

SEVENTEENTH DAY - FEBRUARY 1, 2016**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 2016

PRAYER

The prayer was offered by Senator Riepe.

ROLL CALL

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

The roll was called and all members were present except Senators Craighead, Kintner, and McCoy who were excused; and Senators Campbell, Davis, Gloor, Hilkemann, McCollister, Morfeld, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 505. Placed on Select File with amendment.
ER153

1 1. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
2 and insert "Revised Statutes Supplement, 2015".

LEGISLATIVE BILL 505A. Placed on Select File.

LEGISLATIVE BILL 275. Placed on Select File with amendment.
ER151

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-6,197.06, Revised Statutes Supplement, 2015,
4 is amended to read:
5 60-6,197.06 (1) Unless otherwise provided by law pursuant to an
6 ignition interlock permit, any person operating a motor vehicle on the
7 highways or streets of this state while his or her operator's license has

8 been revoked pursuant to section 28-306, section 60-698, subdivision (4),
 9 (5), (6), (7), (8), (9), or (10) of section 60-6,197.03, or section
 10 60-6,198, or pursuant to subdivision (2)(c) or (2)(d) of section 60-6,196
 11 or subdivision (4)(c) or (4)(d) of section 60-6,197 as such subdivisions
 12 existed prior to July 16, 2004, shall be guilty of a Class IV felony, and
 13 the court shall, as part of the judgment of conviction, revoke the
 14 operator's license of such person for a period of fifteen years from the
 15 date ordered by the court and shall issue an order pursuant to section
 16 60-6,197.01. Such revocation and order shall be administered upon
 17 sentencing, upon final judgment of any appeal or review, or upon the date
 18 that any probation is revoked.

19 (2) If such person has had a conviction under this section or under
 20 subsection (6) of section 60-6,196 or subsection (7) of section 60-6,197,
 21 as such subsections existed prior to July 16, 2004, and operates a motor
 22 vehicle on the highways or streets of this state while his or her
 23 operator's license has been revoked pursuant to such conviction prior to
 24 the date of the current conviction under this section, such person shall
 25 be guilty of a Class IIA felony, and the court shall, as part of the
 26 judgment of conviction, revoke the operator's license of such person for
 27 an additional a period of fifteen years from the date ordered by the
 1 court and shall issue an order pursuant to section 60-6,197.01. Such
 2 revocation and order shall be administered upon sentencing, upon final
 3 judgment of any appeal or review, or upon the date that any probation is
 4 revoked.

5 Sec. 2. Original section 60-6,197.06, Revised Statutes Supplement,
 6 2015, is repealed.

7 2. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"
 8 and insert "Revised Statutes Supplement, 2015".

LEGISLATIVE BILL 474. Placed on Select File with amendment.
 ER152 is available in the Bill Room.

LEGISLATIVE BILL 474A. Placed on Select File with amendment.
 ER154

1 1. On page 1, line 3, strike "First Session, 2015" and insert
 2 "Second Session, 2016".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
 Revenue

LEGISLATIVE BILL 941. Placed on General File.

LEGISLATIVE BILL 776. Placed on General File with amendment.
 AM1932 is available in the Bill Room.

LEGISLATIVE BILL 727. Indefinitely postponed.

The Revenue 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.

Robert W. Hotz - Tax Equalization and Review Commission

Aye: 6 Brasch, Gloor, Harr, B., Schumacher, Smith, Sullivan. Nay: 0.
Absent: 1 Scheer. Present and not voting: 1 Davis.

The Revenue 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.

Steven Keetle - Tax Equalization and Review Commission

Aye: 7 Brasch, Davis, Gloor, Harr, B., Schumacher, Smith, Sullivan. Nay: 0.
Absent: 1 Scheer. Present and not voting: 0.

(Signed) Mike Gloor, Chairperson

GENERAL FILE

LEGISLATIVE BILL 759. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 761. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 771. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 699. Title read. Considered.

Committee AM1861, found on page 349, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

Committee AM1852, found on page 354, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 695. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 702. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

SENATOR SCHEER PRESIDING

LEGISLATIVE BILL 775. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 737. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 427. Introduced by Cook, 13.

WHEREAS, Dr. Glenda Baskin Glover serves as the First International Vice President of Alpha Kappa Alpha Sorority, Incorporated; and

WHEREAS, Dr. Glover was initiated into Alpha Kappa Alpha in the Alpha Psi Chapter at Tennessee State University; and

WHEREAS, Dr. Glover has been active in Alpha Kappa Alpha at many levels and served in several key leadership positions; and

WHEREAS, Dr. Glover has spent her professional career as a nationally recognized educator, administrator, and advocate for excellence in education; and

WHEREAS, Dr. Glover is currently president of Tennessee State University in Nashville, Tennessee; and

WHEREAS, Alpha Kappa Alpha is celebrating its 108th anniversary in 2016; and

WHEREAS, the primary mission of Alpha Kappa Alpha is to enable its members to effectively advocate for social change that results in equality and equity for all citizens of the world; and

WHEREAS, Alpha Kappa Alpha has been serving Nebraska communities since the Gamma Beta Chapter was chartered in 1940 at the University of Nebraska Omaha.

