

**FORTY-FIRST DAY - MARCH 10, 2016**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**SECOND SESSION**

**FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 10, 2016

**PRAYER**

The prayer was offered by Senator Lindstrom.

**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 Senator Scheer who was excused; and Senators Hansen, Kintner, Kolowski, Larson, McCollister, Murante, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 9, 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

Bruning Law Group  
amazon.com  
Heidemann, Lavon L  
Nebraska Farm Bureau Federation (Withdrawn 03/09/2016)  
JK Consulting  
Americans for Prosperity  
Kolterman, Jessica A.  
JK Consulting  
Nebraska Farm Bureau Federation (Withdrawn 03/09/2016)

**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>

**GENERAL FILE**

**LEGISLATIVE BILL 698A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

**ANNOUNCEMENT**

The Chair announced the birthdays of Senator K. Haar and Senator Seiler.

**SELECT FILE**

**LEGISLATIVE BILL 1022.** Senator Schumacher offered his amendment, AM2398, found on page 877.

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

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bloomfield	Cook	Ebke	Gloor	Krist
Campbell	Crawford	Friesen	Groene	Schumacher
Coash	Davis	Garrett	Haar, K.	

Voting in the negative, 20:

Brasch	Hughes	Larson	Murante	Smith
Chambers	Johnson	Lindstrom	Riepe	Stinner
Craighead	Kolowski	McCoy	Schilz	Watermeier
Hadley	Kolterman	Mello	Seiler	Williams

Present and not voting, 10:

Baker	Fox	Hilkemann	Kuehn	Morfeld
Bolz	Hansen	Howard	McCollister	Pansing Brooks

Excused and not voting, 5:

Harr, B.	Kintner	Scheer	Schnoor	Sullivan
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The Schumacher amendment lost with 14 ayes, 20 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

#### **SENATOR COASH PRESIDING**

**LEGISLATIVE BILL 897.** ER173, found on page 743, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 919.** ER175, found on page 791, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 919A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 710.** ER177, found on page 805, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 722.** Senator Baker offered his amendment, AM2435, found on page 888.

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

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 857.** Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 1082A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

#### **COMMITTEE REPORT(S)** Enrollment and Review

**LEGISLATIVE BILL 447.** Placed on Final Reading.

**LEGISLATIVE BILL 447A.** Placed on Final Reading.

**LEGISLATIVE BILL 698.** Placed on Final Reading.

ST64

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

1. In the Campbell amendment, AM2255, sections 28 and 29 and all amendments thereto have been struck and the following sections inserted:

Sec. 34. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, and 37 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 35. Original sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 71-401 and 71-403, Revised Statutes Supplement, 2015, are repealed.

2. In the E & R amendments, ER172, amendment 2 has been struck.

3. On page 1, the matter beginning with the second "to" in line 1 through line 2 has been struck and "to amend sections 71-516.01, 71-516.02, 71-516.03, 81-2201, 81-2213, 81-2218, 81-2220, 81-2221, and 81-2235, Reissue Revised Statutes of Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement, 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes Supplement, 2015; to adopt the Home Care Consumer Bill of Rights Act; to provide a penalty; to adopt the Assisting Caregiver Transitions Act; to require that certain providers be subject to a national criminal history record information check as prescribed; to define and redefine terms; to provide for a memory care endorsement under the Health Care Facility Licensure Act; to change provisions of the Alzheimer's Special Care Disclosure Act; to change and eliminate provisions of the Nebraska Community Aging Services Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 81-2228, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

**LEGISLATIVE BILL 704.** Placed on Final Reading.

ST65

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

1. On page 1, the matter beginning with "building" in line 1 through line 7 has been struck and "political subdivisions; to amend sections 14-419, 16-102, 16-103, 16-104, 16-105, 16-117, 16-119, 16-120, 16-122, 16-124, 16-125, 16-126, 16-127, 16-128, 16-129, 16-202, 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219, 16-220, 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232, 16-233, 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249, 16-251, 16-253, 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309, 16-310, 16-312, 16-314, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-325, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-607, 16-609, 16-613, 16-617, 16-618, 16-619, 16-620, 16-621, 16-622, 16-623, 16-624, 16-625, 16-626, 16-627, 16-628, 16-632, 16-633, 16-634, 16-635, 16-636,

