

TWENTY-FIFTH DAY - FEBRUARY 11, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 11, 2016

PRAYER

The prayer was offered by Pastor Josh Maxwell, Church of Christ, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Bolz, Davis, Fox, Friesen, Kuehn, Morfeld, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 188. Placed on Select File.

(Signed) Matt Hansen, Chairperson

ANNOUNCEMENT(S)

Senator Kolterman designates LB975 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 10, 2016, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Gilbert, Randall
Gilbert, Randall
Kelley & Jerram, PC, LLO
Advantage Capital
Radcliffe, Walter H. of Radcliffe and Associates
DraftKings Inc.
FanDuel, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR429 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR429.

ANNOUNCEMENT

The Chair announced the birthday of Senator Hansen.

GENERAL FILE

LEGISLATIVE BILL 954. Title read. Considered.

Senator Krist offered the following amendment:
AM2072

- 1 1. Insert the following new section:
- 2 Sec. 8. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

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

The Krist amendment was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 434. Introduced by Ebke, 32.

WHEREAS, Nathaniel Stapaules, a member of Troop 302 from Fairbury, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Nathaniel has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his community service project, Nathaniel repaired, painted, and refurbished the trap and skeet houses at the Jefferson County Sportsmen's Club, which are used by the community and for youth and school competitions; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Nathaniel, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Nathaniel Stapaules on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathaniel Stapaules.

Laid over.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 683. Placed on General File.

LEGISLATIVE BILL 689. Placed on General File.

LEGISLATIVE BILL 888. Placed on General File.

LEGISLATIVE BILL 671. Indefinitely postponed.

(Signed) Mike Gloor, Chairperson

Education

LEGISLATIVE BILL 410. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORT(S)

Agriculture

The Agriculture 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.

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

Aye: 7 Bloomfield, Chambers, Harr, B., Johnson, Kolterman, Riepe, Schilz.
Nay: 0. Absent: 1 Larson. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Nebraska Retirement Systems

Room 1525

Monday, February 22, 2016 9:00 a.m.

Keith Olson - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

Education

Room 1525

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

LB1067
LB903
LB904
LB739
LB967

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

Ronald Hunter - Coordinating Commission for Postsecondary Education
Colleen Adam - Coordinating Commission for Postsecondary Education

(Signed) Kate Sullivan, Chairperson

COMMUNICATION(S)

February 9, 2016

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

University of Nebraska at Omaha - University Village Stairwell Repairs. The University of Nebraska at Omaha proposes to expend \$775,000 from the 1986 Replacement Fund. The funds would be used for stairwell repairs.

This expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The Board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska at Omaha, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

Request. The University requests approval of the University Village Stairwell Repairs in the amount of \$775,000 financed from the University of Nebraska at Omaha Student Fees and Facilities Revenue Bond Surplus Funds.

The Board of Regents approved the University Village Stairwell Repair project and authorized the funding and transfer and expenditure of funds on January 29, 2016.

Thank you for your consideration of this project.

Respectfully submitted,
(Signed) Carmen K. Maurer
Corporation Secretary

February 11, 2016

Senator Bob Krist
Chairperson, Executive Board
Room 2108
State Capitol
Lincoln, NE 68509

Dear Senator Krist,

Enclosed is correspondence from Carmen K. Maurer, Corporation Secretary for the Office of the President of the University of Nebraska. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Omaha-University Village Stairwell Repairs

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck

Enclosure

REFERENCE COMMITTEE REPORT

The Executive Board referred the University of Nebraska at Omaha-University Village Stairwell Repairs request to issue expenditure bond funds to the Appropriations Committee for further consideration.

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S) General Affairs

LEGISLATIVE BILL 1046. Placed on General File.

LEGISLATIVE BILL 748. Placed on General File with amendment.
AM1935

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

2 Section 1. Section 53-194.03, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 53-194.03 (1) Except as provided in subsection (2) of this section,
5 it shall be unlawful for any person to transport, import, bring, ship,
6 or cause to be transported, imported, brought, or shipped into the State
7 of Nebraska for the personal use of the possessor, his or her family, or
8 guests a quantity of alcoholic liquor in excess of nine liters in any one
9 calendar month.

