fund assistance among
 22 selected projects to those projects which are located in whole or in part
 23 within an enterprise zone designated pursuant to the Enterprise Zone Act,
 24 serve the lowest income occupant, and are obligated to serve qualified
 25 occupants for the longest period of time.
 26 (2) The department shall fund in order of priority as many
 27 applications as will utilize available funds less actual administrative
 1 costs of the department in administering the program. In administering
 2 the program the department may contract for services or directly provide
 3 funds to other governmental entities or instrumentalities.
 4 (3) The department may recapture any funds which were allocated to a
 5 qualified recipient for an eligible project through an award agreement if
 6 such funds were not utilized for eligible costs within the time of
 7 performance under the agreement and are therefor no longer obligated to
 8 the project. The recaptured funds shall be credited to the Affordable
 9 Housing Trust Fund Industrial Recovery Fund ~~except as provided in section~~
 10 ~~81-1213.~~
 11 Sec. 2. Section 81-1213, Reissue Revised Statutes of Nebraska, is

12 amended to read:

13 81-1213 (1) The Industrial Recovery Fund is created. The fund shall
14 be administered by the Department of Economic Development. 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 (2) The department may provide assistance from the fund to a
19 political subdivision impacted by a sudden and significant private-sector
20 entity closure or downsizing that will have a significant impact on the
21 community. The assistance shall be used to mitigate the economic impact
22 of the closure or downsizing by making necessary improvements to the
23 buildings and infrastructure, or both, related to the assets of the
24 private-sector entity.

25 (3) The Industrial Recovery Fund terminates on the effective date of
26 this act. Upon such date, the State Treasurer shall transfer fifty
27 percent of the money in the fund to the Site and Building Development
28 Fund and fifty percent of the money in the fund to the Affordable Housing
29 Trust Fund. The fund shall consist of funds remitted for deposit in the
30 fund pursuant to section 58-708. If the fund balance exceeds one million
31 dollars, deposits to the fund pursuant to such section shall cease until
1 the fund balance is less than one million dollars.

2 Sec. 3. Section 81-12,146, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-12,146 The Site and Building Development Fund is created. The
5 fund shall receive money pursuant to section 76-903 and may include
6 revenue from appropriations from the Legislature, grants, private
7 contributions, repayment of loans, and all other sources. The Department
8 of Economic Development, as part of its comprehensive business
9 development strategy, shall administer the fund. Any money in the fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.

13 ~~The State Treasurer shall transfer one million dollars from the~~
14 ~~Affordable Housing Trust Fund to the Site and Building Development Fund~~
15 ~~on or after January 1, 2012, but no later than January 10, 2012.~~

16 ~~The State Treasurer shall transfer one million dollars from the~~
17 ~~Affordable Housing Trust Fund to the Site and Building Development Fund~~
18 ~~on or after January 1, 2013, but no later than January 10, 2013.~~

19 Sec. 4. Section 81-12,147, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-12,147 The Department of Economic Development shall use the Site
22 and Building Development Fund to finance loans, grants, subsidies, credit
23 enhancements, and other financial assistance for industrial site and
24 building development and for expenses of the department as appropriated
25 by the Legislature for administering the fund. The following activities
26 are eligible for assistance from the fund:

27 (1) Grants or zero-interest loans to villages, cities, or counties
28 to acquire land, infuse infrastructure, or otherwise make large sites and
29 buildings ready for industrial development;

30 (2) Matching funds for new construction, rehabilitation, or
 31 acquisition of land and buildings to assist villages, cities, and
 1 counties;
 2 (3) Technical assistance, design and finance services, and
 3 consultation for villages, cities, and counties for the preparation and
 4 creation of industrial-ready sites and buildings;
 5 (4) Loan guarantees for eligible projects;
 6 (5) Projects making industrial-ready sites and buildings more
 7 accessible to business and industry; ~~and~~
 8 (6) Infrastructure projects necessary for the development of
 9 industrial-ready sites and buildings; and -
 10 (7) Projects that mitigate the economic impact of a closure or
 11 downsizing of a private-sector entity by making necessary improvements to
 12 buildings and infrastructure.
 13 Sec. 5. Original sections 81-1213, 81-12,146, and 81-12,147,
 14 Reissue Revised Statutes of Nebraska, and section 58-708, Revised
 15 Statutes Cumulative Supplement, 2014, are repealed.
 16 Sec. 6. Since an emergency exists, this act takes effect when passed
 17 and approved according to law.
 18 2. On page 1, line 5, strike "and"; and in line 6 after "sections"
 19 insert "; and to declare an emergency".