16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-653, 16-654, 16-655, 16-661, 16-662, 16-665, 16-666, 16-667, 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01, 16-672.02, 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07, 16-672.08, 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680, 16-681, 16-682, 16-683, 16-684, 16-684.01, 16-686, 16-686.01, 16-687, 16-688, 16-691, 16-691.01, 16-691.02, 16-692, 16-693, 16-694, 16-695, 16-696, 16-697, 16-697.01, 16-697.02, 16-698, 16-699, 16-6,100, 16-6,100.03, 16-6,100.05, 16-6,101, 16-6,102, 16-6,103, 16-6,104, 16-6,105, 16-6,107, 16-6,108, 16-6,109, 16-701, 16-702, 16-704, 16-706, 16-707, 16-709, 16-711, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-721, 16-722, 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803, 16-804, 16-805, 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905, 16-1014, 16-1034, 16-1035, 18-132, and 19-2402, Reissue Revised Statutes of Nebraska, sections 15-905, 16-313, 16-317, 16-318, 19-922, 23-172, and 71-6404, Revised Statutes Cumulative Supplement, 2014, and sections 16-207, 16-230, 16-240, 16-243, 16-250, 16-615, 16-630, 16-631, 16-664, 16-669, 16-672, 16-708, and 71-6406, Revised Statutes Supplement, 2015; to define terms regarding building codes and regulations; to change provisions relating to adoption and applicability of building codes by political subdivisions; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 830.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 1032.** Placed on General File with amendment.  
AM2473

- 1 1. Insert the following new section:
- 2 Sec. 10. (1) The Transitional Health Insurance Program Act
- 3 terminates three years after the date coverage under the waiver begins
- 4 for newly eligible individuals as described in subsection (2) of section
- 5 5 of this act.
- 6 (2) The department shall provide notice to all newly eligible
- 7 individuals at the time of enrollment and every six months thereafter
- 8 regarding the termination date described in subsection (1) of this
- 9 section. Newly eligible individuals shall also receive notice of the
- 10 program's termination date three months and one month prior to such date.
- 11 (3) Newly eligible individuals have no right to appeal the loss of
- 12 eligibility under the program as a result of the termination of the
- 13 Transitional Health Insurance Program Act as provided in this section.
- 14 2. On page 2, line 1, strike "11" and insert "12".
- 15 3. On page 6, line 25, strike "Following" and insert "Except as
- 16 provided in section 10 of this act, following".
- 17 4. On page 10, line 21, strike "expire on June 30, 2020" and insert

- 18 "terminate pursuant to section 10 of this act".  
 19 5. On page 11, line 24, after "(3)" insert "(a)"; after line 27  
 20 insert the following new subdivision:  
 21 "(b) The department shall select an independent consultant to  
 22 analyze the performance measures listed in this section and to analyze  
 23 revenue generated and savings attributable to the act. Such report shall  
 24 be provided to the Governor and submitted electronically to the  
 25 Legislature six months prior to the start of the next legislative session  
 26 in the third year of implementation of the waiver."; and in line 29  
 27 strike "to" through "paying" and insert "only to pay".  
 1 6. On page 12, lines 1 and 2, strike "may utilize money" and insert  
 2 "shall appropriate sixty-three million dollars"; and in line 2 after  
 3 "Fund" insert "to the Transitional Health Insurance Program Fund".  
 4 7. Renumber the remaining sections accordingly.

