

FORTY-FIFTH DAY - MARCH 18, 2016**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 18, 2016

PRAYER

The prayer was offered by Pastor Brian Johnson, First Presbyterian Church, Norfolk.

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 Senators B. Harr, and McCoy who were excused; and Senators Bolz, Craighead, Gloor, Hadley, Morfeld, Murante, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 17, 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

Herrmann, Jessica
Platte Institute for Economic Research (Withdrawn 03/17/2016)
JK Consulting
Renovate America, Inc.
Kelley & Jerram, PC, LLO
Guardian Tax Partners
Nowka & Edwards
Nebraska State Dairy Association
Schmit, Loran of Schmit Industries, Inc.
KAAPA Ethanol, LLC
Yaki, Michael
Renovate America, 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>

GENERAL FILE

LEGISLATIVE BILL 1105A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1092. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 467. ER187, found on page 957, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 467A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 790. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 909. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 731. 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 814. 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.

LEGISLATIVE BILL 814A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 784. 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.

LEGISLATIVE BILL 942. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 726. Title read. Considered.

Committee AM1882, found on page 488, was adopted with 34 ayes, 0 nays, 10 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 813. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 924. 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.

LEGISLATIVE BILL 770. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 770A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 875. Title read. Considered.

Committee AM1919, found on page 544, was adopted with 34 ayes, 0 nays, 10 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 948. Title read. Considered.

Committee AM2014, found on page 544, was adopted with 32 ayes, 0 nays, 12 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 725. Title read. Considered.

Committee AM2011, found on page 558, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 680. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 680A. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 823. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1086. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 567. Title read. Considered.

Committee AM1899, found on page 599, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 684. Title read. Considered.

Committee AM1985, found on page 600, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 887. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 736. Title read. Considered.

Committee AM2074, found on page 629, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 679. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 891. Title read. Considered.

Committee AM2095, found on page 653, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Senator Schilz offered his amendment, AM2543, found on page 952.

The Schilz amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1101. Title read. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1080. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 899. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 990. Placed on General File with amendment.
AM2484

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Fetal Dignity Protection Act.

5 Sec. 2. For purposes of the Fetal Dignity Protection Act:

6 (1) Human fetal tissue means tissue or cells obtained from a dead
7 human embryo or fetus after a spontaneous or induced abortion or after a
8 stillbirth; and

9 (2) Valuable consideration does not include reasonable payments
10 associated with the transportation, implantation, processing,
11 preservation, quality control, or storage of human fetal tissue.

12 Sec. 3. It shall be unlawful for any person acting within this
13 state to knowingly acquire, receive, or otherwise transfer any human
14 fetal tissue for valuable consideration.

15 Sec. 4. The Department of Health and Human Services shall adopt and
16 promulgate rules and regulations to require all facilities authorized to
17 perform any procedure that results in the recovery of human fetal tissue
18 to limit the disposition of the human fetal tissue to burial, cremation,
19 hospital-type incineration, or donation for research with the consent of
20 the woman involved in the procedure.

21 Sec. 5. Any person who performs any procedure that results in the
22 recovery of human fetal tissue in this state shall file monthly reports
23 with the Department of Health and Human Services as to the disposition of
24 the recovered human fetal tissue. Any corporation or other entity that
25 employs or engages as independent contractors one or more persons to
26 perform any procedure that results in the recovery of human fetal tissue
27 shall file monthly reports with the department as to the disposition of

1 human fetal tissue recovered in any procedure performed by all persons
2 employed or engaged as an independent contractor by such corporation or
3 entity. A person required to file a report under this section has an
4 affirmative duty to ensure that any report filed on his or her behalf is
5 accurate and complete. All reports under this section shall exclude the
6 name and all identifying information as to the woman involved in the
7 procedure that resulted in the recovery of human fetal tissue.

8 Sec. 6. The Department of Health and Human Services shall create a
9 form for reporting the disposition of human fetal tissue pursuant to
10 section 5 of this act. The department shall make all reports filed
11 pursuant to such section available for public inspection. The department
12 may adopt and promulgate rules and regulations as necessary to carry out
13 its responsibilities under the Fetal Dignity Protection Act.

14 Sec. 7. Failure to comply with the Fetal Dignity Protection Act is
15 a violation of the professional standards of any person holding a
16 professional license.

17 Sec. 8. The Attorney General may seek an injunction against any
18 person, corporation, or entity that has willfully and materially violated
19 the Fetal Dignity Protection Act. The injunction may prevent the
20 performance of any procedure that results in the recovery of human fetal
21 tissue.