10 (2) Subsection (1) of this section does not apply to a person
11 importing alcoholic liquor from a holder of a retail direct sales
12 shipping license or its equivalent, which alcoholic liquor is for
13 personal use or for use by such person's family or guests, if the total
14 amount imported by such person in any one calendar year does not exceed
15 one hundred eight liters.

16 (~~3~~ ~~2~~) Alcoholic liquor transported, imported, brought, or shipped
17 into the State of Nebraska in violation of this section shall be seized
18 by the commission and disposed of in the manner provided for contraband.
19 Any person violating this section shall be guilty of a Class IV
20 misdemeanor.

LEGISLATIVE BILL 1105. Placed on General File with amendment.
AM2029 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1016. Title read. Considered.

Senator Coash offered the following amendment:

FA87

On page 3, line 10 strike "2018" insert "2017"

The Coash amendment was adopted with 26 ayes, 0 nays, 18 present and not
voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 970. Senator Chambers offered the following
motion:

MO180

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

SPEAKER HADLEY PRESIDING

Pending.

ANNOUNCEMENT(S)

The General Affairs Committee designates LB1105 as its priority bill.

Senator Morfeld designates LB586 as his priority bill.

The Nebraska Retirement Systems Committee designates LB447 and LB467 as its priority bills.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 435. Introduced by Kolterman, 24.

WHEREAS, Ryan Kopsa, a member of Troop 174 from York, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Ryan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges and complete a community service project approved by the troop and the scout council. For his project, Ryan designed and built a sculpture depicting a larger-than-life set of rosary beads for Camp Kateri Tekakwitha in McCool Junction. The sculpture is completely free-standing and has a circumference of over 75 feet; and

WHEREAS, Ryan completed the Rayado wilderness program at the Philmont Scout Ranch in Cimarron, New Mexico, and has participated in a variety of service projects, including fully restoring several large antique storage tanks at the Wessels Living History Farm in York and working with his natural resources district to clear trees damaging the soil near a lake; and

WHEREAS, Ryan, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Ryan Kopsa on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ryan Kopsa.

Laid over.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 725. Placed on General File with amendment.

AM2011

1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 76-214, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 76-214 (1) Except as provided in subsection (4) of this section,
6 ~~every~~ Every grantee who has a deed to real estate recorded and every
7 purchaser of real estate who has a memorandum of contract or land
8 contract recorded shall, at the time such deed, memorandum of contract,
9 or land contract is presented for recording, file with the register of
10 deeds a completed statement as prescribed by the Tax Commissioner. For
11 all deeds and all memoranda of contract and land contracts recorded on
12 and after January 1, 2001, the statement shall not require the social
13 security number of the grantee or purchaser or the federal employer
14 identification number of the grantee or purchaser. This statement may
15 require the recitation of any information contained in the deed,
16 memorandum of contract, or land contract, the total consideration paid,
17 the amount of the total consideration attributable to factors other than
18 the purchase of the real estate itself, and other factors which may
19 influence the transaction. If a death certificate is recorded as provided
20 in subsection (2) of this section, this statement may require a date of
21 death, the name of the decedent, and whether the title is affected as a
22 result of a transfer on death deed, a joint tenancy deed, or the
23 expiration of a life estate or by any other means. This statement shall
24 be signed and filed by the grantee, the purchaser, or his or her
25 authorized agent. The register of deeds shall forward the statement to
26 the county assessor. If the grantee or purchaser fails to furnish the
27 prescribed statement, the register of deeds shall not record the deed,
1 memorandum of contract, or land contract. The register of deeds shall
2 indicate on the statement the book and page or computer system reference
3 where the deed, memorandum of contract, or land contract is recorded and
4 shall immediately forward the statement to the county assessor. The
5 county assessor shall process the statement according to the instructions
6 of the Property Tax Administrator and shall, pursuant to the rules and
7 regulations of the Tax Commissioner, forward the statement to the Tax
8 Commissioner.