**LEGISLATIVE RESOLUTION 415.** Reported to the Legislature for further consideration.

(Signed) Kathy Campbell, Chairperson

**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.

John A. E. Craig - Nebraska Rural Health Advisory Commission  
 Rebecca Schroeder - Nebraska Rural Health Advisory Commission  
 Roger Wells - Nebraska Rural Health Advisory Commission

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 Chambers filed the following amendment to LB768:  
 AM2526

(Amendments to Standing Committee amendments, AM2058)

- 1 1. On page 5, line 19; page 9, lines 4, 6, 14, 18, 22, and 26; page  
 2 10, lines 3, 7, 11, 16, 18, 21, 24, and 28; and page 11, lines 7, 9, 11,  
 3 14, 15, and 21, after "Life" insert "and Freedom of Choice".  
 4 2. On page 11, strike beginning with the first "as" in line 19  
 5 through "abortions" in line 20.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 475.** Introduced by Larson, 40.

WHEREAS, the Wynot High School girls' basketball team won the 2016 Class D-2 Girls' State Basketball Championship; and

WHEREAS, the Wynot Blue Devils girls' basketball team defeated St. Mary's High School in the championship game by a score of 41-40; 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 the Wynot High School girls' basketball team on winning the 2016 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Wynot High School girls' basketball team and Coach Steve Wieseler.

Laid over.

**LEGISLATIVE RESOLUTION 476.** Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' basketball team won the 2016 Class C-2 Girls' State Basketball Championship; and

WHEREAS, the Crofton Warriors girls' basketball team defeated Guardian Angels Central Catholic High School in the championship game by a score of 46-43; and

WHEREAS, this was the Crofton Warriors' fifth consecutive Class C-2 girls' basketball state title; 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 the Crofton High School girls' basketball team on winning the 2016 Class C-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' basketball team and Coach Aaron Losing.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 745.** Senator Chambers offered the following motion:

MO202

Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

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

Voting in the affirmative, 1:

Bloomfield

Voting in the negative, 32:

Baker	Davis	Hansen	Kolterman	Seiler
Brasch	Ebke	Harr, B.	Krist	Stinner
Campbell	Fox	Hilkemann	Kuehn	Sullivan
Coash	Friesen	Howard	McCollister	Williams
Cook	Gloor	Hughes	Morfeld	
Craighead	Haar, K.	Johnson	Pansing Brooks	
Crawford	Hadley	Kolowski	Schilz	

Present and not voting, 6:

Chambers	Murante	Schumacher
McCoy	Riepe	Smith

Excused and not voting, 10:

Bolz	Groene	Larson	Mello	Schnoor
Garrett	Kintner	Lindstrom	Scheer	Watermeier

The Chambers motion to bracket failed with 1 aye, 32 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO203

Reconsider the vote taken to bracket.

#### **SENATOR KRIST PRESIDING**

The Chambers motion to reconsider failed with 1 aye, 25 nays, 12 present and not voting, and 11 excused and not voting.

Pending.



**COMMITTEE REPORT(S)**

Executive Board

**LEGISLATIVE RESOLUTION 455.** Reported to the Legislature for further consideration with the following amendment:

AM2521

- 1 1. Strike the first resolved paragraph and insert:
- 2 1. The Legislature calls for the Executive Board of the Legislative
- 3 Council to appoint a special committee to examine issues related to the
- 4 impacts of climate change on the State of Nebraska and its residents,
- 5 including assessments of vulnerability, risks, and economic impacts. The
- 6 committee shall also examine opportunities, including methods of
- 7 producing food, generating power, or protecting land and water that can
- 8 be used to adapt and mitigate the impacts of climate change and that will
- 9 provide jobs and economic benefits to Nebraskans. The committee shall
- 10 consist of the following members:
- 11 (a) The chairperson of the Appropriations Committee of the
- 12 Legislature or his or her designee;
- 13 (b) The chairperson of the Natural Resources Committee of the
- 14 Legislature or his or her designee; and
- 15 (c) Five at-large members of the Legislature appointed by the
- 16 Executive Board of the Legislative Council.

(Signed) Bob Krist, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1073.** Placed on General File.