LEGISLATIVE BILL 577. Placed on Select File.

LEGISLATIVE BILL 581. Placed on Select File with amendment.
 ER141

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Sections 1 to 4 of this act shall be known and may be
 4 cited as the Nebraska Clean-burning Motor Fuel Development Act.
 5 Sec. 2. For purposes of the Nebraska Clean-burning Motor Fuel
 6 Development Act:
 7 (1) Flex-fuel dispenser means a fuel dispenser that is certified by
 8 the manufacturer for use with ethanol blended fuels containing at least
 9 fifteen percent by volume ethanol;
 10 (2) Motor vehicle means a motor vehicle originally designed by the
 11 manufacturer to operate lawfully and principally on highways, roads, and
 12 streets;
 13 (3) Qualified clean-burning motor vehicle fuel means a hydrogen fuel
 14 cell, compressed natural gas, liquefied natural gas, liquefied petroleum
 15 gas, or gasoline containing at least fifteen percent by volume ethanol;
 16 and
 17 (4) Qualified clean-burning motor vehicle fuel property means:
 18 (a) New equipment that:
 19 (i) Is installed;
 20 (A) By a certified installer;
 21 (B) On a motor vehicle registered pursuant to the Motor Vehicle
 22 Registration Act; and
 23 (C) To convert a motor vehicle propelled by gasoline or diesel fuel

24 to be propelled by a qualified clean-burning motor vehicle fuel;
25 (ii) Is approved by the United States Environmental Protection
26 Agency under 40 C.F.R. part 85, subpart F, and 40 C.F.R. part 86, subpart
27 S, as such subparts existed on January 1, 2015; and
1 (iii) Has not been used to modify or retrofit any other motor
2 vehicle propelled by gasoline or diesel fuel;
3 (b) The portion of the basis of a motor vehicle that was originally
4 equipped to be propelled by a qualified clean-burning motor vehicle fuel
5 that is attributable to the:
6 (i) Storage of the qualified clean-burning motor vehicle fuel;
7 (ii) Delivery of the qualified clean-burning motor vehicle fuel to
8 the motor vehicle's engine;
9 (iii) Exhaust of gases from the combustion of the qualified clean-
10 burning motor vehicle fuel; and
11 (iv) Flex-fuel dispenser; or
12 (c) New property that:
13 (i) Is directly related to the dispensing of ethanol-blended fuels
14 containing at least fifteen percent by volume ethanol or the compression
15 and delivery of natural gas from a private home or residence for
16 noncommercial purposes into the fuel tank of a motor vehicle propelled by
17 compressed natural gas; and
18 (ii) Has not been previously installed or used at another location
19 to refuel motor vehicles powered by natural gas.
20 Sec. 3. (1) The State Energy Office shall offer a rebate for
21 qualified clean-burning motor vehicle fuel property.
22 (2)(a) The rebate for qualified clean-burning motor vehicle fuel
23 property as defined in subdivisions (4)(a) and (b) of section 2 of this
24 act is the lesser of fifty percent of the cost of the qualified clean-
25 burning motor vehicle fuel property or four thousand five hundred dollars
26 for each motor vehicle or flex-fuel dispenser.
27 (b) A qualified clean-burning motor vehicle fuel property is not
28 eligible for a rebate under this section if the person or entity applying
29 for the rebate has claimed another rebate or grant for the same motor
30 vehicle under any other state rebate or grant program.
31 (3) The rebate for qualified clean-burning motor vehicle fuel
1 property as defined in subdivision (4)(c) of section 2 of this act is the
2 lesser of fifty percent of the cost of the qualified clean-burning motor
3 vehicle fuel property or two thousand five hundred dollars for each
4 qualified clean-burning motor vehicle fuel property.
5 Sec. 4. (1) The Clean-burning Motor Fuel Development Fund is
6 created. The fund shall consist of grants, private contributions, and all
7 other sources.
8 (2) The fund shall be used by the State Energy Office to provide
9 rebates under the Nebraska Clean-burning Motor Fuel Development Act. No
10 more than thirty-five percent of the fund annually shall be used as
11 rebates for flex-fuel dispensers and conversions of motor vehicles to
12 allow the use of gasoline containing at least fifteen percent by volume
13 ethanol.
14 (3) Within five days after the effective date of this act, the State

15 Treasurer shall transfer five hundred thousand dollars from the General
 16 Fund to the Clean-burning Motor Fuel Development Fund to carry out the
 17 Nebraska Clean-burning Motor Fuel Development Act.
 18 (4) Any money in the fund available for investment shall be invested
 19 by the state investment officer pursuant to the Nebraska Capital
 20 Expansion Act and the Nebraska State Funds Investment Act.
 21 2. On page 1, strike beginning with the semicolon in line 2 through
 22 "fund" in line 3.