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

1. That the Legislature congratulates Dr. Glenda Baskin Glover for her outstanding service with Alpha Kappa Alpha Sorority, Incorporated.
2. That a copy of this resolution be sent to Dr. Glenda Baskin Glover.

Laid over.

LEGISLATIVE RESOLUTION 428. Introduced by Davis, 43.

WHEREAS, Hyannis Area Schools received a 2015 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and

WHEREAS, the award event was held in the State Capitol rotunda on October 21, 2015, and included displays of student artwork and performances from the honored schools; and

WHEREAS, Hyannis Area Schools has committed to making art, music, speech, and drama integral parts of its students' education and has been described as a sparkling gem nestled within the beautiful Nebraska Sandhills; 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, SECOND SESSION:

1. That the Legislature congratulates Hyannis Area Schools for receiving a 2015 NebraskARTS Award.
2. That a copy of this resolution be sent to Hyannis Area Schools.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB471:
AM1952

(Amendments to AM1909)

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 84-712.05, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 84-712.05 The following records, unless publicly disclosed in an
- 5 open court, open administrative proceeding, or open meeting or disclosed
- 6 by a public entity pursuant to its duties, may be withheld from the
- 7 public by the lawful custodian of the records:

8 (1) Personal information in records regarding a student, prospective
9 student, or former student of any educational institution or exempt
10 school that has effectuated an election not to meet state approval or
11 accreditation requirements pursuant to section 79-1601 when such records
12 are maintained by and in the possession of a public entity, other than
13 routine directory information specified and made public consistent with
14 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
15 regulations adopted thereunder;

16 (2) Medical records, other than records of births and deaths and
17 except as provided in subdivision (5) of this section, in any form
18 concerning any person; records of elections filed under section 44-2821;
19 and patient safety work product under the Patient Safety Improvement Act;

20 (3) Trade secrets, academic and scientific research work which is in
21 progress and unpublished, and other proprietary or commercial information
22 which if released would give advantage to business competitors and serve
23 no public purpose;

24 (4) Records which represent the work product of an attorney and the
25 public body involved which are related to preparation for litigation,
26 labor negotiations, or claims made by or against the public body or which
27 are confidential communications as defined in section 27-503;

28 (5) Records developed or received by law enforcement agencies and
29 other public bodies charged with duties of investigation or examination
30 of persons, institutions, or businesses, when the records constitute a
part of the examination, investigation, intelligence information, citizen
complaints or inquiries, informant identification, or strategic or
tactical information used in law enforcement training, except that this
subdivision shall not apply to records so developed or received relating
to the presence of and amount or concentration of alcohol or drugs in any
body fluid of any person;

11 (6) Appraisals or appraisal information and negotiation records
12 concerning the purchase or sale, by a public body, of any interest in
13 real or personal property, prior to completion of the purchase or sale;

14 (7) Personal information in records regarding personnel of public
15 bodies other than salaries and routine directory information;

16 (8) Information solely pertaining to protection of the security of
17 public property and persons on or within public property, such as
18 specific, unique vulnerability assessments or specific, unique response
19 plans, either of which is intended to prevent or mitigate criminal acts
20 the public disclosure of which would create a substantial likelihood of
21 endangering public safety or property; computer or communications network
22 schema, passwords, and user identification names; guard schedules; lock
23 combinations; or public utility infrastructure specifications or design
24 drawings the public disclosure of which would create a substantial
25 likelihood of endangering public safety or property, unless otherwise
26 provided by state or federal law;

27 (9) The security standards, procedures, policies, plans,
28 specifications, diagrams, access lists, and other security-related
29 records of the Lottery Division of the Department of Revenue and those
30 persons or entities with which the division has entered into contractual