**LEGISLATIVE BILL 874.** Placed on General File with amendment.

AM2385

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 32-570, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 32-570 (1) A vacancy in the membership of a school board shall occur
- 6 as set forth in section 32-560 or in the case of absences, unless excused
- 7 by a majority of the remaining members of the board, when a member is
- 8 absent from the district for a continuous period of sixty days at one
- 9 time or from more than two consecutive regular meetings of the board. The
- 10 resignation of a member or any other reason for a vacancy shall be made a
- 11 part of the minutes of the school board. The school board shall give
- 12 notice of the date the vacancy occurred, the office vacated, and the
- 13 length of the unexpired term (a) in writing to the election commissioner
- 14 or county clerk and (b) by a notice published in a newspaper of general
- 15 circulation in the school district.
- 16 (2) A person appointed to fill a vacancy on the school board of a
- 17 Class I school district by the remaining members of the board shall hold
- 18 office until the beginning of the next school year. A board member of a

19 Class I school district elected to fill a vacancy at a regular or special  
20 school district meeting shall serve for the remainder of the unexpired  
21 term or until a successor is elected and qualified.

22 (3) Except as provided in subsection (4) of this section, a vacancy  
23 in the membership of a school board of a Class II, III, IV, V, or VI  
24 school district resulting from any cause other than the expiration of a  
25 term shall be filled by appointment of a qualified registered voter by  
26 the remaining members of the board. ~~If the vacancy occurs in a Class II  
27 school district prior to July 1 preceding the general election in the  
1 middle of the vacated term, the appointee shall serve until a registered  
2 voter is elected at such general election for the remainder of the  
3 unexpired term. If the vacancy occurs in a Class III, IV, or VI school  
4 district prior to February 1 preceding the general election in the middle  
5 of the vacated term, the appointee shall serve until a registered voter  
6 is nominated at the next primary election and elected at the following  
7 general election for the remainder of the unexpired term. If the vacancy  
8 occurs on or after the applicable deadline, the appointment shall be for  
9 the remainder of the unexpired term. A registered voter appointed or  
10 elected pursuant to this subsection shall meet the same requirements as  
11 the member whose office is vacant.~~

12 (4) Any vacancy in the membership of a school board of a school  
13 district described in section 79-549 which does not nominate candidates  
14 at a primary election and elect members at the following general election  
15 shall be filled by appointment of a qualified registered voter by the  
16 remaining members of the board. ~~If the vacancy occurs at least twenty  
17 days prior to the first regular caucus to be held during the term that  
18 was vacated, the appointee shall serve until a registered voter is  
19 nominated and elected to fill the vacancy for the remainder of the term  
20 in the manner provided for nomination and election of board members in  
21 the district. If the vacancy occurred less than twenty days prior to the  
22 first regular caucus and at least twenty days prior to the second regular  
23 caucus to be held during the term that was vacated, the appointee shall  
24 serve until a registered voter is nominated and elected to fill the  
25 vacancy for the remainder of the term in the manner provided for  
26 nomination and election of board members in the district. If the vacancy  
27 occurred less than twenty days prior to the second regular caucus held  
28 during the term that was vacated or after such caucus, the appointment  
29 shall be for the remainder of the unexpired term.~~

30 ~~(5) A vacancy in the membership of a school board of a Class V  
31 school district resulting from any cause other than the expiration of a  
1 term shall be filled by appointment of a qualified registered voter by  
2 the remaining members of the board for the remainder of the unexpired  
3 term. A registered voter appointed pursuant to this subsection shall meet  
4 the same requirements as the member whose office is vacant.~~

5 (6) If any school board fails to fill a vacancy on the board, the  
6 vacancy may be filled by election at a special election or school  
7 district meeting called for that purpose. Such election or meeting shall  
8 be called in the same manner and subject to the same procedures as other  
9 special elections or school district meetings.

10 ~~(6 7)~~ If there are vacancies in the offices of one-half or more of  
11 the members of a school board, the Secretary of State shall conduct a  
12 special school district election to fill such vacancies.