22 Sec. 9. If any provision, word, phrase, or clause of the Fetal
23 Dignity Protection Act or the application thereof to any person or
24 circumstance is held invalid, such invalidity shall not affect the
25 provisions, words, phrases, clauses, or applications of the act which can
26 be given effect without the invalid provision, word, phrase, clause, or
27 application and to this end, the provisions, words, phrases, and clauses
28 of the act are declared to be severable.

29 Sec. 10. Section 38-2021, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 38-2021 Unprofessional conduct means any departure from or failure
1 to conform to the standards of acceptable and prevailing practice of
2 medicine and surgery or the ethics of the profession, regardless of
3 whether a person, patient, or entity is injured, or conduct that is
4 likely to deceive or defraud the public or is detrimental to the public
5 interest, including, but not limited to:

6 (1) Performance by a physician of an abortion as defined in
7 subdivision (1) of section 28-326 under circumstances when he or she will
8 not be available for a period of at least forty-eight hours for
9 postoperative care unless such postoperative care is delegated to and
10 accepted by another physician;

11 (2) Performing an abortion upon a minor without having satisfied the
12 requirements of sections 71-6901 to 71-6911;

13 (3) The intentional and knowing performance of a partial-birth
14 abortion as defined in subdivision (7) of section 28-326, unless such
15 procedure is necessary to save the life of the mother whose life is
16 endangered by a physical disorder, physical illness, or physical injury,
17 including a life-endangering physical condition caused by or arising from
18 the pregnancy itself; ~~and~~

19 (4) Performance by a physician of an abortion in violation of the
 20 Pain-Capable Unborn Child Protection Act; and -
 21 (5) Violation by a physician of the Fetal Dignity Protection Act.
 22 Sec. 11. Original section 38-2021, Revised Statutes Cumulative
 23 Supplement, 2014, is repealed.

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 83. Placed on Final Reading.

LEGISLATIVE BILL 803. Placed on Final Reading.

LEGISLATIVE BILL 1009. Placed on Final Reading.

ST70

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

1. In the E and R amendments, ER179, on page 11, line 21, "(1)(q)" has been struck and "(1)(g)" inserted.

LEGISLATIVE BILL 1033. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB956:

AM2614

(Amendments to E & R amendments, ER192)

1 1. Purpose: The Department of Correctional Services received funding
 2 for parole staff training and parolee treatment. In FY2016-17, Adult
 3 Parole Administration moves from the Department of Correctional Services
 4 to the Board of Parole. The funding for parole staff training and parolee
 5 treatment is therefore moved from the Department of Correctional Services
 6 to the Board of Parole in FY2016-17.

7 Amendment:

8 a. Insert the following new section:

9 Sec. 39. Laws 2015, LB598A, section 5, is amended to read:

10 Sec. 5. There is hereby appropriated (1) \$463,522 from the General
 11 Fund and \$-0- from the Parole Program Cash Fund for FY2015-16 and (2)
 12 \$6,200,975 ~~\$5,500,975~~ from the General Fund and \$455,873 from the Parole
 13 Program Cash Fund for FY2016-17 to the Board of Pardons and Board of
 14 Parole, for Program 358, to aid in carrying out the provisions of
 15 Legislative Bill 598, One Hundred Fourth Legislature, First Session,
 16 2015.

17 Total expenditures for permanent and temporary salaries and per
 18 diems from funds appropriated in this section shall not exceed \$323,794
 19 for FY2015-16 or \$2,957,608 for FY2016-17.

20 There is included in the appropriation to this program for FY2015-16
 21 \$100,000 in General Funds which shall only be used by the Board of Parole
 22 to develop and implement a strategic plan to transition the supervision
 23 of the Office of Parole Administration from the Department of
 24 Correctional Services to the Board of Parole. For the purposes of
 25 developing such a plan, the Board of Parole shall, on or before January
 26 1, 2016, hire a transition plan director and any staff as allowed under
 1 subsection (2) of section 83-188 to assist such director in the
 2 transition.

3 b. On page 55, lines 22 and 31, before "Laws" insert "Laws 2015,
 4 LB598A, section 5;"

5 c. Renumber the remaining sections and correct internal references
 6 accordingly.

7 2. Purpose: Transfer general funds from the Medicaid program for the
 8 Department of Health and Human Services to administer the Medicaid in
 9 Public Schools program.