31 relationships. Nothing in this subdivision shall allow the division to
1 withhold from the public any information relating to amounts paid persons
2 or entities with which the division has entered into contractual
3 relationships, amounts of prizes paid, the name of the prize winner, and
4 the city, village, or county where the prize winner resides;
5 (10) With respect to public utilities and except as provided in
6 sections 43-512.06 and 70-101, personally identified private citizen
7 account payment and customer use information, credit information on
8 others supplied in confidence, and customer lists;
9 (11) Records or portions of records kept by a publicly funded
10 library which, when examined with or without other records, reveal the
11 identity of any library patron using the library's materials or services;
12 (12) Correspondence, memoranda, and records of telephone calls
13 related to the performance of duties by a member of the Legislature in
14 whatever form. The lawful custodian of the correspondence, memoranda, and
15 records of telephone calls, upon approval of the Executive Board of the
16 Legislative Council, shall release the correspondence, memoranda, and
17 records of telephone calls which are not designated as sensitive or
18 confidential in nature to any person performing an audit of the
19 Legislature. A member's correspondence, memoranda, and records of
20 confidential telephone calls related to the performance of his or her
21 legislative duties shall only be released to any other person with the
22 explicit approval of the member;
23 (13) Records or portions of records kept by public bodies which
24 would reveal the location, character, or ownership of any known
25 archaeological, historical, or paleontological site in Nebraska when
26 necessary to protect the site from a reasonably held fear of theft,
27 vandalism, or trespass. This section shall not apply to the release of
28 information for the purpose of scholarly research, examination by other
29 public bodies for the protection of the resource or by recognized tribes,
30 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
31 the federal Native American Graves Protection and Repatriation Act;
1 (14) Records or portions of records kept by public bodies which
2 maintain collections of archaeological, historical, or paleontological
3 significance which reveal the names and addresses of donors of such
4 articles of archaeological, historical, or paleontological significance
5 unless the donor approves disclosure, except as the records or portions
6 thereof may be needed to carry out the purposes of the Unmarked Human
7 Burial Sites and Skeletal Remains Protection Act or the federal Native
8 American Graves Protection and Repatriation Act;
9 (15) Job application materials submitted by applicants, other than
10 finalists, who have applied for employment by any public body as defined
11 in section 84-1409. For purposes of this subdivision, (a) job application
12 materials means employment applications, resumes, reference letters, and
13 school transcripts and (b) finalist means any applicant (i) who reaches
14 the final pool of applicants, numbering four or more, from which the
15 successful applicant is to be selected, (ii) who is an original applicant
16 when the final pool of applicants numbers less than four, or (iii) who is
17 an original applicant and there are four or fewer original applicants;

18 (16) Records obtained by the Public Employees Retirement Board
 19 pursuant to section 84-1512;
 20 (17) Social security numbers; credit card, charge card, or debit
 21 card numbers and expiration dates; and financial account numbers supplied
 22 to state and local governments by citizens; ~~and~~
 23 (18) Information exchanged between a jurisdictional utility and city
 24 pursuant to section 66-1867; ~~and~~ -
 25 (19) All prescription drug information submitted pursuant to section
 26 71-2454, all data contained in the prescription drug monitoring system,
 27 and any report obtained from data contained in the prescription drug
 28 monitoring system.
 29 2. On page 1, line 17, strike "beginning January 1, 2017, and" and
 30 insert "as follows: Except as provided in subsection (4) of this section,
 31 beginning January 1, 2017, all dispensed prescriptions of controlled
 1 substances shall be reported; and beginning January 1, 2018, all
 2 prescription information shall be reported to the prescription drug
 3 monitoring system. The prescription drug monitoring system".
 4 3. On page 2, line 10, strike "shall include" and insert "shall be
 5 determined by the entity described in section 71-2455 and shall include,
 6 but not be limited to:"; in line 14 strike "written" and insert "issued";
 7 in line 16 strike "prescribed" and insert "dispensed or the National Drug
 8 Code number as published by the federal Food and Drug Administration of
 9 the drug dispensed"; in line 20 strike ", address,"; in line 21 after
 10 "number" insert "or Drug Enforcement Administration number when reporting
 11 a controlled substance"; and in line 26 after "(5)" insert "All
 12 prescription drug information submitted pursuant to this section, all
 13 data contained in the prescription drug monitoring system, and any report
 14 obtained from data contained in the prescription drug monitoring system
 15 are not public records and may be withheld pursuant to section 84-712.05.
 16 (6)".
 17 4. On page 3, strike beginning with line 4 through "prescription" in
 18 line 7 and insert "the delivery of such prescription drug for immediate
 19 use for purposes of inpatient hospital care or emergency department care,
 20 (ii) the administration of a prescription drug by an authorized person".
 21 5. Amend the repealer and renumber the remaining sections
 22 accordingly.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, February 9, 2016 1:30 p.m.

Christopher P. Kircher - Nebraska State Fair Board
 Lowell Minert - Nebraska State Fair Board
 LB945

Tuesday, February 16, 2016 1:30 p.m.

LB968

Room 1510

Tuesday, February 23, 2016 1:30 p.m.

LR378CA

(Signed) Jerry Johnson, Chairperson

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB970:

AM1925

- 1 1. Strike original section 14 and renumber the remaining section 2 accordingly.