13 Sec. 2. Section 32-618, Revised Statutes Cumulative Supplement,  
14 2014, is amended to read:

15 32-618 (1) The number of signatures of registered voters needed to  
16 place the name of a candidate upon the nonpartisan ballot for the general  
17 election shall be as follows:

18 (a) For each nonpartisan office other than members of the Board of  
19 Regents of the University of Nebraska and board members of a Class III  
20 school district, at least ten percent of the total number of registered  
21 voters voting for Governor or President of the United States at the  
22 immediately preceding general election in the district or political  
23 subdivision in which the officer is to be elected, not to exceed two  
24 thousand;

25 (b) For members of the Board of Regents of the University of  
26 Nebraska, at least ten percent of the total number of registered voters  
27 voting for Governor or President of the United States at the immediately  
28 preceding general election in the regent district in which the officer is  
29 to be elected, not to exceed one thousand; and

30 (c) For board members of a Class III school district, at least  
31 twenty percent of the total number of votes cast for the board member  
1 receiving the highest number of votes at the immediately preceding  
2 general election in the school district.

3 (2) The number of signatures of registered voters needed to place  
4 the name of a candidate for an office upon the partisan ballot for the  
5 general election shall be at least ten percent of the registered voters  
6 entitled to vote for the office, as follows:

7 ~~(a) For each partisan office to be filled by the registered voters~~  
8 ~~of the entire state, at least four thousand, and at least seven hundred~~  
9 ~~fifty signatures shall be obtained in each congressional district in the~~  
10 ~~state; and~~

11 ~~(b) For each partisan office to be filled by the registered voters~~  
12 ~~of a county or political subdivision, at least twenty percent of the~~  
13 ~~total vote for Governor or President of the United States at the~~  
14 ~~immediately preceding general election within the county or political~~  
15 ~~subdivision, not to exceed two thousand.~~

16 ~~The number of signatures shall not be required to exceed one-fourth~~  
17 ~~of the total number of registered voters voting for the office at the~~  
18 ~~immediately preceding general election when the nomination is for a~~  
19 ~~partisan office to be filled by the registered voters of a county.~~

20 Sec. 3. Section 32-941, Revised Statutes Supplement, 2015, is  
21 amended to read:

22 32-941 Any registered voter permitted to vote early pursuant to  
23 section 32-938 may, not more than one hundred twenty days before any  
24 election and not later than the close of business on the second Friday 4  
25 p.m. on the Wednesday preceding the election, request a ballot for the  
26 election to be mailed to a specific address. A registered voter shall  
27 request a ballot in writing to the election commissioner or county clerk

28 in the county where the registered voter has established his or her home  
 29 and shall indicate his or her residence address, the address to which the  
 30 ballot is to be mailed if different, and his or her telephone number if  
 31 available. The registered voter may use the form published by the  
 1 election commissioner or county clerk pursuant to section 32-808. The  
 2 registered voter shall sign the request. A registered voter may use a  
 3 facsimile machine or electronic mail for the submission of a request for  
 4 a ballot. The election commissioner or county clerk shall include a  
 5 registration application with the ballots if the person is not  
 6 registered. Registration applications shall not be mailed after the third  
 7 Friday preceding the election. If the person is not registered to vote,  
 8 the registration application shall be returned not later than the closing  
 9 of the polls on the day of the election. No ballot issued under this  
 10 section shall be counted unless such registration application is properly  
 11 completed and processed.

12 Sec. 4. Section 32-947, Revised Statutes Supplement, 2015, is  
 13 amended to read:

14 32-947 (1) Upon receipt of an application or other request for a  
 15 ballot to vote early, the election commissioner or county clerk shall  
 16 determine whether the applicant is a registered voter and is entitled to  
 17 vote as requested. If the election commissioner or county clerk  
 18 determines that the applicant is a registered voter entitled to vote  
 19 early and the application was received not later than the close of  
 20 business on the second Friday at or before 4 p.m. on the Wednesday  
 21 preceding the election, the election commissioner or county clerk shall  
 22 deliver a ballot to the applicant in person or by mail, postage paid. The  
 23 election commissioner or county clerk or any employee of the election  
 24 commissioner or county clerk shall write or cause to be affixed his or  
 25 her customary signature or initials on the ballot.