9 (2)(a) The statement described in subsection (1) of this section
10 shall be filed at the time that a certified or authenticated copy of the
11 grantor's death certificate is filed if such death certificate is
12 required to be filed under section 76-2,126 and the conveyance of real
13 estate was pursuant to a transfer on death deed.

14 (b) The statement described in subsection (1) of this section shall
15 not be required to be filed at the time that a transfer on death deed is
16 filed or at the time that an instrument of revocation of a transfer on
17 death deed as described in subdivision (a)(1)(B) of section 76-3413 is
18 filed.

19 (3) Any person shall have access to the statements at the office of
20 the Tax Commissioner, county assessor, or register of deeds if the
21 statements are available and have not been disposed of pursuant to the
22 records retention and disposition schedule as approved by the State
23 Records Administrator.

24 (4) The statement described in subsection (1) of this section shall
 25 not be required if the document being recorded is an easement, except
 26 that such statement shall be required for conservation easements and
 27 preservation easements as such terms are defined in section 76-2,111.
 28 Sec. 2. Original section 76-214, Revised Statutes Cumulative
 29 Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

Health and Human Services

LEGISLATIVE BILL 680. Placed on General File.

LEGISLATIVE BILL 690. Placed on General File.

LEGISLATIVE BILL 516. Placed on General File with amendment.

AM1770

1 1. On page 2, line 11, after "designee" insert "as a nonvoting, ex
 2 officio member"; in line 12 strike "seven" and insert "six"; and in line
 3 13 after the second "injury" insert ", one member shall be a veteran, a
 4 family member of a veteran, or a representative of a group representing
 5 veterans".
 6 2. On page 3, line 6, after "to" insert "the Governor," and after
 7 "department" insert an underscored comma; in line 16 strike "2015" and
 8 insert "2016"; in lines 26 and 28 strike "A resource facilitator" and
 9 insert "Resource facilitation"; and in line 26 after "be" insert "given
 10 priority and made".
 11 3. On page 4, line 4, after "for" insert "providing followup contact
 12 and information on brain injury to individuals on"; in line 5 after the
 13 semicolon insert "and"; strike beginning with the semicolon in line 7
 14 through "council" in line 9; and in line 17 after the period insert "Any
 15 money in the fund unexpended at the close of a fiscal year shall not
 16 lapse but carry over to the next fiscal year. Any interest accruing to
 17 the fund from invested fund balances shall become part of the fund and
 18 not lapse to the General Fund".

LEGISLATIVE BILL 698. Placed on General File with amendment.

AM1994

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 6 of this act shall be known and may be
 4 cited as the Home Care Consumer Bill of Rights Act.
 5 Sec. 2. For purposes of the Home Care Consumer Bill of Rights Act:
 6 (1) Home care consumer means any person who receives home care
 7 services and who is (a) sixty years of age or older or (b) a person with
 8 disabilities and is younger than sixty years of age. Home care consumer
 9 shall also include the parent or guardian of the home care consumer when
 10 the consumer is a minor child;
 11 (2) Home care services means home and community-based services the
 12 purposes of which are to promote independence and reduce the necessity

13 for residence in a long-term care facility, including, but not limited
14 to, personal care services designed to assist an individual in the
15 activities of daily living such as bathing, exercising, personal
16 grooming, and getting in and out of bed, and which are provided under the
17 medicare program under Title XVIII of the federal Social Security Act, as
18 amended, the medicaid program under Title XIX of the federal Social
19 Security Act, as amended, or any other public or private program
20 providing home care services; and

21 (3) Provider of home care services means a public or private
22 organization that provides home care services or arranges for the
23 provision of home care services by an independent contractor.