10 Amendment:

11 a. On page 5, line 15, strike "4,343,884" and insert "4,588,884";
 12 and in line 17 strike "7,217,762" and insert "7,462,762";

13 b. On page 26, line 24, strike "849,662,179" and insert
 14 "849,417,179"; and in line 28 strike "2,114,420,250" and insert
 15 "2,114,175,250"; and

16 c. On page 27, line 10, strike "\$849,662,179" and insert
 17 "\$849,417,179".

18 3. Purpose: To insert the cap on transfers within the Department of
 19 Health and Human Services.

20 Amendment:

21 a. On page 26, line 8, strike "the portion" and insert "an amount
 22 not to exceed ten million dollars".

23 4. Purpose: The Department of Correctional Services received funding
 24 for parole staff training and parolee treatment. In FY2016-17, Adult
 25 Parole Administration moves from the Department of Correctional Services
 26 to the Board of Parole. The funding for parole staff training and parolee
 27 treatment is therefore moved from the Department of Correctional Services
 28 to the Board of Parole in FY2016-17.

29 Amendment:

30 a. On page 50, line 14, strike "203,142,037" and insert
 31 "202,442,037"; and in line 19 strike "225,966,872" and insert
 1 "225,266,872".

2 5. Purpose: Laws 2015, LB598, will move Adult Parole Administration
 3 from the Department of Correctional Services to the Board of Parole on
 4 July 1, 2016. The "A" bill did not include language that would allow for
 5 the unspent and unobligated General Fund appropriations in the Department
 6 of Correctional Services to be reappropriated to the Board of Parole. The
 7 following language would allow for this reappropriation.

8 Amendment:

9 a. On page 54, after line 11, insert:

10 "The unexpended General Fund appropriation balance existing on June
 11 30, 2016, less certified encumbrances, in Program 389 - Adult Parole

12 Administration, is hereby reappropriated to Agency No. 15 — Board of
 13 Pardons and Board of Parole, Program 358 - Board of Parole."
 14 6. Purpose: Add intent language.
 15 Amendment:
 16 a. On page 39, after line 13 insert:
 17 "It is the intent of the Legislature that the Nebraska Tourism
 18 Commission establish criteria for the evaluation and ranking of potential
 19 large-scale tourism projects that would have a significant economic
 20 impact on a local, regional, and statewide basis. The criteria shall take
 21 into consideration how projects may be prioritized to maximize geographic
 22 diversity, methods to evaluate the natural, cultural, and historical
 23 value of projects, and how to best assess the potential of projects to
 24 attract visitors from outside the state. The commission shall
 25 electronically submit a report to the Appropriations Committee of the
 26 Legislature not later than December 31, 2016, summarizing the development
 27 of the criteria and how the criteria would best be applied and utilized
 28 by the commission."

RESOLUTION(S)

LEGISLATIVE RESOLUTION 495. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this interim study is to examine state law governing cities of the second class and villages in Chapter 17 of the Nebraska statutes. The goal of the study is to update and modernize the statutes governing cities of the second class and villages through the elimination of obsolete, antiquated, and duplicative statutory language.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 496. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.

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

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 549A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, One Hundred Fourth Legislature, Second Session, 2016.

MESSAGE(S) FROM THE GOVERNOR

March 16, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Accountability and Disclosure Commission:

Douglas Hegarty, 8120 Pacific Street, Omaha, NE 68114
Jeffery Davis, 822 N. 8th Street, Beatrice, NE 68310

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 895. Title read. Considered.

Committee AM2159, found on page 686, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1039. Title read. Considered.

Committee AM2172, found on page 686, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 677. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 978. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 877. Title read. Considered.

Committee AM2104, found on page 694, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

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

LEGISLATIVE BILL 1050. Title read. Considered.

Committee AM2237, found on page 697, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1075. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 973. Title read. Considered.

Committee AM2001, found on page 731, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 712. 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 902. Title read. Considered.

Committee AM2287, found on page 733, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 694. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 908. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 908A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1010. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 913. Title read. Considered.

Committee AM2374, found on page 860, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1011. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE RESOLUTION 381. Read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 783. Title read. Considered.

Committee AM2357, found on page 866, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 783A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 842. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 750. Title read. Considered.

Committee AM2378, found on page 880, was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 816. Title read. Considered.

Committee AM2336, found on page 885, was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 952. Title read. Considered.

Committee AM2358, found on page 887, was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 678. Title read. Considered.

Committee AM2431, found on page 901, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

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

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 1066. Placed on General File with amendment. AM2640 is available in the Bill Room.