26 (2) An unsealed identification envelope shall be delivered with the  
 27 ballot, and upon the back of the envelope shall be printed a form  
 28 substantially as follows:

29 VOTER'S OATH

30 I, the undersigned voter, declare that the enclosed ballot or  
 31 ballots contained no voting marks of any kind when I received them, and I  
 1 caused the ballot or ballots to be marked, enclosed in the identification  
 2 envelope, and sealed in such envelope.

3 To the best of my knowledge and belief, I declare under penalty of  
 4 election falsification that:

5 (a) I, ....., am a registered voter

6 in ..... County;

7 (b) I reside in the State of Nebraska at .....

8 (c) I have voted the enclosed ballot and am returning it in  
 9 compliance with Nebraska law; and

10 (d) I have not voted and will not vote in this election except by  
 11 this ballot.

12 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION  
 13 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS  
 14 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY

15 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE  
16 NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.  
17 I also understand that failure to sign below will invalidate my  
18 ballot.

19 Signature .....

20 (3) If the ballot and identification envelope will be returned by  
21 mail or by someone other than the voter, the election commissioner or  
22 county clerk shall include with the ballot an identification envelope  
23 upon the face of which shall be printed the official title and post  
24 office address of the election commissioner or county clerk.

25 (4) The election commissioner or county clerk shall also enclose  
26 with the ballot materials:

27 (a) A registration application, if the election commissioner or  
28 county clerk has determined that the applicant is not a registered voter  
29 pursuant to section 32-945, with instructions that failure to return the  
30 completed and signed application indicating the residence address as it  
31 appears on the voter's request for a ballot to the election commissioner  
1 or county clerk by the close of the polls on election day will result in  
2 the ballot not being counted;

3 (b) A registration application and the oath pursuant to section  
4 32-946, if the voter is without a residence address, with instructions  
5 that the residence address of the voter shall be deemed that of the  
6 office of the election commissioner or county clerk of the county of the  
7 voter's prior residence and that failure to return the completed and  
8 signed application and oath to the election commissioner or county clerk  
9 by the close of the polls on election day will result in the ballot not  
10 being counted; or

11 (c) Written instructions directing the voter to submit a copy of an  
12 identification document pursuant to section 32-318.01 if the voter is  
13 required to present identification under such section and advising the  
14 voter that failure to submit identification to the election commissioner  
15 or county clerk by the close of the polls on election day will result in  
16 the ballot not being counted.

17 (5) The election commissioner or county clerk may enclose with the  
18 ballot materials a separate return envelope for the voter's use in  
19 returning his or her identification envelope containing the voted ballot,  
20 registration application, and other materials that may be required.

21 Sec. 5. Section 32-949.01, Revised Statutes Cumulative Supplement,  
22 2014, is amended to read:

23 32-949.01 If a ballot for early voting is destroyed, spoiled, lost,  
24 or not received by the registered voter, the voter may cast a provisional  
25 ballot pursuant to section 32-915 at the voter's polling place on  
26 election day or may obtain a replacement ballot from the election  
27 commissioner or county clerk by signing a statement verified on oath or  
28 affirmation on a form prescribed by the Secretary of State that the  
29 original ballot for early voting was destroyed, spoiled, lost, or not  
30 received and delivering the statement to the election commissioner or  
31 county clerk. To receive a replacement ballot in person, the voter shall  
1 return the statement to the office of the election commissioner or county

2 clerk by 8 p.m. on the day of the election. To receive a replacement  
3 ballot by mail, the voter shall return the statement to such office prior  
4 to the close of business on the second Friday preceding fourth business  
5 ~~day~~ before the election. If the election commissioner or county clerk  
6 receives a statement meeting the requirements of this section, he or she  
7 shall deliver a replacement ballot to the voter if the voter is present  
8 in the office or shall mail a replacement ballot to the voter at the  
9 address shown on the statement. The election commissioner or county clerk  
10 shall keep a record of all replacement ballots issued under this section.