24 Sec. 3. (1) A home care consumer who is a minor child shall be
25 represented by his or her parent or guardian. Such parent or guardian
26 shall act on behalf of the minor child in securing the minor child's
27 rights under the Home Care Consumer Bill of Rights Act.

1 (2) A home care consumer who has been found by a court to be an
2 incapacitated person shall be represented by a guardian. Such guardian
3 shall act on behalf of the incapacitated person in securing the
4 incapacitated person's rights under the Home Care Consumer Bill of Rights
5 Act.

6 (3) A home care consumer or an incapacitated person who is not a
7 minor child has the right to the assistance of an agent, an attorney, an
8 individual designated pursuant to a power of attorney, or an individual
9 otherwise designated in writing by the home care consumer to act on
10 behalf of the home care consumer in securing his or her rights under the
11 act.

12 Sec. 4. In addition to any other rights recognized under state or
13 federal law, a home care consumer has the following rights:

14 (1) The right to confidentiality of all personal, financial, and
15 medical information which is disclosed to a provider of home care
16 services. A home care consumer also has the right of access to his or her
17 own records and all written information from those records;

18 (2) The right to receive disclosure from the provider of home care
19 services in writing and in plain language (a) whether the provider of
20 home care services is an employer, a joint employer, an employee leasing
21 company, or a contractor, as applicable, and (b) that the home care
22 consumer (i) may be considered an employer under law and, if the home
23 care consumer is so considered, may be held responsible for the payment
24 of federal and state taxes, including, but not limited to, federal and
25 state income taxes, taxes under the Federal Insurance Contributions Act
26 for purposes of social security and medicare, contributions under the
27 Federal Unemployment Tax Act and the Employment Security Law, payment of
28 overtime pay and minimum wage, workers' compensation insurance, and any
29 other applicable payments required under state or federal law and (ii)
30 should consult a tax professional if the home care consumer is uncertain
31 about his or her responsibility for such payments;

1 (3) The right to be informed of the home care consumer's rights
2 under the Home Care Consumer Bill of Rights Act by a provider of home
3 care services prior to receiving home care services. The provider of home

4 care services shall provide a copy of the rights guaranteed by the Home
5 Care Consumer Bill of Rights Act in the format accessible to the consumer
6 which may include paper, electronic, audio, large print, or braille;

7 (4) The right to be informed of the contact information for the
8 entities the home care consumer may contact if the home care consumer's
9 rights are violated, including the Consumer Protection Division of the
10 Office of the Attorney General, in order to have grievances addressed in
11 an appropriate and timely manner and without retaliation;

12 (5) The right to participate in the planning of his or her home care
13 services, including, but not limited to, the right to make choices about
14 aspects of the home care services that are important to him or her,
15 choosing providers and schedules to the extent practicable, receiving
16 reasonable accommodation of his or her needs and preferences, and
17 involving anyone he or she chooses to participate with him or her in that
18 planning;

19 (6) The right to receive sufficient information to make informed
20 decisions, to be fully informed in advance about any proposed changes in
21 home care services, and to be involved in the decisionmaking process
22 regarding those changes;

23 (7) The right to refuse home care services;

24 (8) The right to be informed of the cost of home care services prior
25 to receiving those services, whether the cost of home care services is
26 covered under health insurance, long-term care insurance, or other
27 private or public programs, and any charges the home care consumer will
28 be expected to pay for such home care services. A home care consumer has
29 the right to thirty days' advance notice of any changes to such costs or
30 services;

31 (9) The right to receive care and services provided in a way that
1 promotes his or her dignity and individuality; and

2 (10) The right to (a) express grievances about the quality of the
3 home care services, the number of hours of home care services, and any
4 violations of the home care consumer's rights under the Home Care
5 Consumer Bill of Rights Act and (b) assert the rights under the act
6 without retaliation.

7 Sec. 5. (1) When the Attorney General has cause to believe that any
8 provider of home care services is violating the Home Care Consumer Bill
9 of Rights, the Attorney General may enforce the Home Care Consumer Bill
10 of Rights Act.