LEGISLATIVE BILL 581A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
 General Affairs

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

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

Aye: 8 Coash, Hansen, Hughes, Kolterman, Krist, Larson, Riepe, Schilz.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

Health and Human Services

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

Craig A. Timm - Foster Care Advisory Committee

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

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

Stacie L. Ray - Commission for the Deaf and Hard of Hearing
 Norman B. Weverka - Commission for the Deaf and Hard of Hearing

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

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 362. Introduced by Nordquist, 7; Crawford, 45; Davis, 43; Hadley, 37; Harr, B., 8; Kolterman, 24; Krist, 10; Mello, 5; Smith, 14; Stinner, 48; Sullivan, 41.

WHEREAS, Timothy J. Lannon, S.J., became the 24th president of Creighton University in 2011 and was the first Creighton University alumnus to lead that university; and

WHEREAS, Father Lannon earned his bachelor's degree in mathematics from Creighton University in 1973, entered the Society of Jesus in 1977, and was ordained a priest in 1986; and

WHEREAS, Father Lannon served as president of Creighton Preparatory School from 1988 to 1995 and was inducted into Creighton Prep's Hall of Fame. He also received Creighton University's Alumni Merit Award in 1993; and

WHEREAS, in his years at Creighton University, Father Lannon advanced Creighton's Jesuit and Catholic mission, expanded opportunities for students, and elevated the university's stature on the national stage; and

WHEREAS, Timothy J. Lannon retired as president of Creighton University in January 2015.

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

1. That the Legislature congratulates Timothy J. Lannon on his retirement and recognizes his many accomplishments and contributions.
2. That a copy of this resolution be sent to Timothy J. Lannon.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB315:
AM1747

(Amendments to E and R amendments, ER140)

- 1 1. On page 2, strike lines 1 and 2 and insert "an improper payment
2 identified by an audit may be resubmitted as a claims adjustment";
3 strike beginning with "an" in line 10 through "rebill" in line 11 and
4 insert "the appropriate procedure to submit a claims adjustment"; in line
5 18 after the semicolon insert "and"; strike beginning with "medical" in
6 line 18 through "(c)" in line 20; and in line 22 strike "by another
7 entity." and insert "currently being audited by another entity. No
8 payment shall be recovered in a medical necessity review in which the
9 provider has obtained prior authorization for the service and the service
10 was performed as authorized".
- 11 2. On page 3, strike beginning with "and" in line 28 through

12 "request" in line 30.
 13 3. On page 4, strike lines 19 and 20 and insert "reviews, and
 14 opportunities for improvement."; in line 28 after "process" insert "to be
 15 utilized prior to the issuance of a final determination"; in lines 29 and
 16 30 strike "an adverse determination" and insert "a preliminary finding";
 17 and in line 31 strike beginning with "and" through "Unit".
 18 4. On page 5, strike line 1 and insert "to"; in line 3 strike
 19 "adverse determination" and insert "preliminary findings"; in line 5
 20 after "consultation" insert ", unless otherwise agreed to by both
 21 parties"; and strike lines 6 through 10 and insert:
 22 "(c) Within thirty days after notification of an adverse
 23 determination, a provider may request an administrative appeal of the
 24 adverse determination as set forth in the Administrative Procedure Act.".

GENERAL FILE

LEGISLATIVE BILL 176. Senator Bloomfield offered the following motion:

MO136

Reconsider the vote taken on AM1633.

SENATOR SCHEER PRESIDING

Senator Bloomfield moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

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

Voting in the affirmative, 11:

Bloomfield	Cook	Groene	Schnoor
Bolz	Crawford	Haar, K.	Sullivan
Brasch	Davis	McCoy	

Voting in the negative, 21:

Campbell	Hadley	Krist	Pansing Brooks Williams
Coash	Hughes	Kuehn	Schilz
Craighead	Johnson	Lindstrom	Schumacher
Friesen	Kolowski	Murante	Stinner
Gloor	Kolterman	Nordquist	Watermeier

Present and not voting, 9:

Baker	Ebke	Hansen	Riepe	Smith
Chambers	Garrett	Hilkemann	Scheer	

Excused and not voting, 8:

Harr, B.	Kintner	McCollister	Morfeld
Howard	Larson	Mello	Seiler

The Bloomfield motion to reconsider failed with 11 ayes, 21 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Schnoor offered his amendment, AM1672, found on page 1711, to the committee amendment.