11 Sec. 6. Section 32-953, Revised Statutes Supplement, 2015, is  
12 amended to read:

13 32-953 (1) Except as otherwise provided in subsection (2) of this  
14 section, the election commissioner or county clerk shall mail the  
15 official ballot to all registered voters of the political subdivision or  
16 the district or ward of the political subdivision at the addresses  
17 appearing on the voter registration register on the same day. The ballots  
18 shall be mailed by nonforwardable first-class mail not sooner than the  
19 ~~twenty-second twentieth~~ day before the date set for the election and not  
20 later than the tenth day before the date set for the election. The  
21 election commissioner or county clerk shall include with the ballot an  
22 unsealed identification envelope meeting the requirements of subsection  
23 (2) of section 32-947 and instructions sufficient to describe the voting  
24 process.

25 (2) The election commissioner or county clerk may choose not to mail  
26 a ballot to all registered voters who have been sent a notice pursuant to  
27 section 32-329 and failed to respond to the notice. If the election  
28 commissioner or county clerk chooses not to mail a ballot to such voters,  
29 he or she shall mail a notice to all such registered voters explaining  
30 how to obtain a ballot and stating the applicable deadlines.

31 Sec. 7. Section 32-1524, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 32-1524 (1) No judge or clerk of election or precinct or district  
3 inspector shall do any electioneering while acting as an election  
4 official.

5 (2) No person shall do any electioneering, circulate petitions, or  
6 perform any action that involves solicitation within any polling place or  
7 any building designated for voters to cast ballots by the election  
8 commissioner or county clerk pursuant to the Election Act while the  
9 polling place or building is set up for voters to cast ballots or within  
10 two hundred feet of any such polling place or building except as  
11 otherwise provided in subsection (3) of this section.

12 (3) Subject to any local ordinance, a person may display yard signs  
13 on private property within two hundred feet of a polling place or  
14 building designated for voters to cast ballots if the property is not  
15 under common ownership with the property on which the polling place or  
16 building is located.

17 (4) Any person violating this section shall be guilty of a Class V  
18 misdemeanor.

19 Sec. 8. Section 32-1527, Reissue Revised Statutes of Nebraska, is

20 amended to read:

21 32-1527 (1) No voter shall receive an official ballot from any  
22 person other than a judge of election, and no person other than a judge  
23 of election shall deliver an official ballot to a voter.

24 (2) No voter shall vote or offer to vote any ballot except an  
25 official ballot received from a judge of election.

26 (3) No voter shall place any mark upon an official ballot by which  
27 it may afterwards be identified as the one voted by him or her.

28 (4) No person shall solicit a voter to show his or her ballot after  
29 it is marked to any person ~~in such a way as~~ to reveal the contents  
30 thereof or the name of the candidate or candidates for whom he or she has  
31 marked his or her vote. This subsection does not prohibit a voter from  
32 voluntarily photographing his or her ballot after it is marked and  
33 revealing such photograph in a manner that allows the photograph to be  
34 viewed by another person ~~, and no person shall solicit a voter to show~~  
35 ~~the same.~~

36 (5) No person other than a judge of election shall receive from a  
37 voter an official ballot prepared for voting.

38 (6) Any person violating this section shall be guilty of a Class V  
39 misdemeanor.

40 Sec. 9. Sections 3, 4, 5, 6, and 10 of this act become operative on  
41 June 1, 2016. Sections 1, 2, 7, 8, 9, and 11 of this act become operative  
42 three calendar months after the adjournment of this legislative session.

43 The other sections of this act become operative on their effective date.  
44 Sec. 10. Original section 32-949.01, Revised Statutes Cumulative  
45 Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised  
46 Statutes Supplement, 2015, are repealed.

47 sec. 11. Original sections 32-1524 and 32-1527, Reissue Revised  
48 Statutes of Nebraska, and sections 32-570 and 32-618, Revised Statutes  
49 Cumulative Supplement, 2014, are repealed.