11 (2) For purposes of the act, the Attorney General may:

12 (a) Require a provider of home care services to file a statement or
13 report in writing under oath or otherwise as to all facts and
14 circumstances concerning the provision of home care services to the home
15 care consumer;

16 (b) Examine under oath any person in connection with the provision
17 of home care services;

18 (c) Examine any property or sample thereof, record, book, document,
19 account, or paper as the Attorney General deems necessary; and

20 (d) Issue subpoenas to require the attendance of witnesses or the
21 production of documents.

22 (3) The Attorney General may bring a civil action in the district
 23 court of any county in which a violation occurred, or in Lancaster
 24 County, seeking injunctive relief and a monetary award for civil
 25 penalties, attorney's fees, and costs. Any person who violates the act
 26 shall be subject to a civil penalty of not more than two thousand dollars
 27 for each violation.
 28 (4) The Attorney General may also seek and recover actual damages
 29 for each health care consumer injured by a violation of the act.
 30 Sec. 6. Any home care consumer who suffers a loss or harm as a
 31 result of a violation of the Home Care Consumer Bill of Rights Act may
 1 file a civil action to recover actual damages, attorney's fees, court
 2 costs, and any other remedies provided by law.

LEGISLATIVE BILL 701. Placed on General File with amendment.
 AM1923

1 1. Insert the following new sections:
 2 Section 1. Section 68-1708, Revised Statutes Cumulative Supplement,
 3 2014, is amended to read:
 4 68-1708 Sections 68-1708 to ~~68-1735.03~~ 68-1735.04 shall be known and
 5 may be cited as the Welfare Reform Act.
 6 Sec. 4. The following section is outright repealed: Section
 7 ~~68-1735.04~~, Revised Statutes Cumulative Supplement, 2014.
 8 2. Amend the repealer and renumber the remaining sections
 9 accordingly.

LEGISLATIVE BILL 708. Placed on General File with amendment.
 AM1845

1 1. On page 2, lines 12, 17 and 18, and 21 and 22; and page 3, lines
 2 1 and 2, strike "a health care facility or health care service" and
 3 insert "an assisted-living facility".
 4 2. On page 2, line 15, strike "A health care facility or a health
 5 care service" and insert "An assisted-living facility"; in line 19 strike
 6 "or service"; and in line 27 strike "patients or".
 7 3. On page 3, strike beginning with "by" in line 4 through "service"
 8 in line 5; strike beginning with the second "or" in line 13 through
 9 "services" in line 14 and insert "assisted-living facilities"; strike
 10 beginning with "other" in line 14 through "facility" in line 16; and
 11 strike beginning with "health" in line 17 through "services" in line 18
 12 and insert "assisted-living facilities".
 13 4. On page 4, line 9, after the second "and" insert "assisted-living
 14 facilities".
 15 5. On page 5, line 31, strike the second "a" and insert "an
 16 assisted-living".
 17 6. On page 6, line 3, after "An" insert "assisted-living facility
 18 which is an".

LEGISLATIVE BILL 901. Placed on General File with amendment.
 AM2024

1 1. On page 14, line 21, strike "general" and insert "indirect".

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Friday, February 19, 2016 1:00 p.m.

Margaret Propp - Commission for the Deaf and Hard of Hearing
Peter Seiler - Commission for the Deaf and Hard of Hearing
Kristin Huber - Foster Care Advisory Committee
LB939
LB1034
LB1081

(Signed) Kathy Campbell, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 11, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 47, 176, 190, and 285 were received in my office on February 5, 2016.

These bills were signed and delivered to the Secretary of State on February 11, 2016.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
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.

Shelly K. McQuillan - Nebraska Child Abuse Prevention Fund Board
Courtney L. Miller, Director-Division of Developmental Disabilities -
Department of Health and Human Services

Douglas J. Weinberg, Director-Division of Children and Family Services -
Department of Health and Human Services

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

(Signed) Kathy Campbell, Chairperson

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB970:
AM2101

(Amendments to Standing Committee amendments AM2020)

1 1. On page 21, strike line 19; in line 25 strike the period and
2 insert "and"; and after line 25 insert the following new subdivision:
3 "(9) Prohibit the use of unauthorized third-party scripts on the
4 platform.".