Senator Sullivan offered the following motion:

MO137

Recommit to the Agriculture Committee.

SENATOR COASH PRESIDING

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

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

Voting in the affirmative, 11:

Bloomfield	Crawford	Haar, K.	Schnoor
Bolz	Davis	Kolowski	Sullivan
Brasch	Groene	McCoy	

Voting in the negative, 23:

Campbell	Gloor	Kintner	Murante	Stinner
Coash	Hadley	Kolterman	Pansing Brooks	Watermeier
Craighead	Hilkemann	Krist	Schilz	Williams
Friesen	Hughes	Lindstrom	Seiler	
Garrett	Johnson	McCollister	Smith	

Present and not voting, 11:

Baker	Ebke	Morfeld	Scheer
Chambers	Hansen	Nordquist	Schumacher
Cook	Mello	Riepe	

Excused and not voting, 4:

Harr, B.	Howard	Kuehn	Larson
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The Sullivan motion to recommit to committee failed with 11 ayes, 23 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Schnoor amendment, AM1672, found on page 1711 and considered in this day's Journal, was renewed.

Senator Schnoor requested a roll call vote on the amendment.

The Schnoor amendment lost with 8 ayes, 25 nays, 12 present and not voting, and 4 excused and not voting.

Senator McCoy offered his amendment, AM1685, found on page 1712, to the committee amendment.

The McCoy amendment lost with 9 ayes, 19 nays, 18 present and not voting, and 3 excused and not voting.

Committee AM495, found on page 651 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

Senator Davis offered his amendment, AM1635, found on page 1712.

Senator Schilz offered the following motion:

MO138

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 34:

Baker	Friesen	Hughes	McCollister	Schumacher
Bolz	Garrett	Johnson	Mello	Seiler
Campbell	Gloor	Kintner	Morfeld	Smith
Coash	Hadley	Kolowski	Murante	Stinner
Cook	Hansen	Kolterman	Pansing Brooks	Watermeier
Craighead	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 9:

Bloomfield	Crawford	Groene	McCoy	Sullivan
Brasch	Davis	Haar, K.	Schnoor	

Present and not voting, 4:

Chambers Krist Nordquist Riepe

Excused and not voting, 2:

Howard Kuehn

The Schilz motion to invoke cloture prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

The Davis amendment, AM1635, was adopted with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MESSAGE(S) FROM THE GOVERNOR

May 26, 2015

Patrick J. O'Donnell
Clerk of the Nebraska Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 55, 104, 123, 138, 195, 206, 246, 257, 277, 283e, 287, 291e, 296e, 310, 334e, 342, 365, 375, 408, 412, 422, 424, 455, 456e, 464, 477, 479, 511, 513, 515, 541, 570, and 640 were received in my office on May 20, 2015.

These bills were signed and delivered to the Secretary of State on May 26, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk

RESOLUTION(S)

LEGISLATIVE RESOLUTION 363. Introduced by McCoy, 39.

WHEREAS, Samantha Mannix from Elkhorn South High School won the Number 1 singles finals in the 2015 Class B Girls' State Tennis Championship; and

WHEREAS, Samantha finished the year with a perfect 33-0 record; and

WHEREAS, Samantha helped the Elkhorn South High School girls' tennis team win the state championship with a team score of 49 points; and

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

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

1. That the Legislature congratulates Samantha Mannix on winning the Number 1 singles finals in the 2015 Class B Girls' State Tennis Championship.

2. That a copy of this resolution be sent to Samantha Mannix.

Laid over.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Matt Enenbach - Nebraska Accountability and Disclosure Commission

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

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Richard Grauerholz - State Emergency Response Commission

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

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Patrick Guinan - State Personnel Board

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

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Timothy G. Hruza - Nebraska Accountability and Disclosure Commission

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

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Garrett filed the following amendment to LB643:
AM1724

(Amendments to AM1722)

1 1. On page 36, line 25, after "repaid" insert ", with interest,";
2 and in line 26 after the period insert "Interest shall begin accruing on
3 the outstanding balance remaining to be repaid on July 1, 2017. The
4 interest rate shall be five percent simple interest per year on the
5 outstanding balance.".

VISITORS

Visitors to the Chamber were 40 fourth-grade students and teachers from Cody Elementary, Omaha.

The Doctor of the Day was Dr. Dee Brilz from Omaha.

ADJOURNMENT

At 7:21 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, May 27, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