(Signed) Kate Sullivan, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1032A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1032, One Hundred Fourth Legislature, Second Session, 2016; and to reduce appropriations.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 497. Introduced by Watermeier, 1.

WHEREAS, Nebraska is home to one of the world's largest and richest sources of superalloy materials such as niobium, scandium, and titanium, located in Johnson County near Elk Creek; and

WHEREAS, these superalloy materials are needed in a broad array of industries, including clean energy, energy efficiency, automotive, aerospace, defense, construction, and medicine; and

WHEREAS, scandium is particularly vital to clean energy technologies such as high-efficiency solid oxide fuel cells and has important applications in aviation and transportation that can significantly reduce fuel consumption and associated air emissions; and

WHEREAS, the Elk Creek Superalloy Materials Project will help further diversify Nebraska's economy into critical and strategic material manufacturing and position the state as a global leader in the innovative manufacture of these vital materials; and

WHEREAS, NioCorp Developments Ltd. has been working intensely for several years to prepare the Elk Creek Project for commercial operation; and

WHEREAS, the Elk Creek Project is forecast to create up to 1,200 jobs during its multi-year construction period, up to 400 permanent, high-paying,

high-skill jobs when fully operational, and an average annual payroll of approximately \$20 million; and

WHEREAS, these Nebraska superalloy materials will help our nation reduce its current 100 percent dependence upon foreign producers for niobium and scandium, which have important current and potential national defense applications; and

WHEREAS, the United States Department of Defense is so concerned about maintaining adequate supplies of niobium for national defense that it is now purchasing niobium at taxpayer expense from foreign producers for storage in the national defense stockpile; and

WHEREAS, the Elk Creek Project will produce these critical and strategic materials in a safe, efficient, and environmentally responsible manner.

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

1. That the Legislature supports the advancement of the Elk Creek Superalloy Materials Project into commercial operation.
2. That a copy of this resolution be sent to NioCorp Developments Ltd.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB774:
AM2648

(Amendments to Standing Committee amendments, AM2422)

- 1 1. Insert the following new section:
- 2 Section 1. Section 3-613, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 3-613 Any authority established under sections 3-601 to 3-622 shall
- 5 have power:
- 6 (1) To sue and be sued;
- 7 (2) To have a seal and alter the same at pleasure;
- 8 (3) To acquire, hold, and dispose of personal property for its
- 9 corporate purposes;
- 10 (4) To acquire in the name of the county, by purchase or
- 11 condemnation, real property or rights or easements therein necessary or
- 12 convenient for its corporate purposes and, except as may otherwise be
- 13 provided in such sections, to use the same so long as its corporate
- 14 existence continues. Such power shall not be exercised by authorities
- 15 created after September 2, 1973, without further approval until such time
- 16 as three or more members of the authority have been elected. If the
- 17 exercise of such power is necessary while three or more appointed members
- 18 remain on the authority, the appointing body shall approve all
- 19 proceedings under this subdivision;
- 20 (5) To make bylaws for the management and regulation of its affairs
- 21 and, subject to agreements with bondholders, to make rules and
- 22 regulations for the use of projects and the establishment and collection
- 23 of rentals, fees, and all other charges for services or commodities sold,

24 furnished, or supplied by such authority. Any person violating such rules
25 shall be guilty of a Class III misdemeanor;

26 (6) With the consent of the county, to use the services of agents,
1 employees, and facilities of the county, for which the authority may
2 reimburse the county a proper proportion of the compensation or cost
3 thereof, and also to use the services of the county attorney as legal
4 advisor to the authority;

5 (7) To appoint officers, agents, and employees and fix their
6 compensation;

7 (8) To make contracts, leases, and all other instruments necessary
8 or convenient to the corporate purposes of the authority;

9 (9) To design, construct, maintain, operate, improve, and
10 reconstruct, so long as its corporate existence continues, such projects
11 as are necessary and convenient to the maintenance and development of
12 aviation services to and for the county in which such authority is
13 established, including landing fields, heliports, hangars, shops,
14 passenger and freight terminals, control towers, and all facilities
15 necessary or convenient in connection with any such project, to contract
16 for the construction, operation, or maintenance of any parts thereof or
17 for services to be performed thereon, and to rent parts thereof and grant
18 concessions thereon, all on such terms and conditions as the authority
19 may determine. This subdivision shall not be construed to affect the
20 obligation of a lessee to pay taxes if taxes are due under sections
21 77-202, 77-202.11, and 77-202.12;