50 Sec. 12. Since an emergency exists, this act takes effect when  
51 passed and approved according to law.

**LEGISLATIVE BILL 935.** Placed on General File with amendment.  
AM2386 is available in the Bill Room.

(Signed) John Murante, Chairperson

Transportation and Telecommunications

**LEGISLATIVE BILL 1003.** Placed on General File with amendment.  
AM2488

1. Insert the following new sections:

2 Section 1. Section 86-316, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 86-316 Sections 86-316 to 86-329 and section 3 of this act shall be  
5 known and may be cited as the Nebraska Telecommunications Universal  
6 Service Fund Act.

7 Sec. 2. Section 86-318, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 86-318 For purposes of the Nebraska Telecommunications Universal  
10 Service Fund Act, the definitions found in sections 86-319 to 86-322 and  
11 section 3 of this act apply.

12 Sec. 3. Prepaid wireless telecommunications service provider means a  
13 wireless telecommunications company whose service must be paid for in  
14 advance and is sold in predetermined units or dollars of which the number  
15 declines with use in a known amount.

16 Sec. 8. The Prepaid Wireless Surcharge Act shall terminate on  
17 December 31, 2018, unless extended by the Legislature.

18 2. On page 2, line 20, after "Act" insert ", except that a prepaid  
19 wireless telecommunications service provider shall continue to be subject  
20 to the audit requirements provided in subdivision (2)(d) of section  
21 86-324".

22 3. On page 3, line 6, strike "and"; in line 11 strike the period and  
23 insert "; and"; and after line 11 insert the following new subdivision:  
24 "(d) The Department of Revenue shall provide the Public Service  
25 Commission with prepaid wireless surcharge calculation and collection  
26 data upon request."

27 4. On page 4, line 23, strike "at the times and" and show as  
1 stricken; and in line 24 after the period insert "Sellers shall remit the  
2 prepaid wireless surcharges to the Department of Revenue on a monthly  
3 basis, except that if a seller (a) collected less than five hundred  
4 dollars of prepaid wireless surcharges in the prior year, the seller may  
5 remit on an annual basis, or (b) collected more than five hundred dollars  
6 but less than one thousand dollars of prepaid wireless surcharges in the  
7 prior year, the seller may remit on a quarterly basis."

8 5. On page 5, line 8, strike "two", show as stricken, and insert  
9 "one-half of one".

10 6. Renumber the remaining sections and correct the repealer  
11 accordingly.

(Signed) Jim Smith, Chairperson

Judiciary

**LEGISLATIVE BILL 1094.** Placed on General File with amendment.  
AM2337 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Schilz filed the following amendment to LB881:  
AM2543

1 1. On page 3, line 2, strike the new matter and reinstate the  
2 stricken matter.



Senator Campbell filed the following amendment to LB1032:  
AM2528

(Amendments to Standing Committee amendments, AM2473)

- 1 1. On page 1, line 26, strike "and"; and in line 27 after the final  
2 quotation mark insert "; and in line 30 after 'participants' insert 'and  
3 administration'".
- 4 2. On page 2, line 2, strike "appropriate" and insert "transfer".

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 1009.** Placed on Select File with amendment.  
ER179 is available in the Bill Room.

**LEGISLATIVE BILL 934.** Placed on Select File with amendment.  
ER178 is available in the Bill Room.

**LEGISLATIVE BILL 934A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

### VISITOR(S)

Visitors to the Chamber were 21 high school students and teachers from Madison; Graham Ramsden from Creighton University in Omaha; Clayton Anderson, Nebraska's only astronaut visiting from Houston, TX; Frank Partsch, Sarah, Micah, and Noemi Gilbert from Omaha; 115 fourth-grade students from Reeder Elementary, Gretna; Dennis Duncan from Parker, SD; 20 members of Leadership Nebraska City and Nemaha County Leadership from Nebraska City and Auburn; and Senator Seiler's wife and son, Jo Ann and Brad Seiler.

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

### ADJOURNMENT

At 12:05 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