Senator B. Harr filed the following amendment to LB221:
AM1996

1 1. Strike original section 3 and insert the following new sections:
2 Section 1. Section 25-21,220, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 25-21,220 Proceedings under sections 25-21,219 to 25-21,235 may be
5 had:
6 (1) In all cases against tenants holding over their terms, and a
7 tenant shall be deemed to be holding over his or her term whenever the
8 tenant has failed, neglected, or refused to pay the rent or any part
9 thereof when the rent became due;
10 (2) In all cases when a tenant has threatened the health or safety
11 of other tenants, the landlord, or the landlord's employees or agents,
12 without the right of the tenant to cure the default;
13 (3 ~~2~~) In all cases of sales of real estate or executions, orders, or
14 other judicial process when the judgment debtor was in possession at the
15 time of the entry of the judgment or decree by virtue of which such sale
16 was made;
17 (4 ~~3~~) In all cases of sale by executors or administrators or
18 guardians and on partition if any of the parties to the partition were in
19 possession at the commencement of the suit after such sales so made on
20 execution or otherwise have been examined by the proper court and the
21 sales adjudged legal; and
22 (5 ~~4~~) In all cases when the defendant is a settler or occupier of
23 lands or tenements, without color of title, and to which the complainant
24 has the right of possession.
25 This section shall not be construed as limiting the provisions of
26 sections section 25-21,219 to 25-21,235.
27 Sec. 4. Section 76-1431, Reissue Revised Statutes of Nebraska, is
1 amended to read:
2 76-1431 (1) Except as provided in the Uniform Residential Landlord

3 and Tenant Act, if there is a noncompliance with section 76-1421
4 materially affecting health and safety or a material noncompliance by the
5 tenant with the rental agreement or any separate agreement, the landlord
6 may deliver a written notice to the tenant specifying the acts and
7 omissions constituting the breach and that the rental agreement will
8 terminate upon a date not less than thirty days after receipt of the
9 notice if the breach is not remedied in fourteen days, and the rental
10 agreement shall terminate as provided in the notice subject to the
11 following. If the breach is remediable by repairs or the payment of
12 damages or otherwise and the tenant adequately remedies the breach prior
13 to the date specified in the notice, the rental agreement will not
14 terminate. If substantially the same act or omission which constituted a
15 prior noncompliance of which notice was given recurs within six months,
16 the landlord may terminate the rental agreement upon at least fourteen
17 days' written notice specifying the breach and the date of termination of
18 the rental agreement.

19 (2) If rent is unpaid when due and the tenant fails to pay rent
20 within three days after written notice by the landlord of nonpayment and
21 his or her intention to terminate the rental agreement if the rent is not
22 paid within that period of time, the landlord may terminate the rental
23 agreement.

24 (3) Except as provided in the Uniform Residential Landlord and
25 Tenant Act, the landlord may recover damages and obtain injunctive relief
26 for any noncompliance by the tenant with the rental agreement or section
27 76-1421. If the tenant's noncompliance is willful, the landlord may
28 recover reasonable attorney's fees.