Senator Larson filed the following amendment to LB970:

AM1926

- 1 1. Strike original section 14 and renumber the remaining section 2 accordingly.

Senator Larson filed the following amendment to LB1105:

AM1927

- 1 1. Strike original section 30.

Senator Larson filed the following amendment to LB1105:

AM1928

- 1 1. Strike original section 30.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 784. Placed on General File.

LEGISLATIVE BILL 807. Placed on General File.

LEGISLATIVE BILL 827. Placed on General File with amendment.

AM1912

- 1 1. On page 2, lines 10 and 11, strike "sums of money" and insert "ad valorem taxes and special assessments".

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 876. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

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

MOTION - Suspend Rules

Senator Hadley offered the following motion:

To suspend the rules, Rule 3, Sec. 14, to permit cancellation of hearings on the following bills and agency hearings: LBs 713, 852, 755, 858, 794, 817, 1036, 1086, 1052, 1002, 669, 668, 989, 860, 808, 1059, 1012, and AM1897 to LB560, as well as agency hearings on Agencies 50 and 51 as scheduled for Tuesday, February 2, 2016.

The Hadley motion to suspend the rules prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 26CA. Considered.

SENATOR WATERMEIER PRESIDING

Senator Larson moved for a call of the house. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 11 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Tuesday, February 2, 2016 1:30 p.m.

Agency 50 - Nebraska State College System (cancel)

Agency 51 - University of Nebraska System (cancel)

Hearing on AM1897 to LB560 (cancel)

LB713 (cancel)

LB852 (cancel)
LB755 (cancel)
LB858 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

Agency 50 - Nebraska State College System
Agency 51 - University of Nebraska System
Hearing on AM1897 to LB560
LB713
LB852
LB755
LB858

(Signed) Heath Mello, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, February 2, 2016 1:30 p.m.

LB794 (cancel)
LB817 (cancel)
LB1036 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB794
LB817
LB1036

(Signed) Jim Scheer, Chairperson

Education

Room 1525

Tuesday, February 2, 2016 1:30 p.m.

LB1086 (cancel)
LB1052 (cancel)
LB1002 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB1086
LB1052
LB1002

Tuesday, February 9, 2016 1:30 p.m.

LB959
LB882
LB883
LB1063

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 2, 2016 1:30 p.m.

LB989 (cancel)
LB669 (cancel)
LB668 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB989
LB669
LB668

(Signed) Jim Smith, Chairperson

Urban Affairs

Room 1510

Tuesday, February 2, 2016 1:30 p.m.

LB860 (cancel)
LB808 (cancel)
LB1059 (cancel)
LB1012 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB860
LB808
LB1059
LB1012

(Signed) Sue Crawford, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB505:
AM1959

(Amendments to AM1931)

- 1 1. Insert the following new section:
- 2 Sec. 2. This act becomes operative on January 1, 2017.
- 3 2. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARING(S)
Business and Labor

Room 2102

Monday, February 8, 2016 1:30 p.m.

LB821

Monday, February 22, 2016 1:30 p.m.

LB1110
LB1029
LB1044
LB1045

Monday, February 29, 2016 1:30 p.m.

LB828 (rehearing)
LB981
LB982

(Signed) Burke Harr, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 22, 2016 1:30 p.m.

LB768 (cancel)

Tuesday, February 9, 2016 9:00 a.m.

LB768

(Signed) Jim Smith, Chairperson

Education

Room 1525

Monday, February 8, 2016 1:30 p.m.

LB1049
LB1004
LB1065

(Signed) Kate Sullivan, Chairperson

Natural Resources

Room 1525

Wednesday, February 10, 2016 1:30 p.m.

Hilary K. Maricle - Environmental Quality Council
LB1038

Thursday, February 11, 2016 1:30 p.m.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission
LB1071
LB1101

Wednesday, February 17, 2016 1:30 p.m.

LB1070
LB1082
LB1100

Thursday, February 18, 2016 1:30 p.m.

LB711
LB712

Wednesday, February 24, 2016 1:30 p.m.

LB1019

Thursday, February 25, 2016 1:30 p.m.

LB961

(Signed) Ken Schilz, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB311:
AM1967 is available in the Bill Room.

SPEAKER HADLEY PRESIDING**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 419, 420, 421, and 422 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 419, 420, 421, and 422.

VISITOR(S)

Visitors to the Chamber were Yavor Haytov, Deputy Speaker of Bulgaria's Parliament, Angel Velitchkov of Nebraska Department of Agriculture, Counsel for International Trade, Albena Haytova, and Miroslav Raytov from Bulgaria; Chris and Megan Lynch from Omaha; and 75 members of the Nebraska Physical Therapy Association including students from UNMC and Creighton, from Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Ebke, the Legislature adjourned until 10:00 a.m., Tuesday, February 2, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