29 (4) Notwithstanding subsections (1) and (2) of this section or
30 section 25-21,221, a landlord may, after three days' written notice of
31 termination of the rental agreement and without the right of the tenant
1 to cure the default, file suit and have judgment against any tenant, or
2 occupant for recovery of possession of the premises if the tenant,
3 occupant, member of the tenant's household, guest, or other person who is
4 under the tenant's control or who is present upon the premises with the
5 tenant's consent, engages in any drug-related or violent criminal
6 activity on the premises or engages in any activity that threatens the
7 health or safety of other tenants, the landlord, or the landlord's
8 employees or agents. Such activity shall include, but not be limited to,
9 any of the following activities of the tenant, occupant, member of the
10 tenant's household, guest, or other person who is under the tenant's
11 control or who is present upon the premises with the tenant's consent:
12 (a) Physical assault or the threat of physical assault; (b) illegal use
13 of a firearm or other weapon or the threat of illegal use of a firearm or
14 other weapon; (c) possession of a controlled substance if the tenant knew
15 or should have known of the possession, unless such controlled substance
16 was obtained directly from or pursuant to a medical order issued by a
17 practitioner legally authorized to prescribe while acting in the course
18 of his or her professional practice; or (d) any other activity or
19 threatened activity which would otherwise threaten the health or safety
20 of any person or involving threatened, imminent, or actual damage to the

21 property.
 22 (5) Subsection (4) of this section does not apply to a tenant if the
 23 drug-related or violent criminal activity threatening the health or
 24 safety of other tenants, the landlord, or the landlord's employees or
 25 agents, as set forth in subsection (4) of this section, is conducted by a
 26 person on the premises other than the tenant and the tenant takes at
 27 least one of the following measures against the person engaging in such
 28 activity:

29 (a) The tenant seeks a protective order, restraining order, or other
 30 similar relief which would apply to the person conducting the activities
 31 threatening the health or safety of other tenants, the landlord, or the
 1 landlord's employees or agents; or

2 (b) The tenant reports the drug-related or violent criminal activity
 3 threatening the health or safety of other tenants, the landlord, or the
 4 landlord's employees or agents to a law enforcement agency in an effort
 5 to initiate a criminal action against the person conducting the activity.

6 Sec. 5. Section 76-1441, Reissue Revised Statutes of Nebraska, is
 7 amended to read:

8 76-1441 (1) The person seeking possession shall file a complaint
 9 for restitution with the clerk of the district or county court. The
 10 complaint shall contain (a) the facts, with particularity, on which he or
 11 she seeks to recover; (b) a reasonably accurate description of the
 12 premises; and (c) the requisite compliance with the notice provisions of
 13 the Uniform Residential Landlord and Tenant Act. The complaint may notify
 14 the tenant that personal property remains on the premises and that it may
 15 be disposed of pursuant to section 69-2308 or subsection (5) of section
 16 76-1414. The complaint may also contain other causes of action relating
 17 to the tenancy, but such causes of action shall be answered and tried
 18 separately, if requested by either party in writing.

19 (2) The person seeking possession pursuant to subsection (4) of
 20 section 76-1431 shall include in the complaint the incident or incidents
 21 giving rise to the suit for recovery of possession.

22 2. Renumber the remaining sections and correct the repealer
 23 accordingly.

VISITOR(S)

Visitors to the Chamber were 55 members of Hall County Youth Leadership from Grand Island.

The Doctor of the Day was Dr. Jose Mayorquin from Omaha.

MOTION - Adjournment

Senator Schilz moved to adjourn until 10:00 a.m., Tuesday, February 16, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

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

Voting in the affirmative, 25:

Baker	Friesen	Johnson	Larson	Murante
Campbell	Garrett	Kintner	Lindstrom	Scheer
Crawford	Gloor	Kolowski	McCollister	Schilz
Davis	Haar, K.	Kolterman	Mello	Seiler
Ebke	Hughes	Kuehn	Morfeld	Watermeier

Voting in the negative, 10:

Bloomfield	Chambers	Pansing Brooks	Schnoor	Smith
Brasch	Krist	Riepe	Schumacher	Williams

Present and not voting, 6:

Hadley	Harr, B.	Howard
Hansen	Hilkemann	Sullivan

Excused and not voting, 8:

Bolz	Cook	Fox	McCoy
Coash	Craighead	Groene	Stinner

The Schilz motion to adjourn prevailed with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting, and at 12:15 p.m., the Legislature adjourned until 10:00 a.m., Tuesday, February 16, 2016.

Patrick J. O'Donnell
Clerk of the Legislature