22 (10) To include in such project, subject to zoning restrictions,
23 space and facilities for any or all of the following: Public recreation;
24 business, trade, or other exhibitions; sporting or athletic events;
25 public meetings; conventions; and all other kinds of assemblages and, in
26 order to obtain additional revenue, space and facilities for business and
27 commercial purposes. Whenever the authority deems it to be in the public
28 interest, the authority may lease any such project or any part or parts
29 thereof or contract for the management and operation thereof or any part
30 or parts thereof. Any such lease or contract may be for such period of
31 years as the authority shall determine. This subdivision shall not be
1 construed to affect the obligation of a lessee to pay taxes if taxes are
2 due under sections 77-202, 77-202.11, and 77-202.12;

3 (11) To charge fees, rentals, and other charges for the use of
4 projects under the jurisdiction of such authority subject to and in
5 accordance with such agreement with bondholders as may be made as
6 hereinafter provided. Subject to contracts with bondholders, all fees,
7 rentals, charges, and other revenue derived from any project shall be
8 applied to the payment of operating, administration, and other necessary
9 expenses of the authority properly chargeable to such project and to the
10 payment of the interest on and principal of bonds or for making sinking-
11 fund payments therefor. Subject to contracts with bondholders, the
12 authority may treat one or more projects as a single enterprise with
13 respect to revenue, expenses, the issuance of bonds, maintenance,
14 operation, or other purposes;

15 (12) To annually request of the county board the amount of tax to be

16 levied for airport purposes subject to section 77-3443, not to exceed
 17 three and five-tenths cents on each one hundred dollars of taxable
 18 valuation of all the taxable property in such county. Property tax levies
 19 for bonds issued by the authority pursuant to section 3-617 are not
 20 included in the levy limits established by this subdivision. The
 21 governing body shall levy and collect the taxes so requested at the same
 22 time and in the same manner as other taxes are levied and collected, and
 23 the proceeds of such taxes when due and as collected shall be set aside
 24 and deposited in the special account or accounts in which other revenue
 25 of the authority is deposited;

26 (13) To construct and maintain under, along, over, or across a
 27 project, telephone, telegraph, or electric wires and cables, fuel lines,
 28 gas mains, water mains, and other mechanical equipment not inconsistent
 29 with the appropriate use of such project, to contract for such
 30 construction and to lease the right to construct and use the same, or to
 31 use the same on such terms for such period of time and for such
 1 consideration as the authority shall determine;

2 (14) To accept grants, loans, or contributions from the United
 3 States, the State of Nebraska, any agency or instrumentality of either of
 4 them, or the county in which such authority is established and to expend
 5 the proceeds thereof for any corporate purposes;

6 (15) To incur debt and issue negotiable bonds and to provide for the
 7 rights of the holders thereof;

8 (16) To enter on any lands, waters, and premises for the purposes of
 9 making surveys, soundings, and examinations; and

10 (17) To do all things necessary or convenient to carry out the
 11 powers expressly conferred on such authorities by sections 3-601 to
 12 3-622.

13 2. Renumber the remaining sections and correct internal references
 14 accordingly.

15 3. Correct the operative date and repealer sections so that the
 16 section added by this amendment becomes operative three calendar months
 17 after the adjournment of this legislative session.

Senator Mello filed the following amendment to LB1081:
 AM2606

1 1. Insert the following new sections:
 2 Sec. 3. 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. 5. Section 68-1721, Revised Statutes Cumulative Supplement,
 7 2014, is amended to read:
 8 68-1721 (1) Under the self-sufficiency contract developed under
 9 section 68-1719, the principal wage earner and other nonexempt members of
 10 the applicant family shall be required to participate in one or more of
 11 the following approved activities, including, but not limited to,
 12 education, job skills training, work experience, job search, or
 13 employment.

14 (2) Education shall consist of the general education development
15 program, high school, Adult Basic Education, English as a Second
16 Language, postsecondary education, or other education programs approved
17 in the contract.

18 (3) Job skills training shall include vocational training in
19 technical job skills and equivalent knowledge. Activities shall consist
20 of formalized, technical job skills training, apprenticeships, on-the-job
21 training, or training in the operation of a microbusiness enterprise. The
22 types of training, apprenticeships, or training positions may include,
23 but need not be limited to, the ability to provide services such as home
24 repairs, automobile repairs, respite care, foster care, personal care,
25 and child care. Job skills training shall be prioritized and approved for
26 occupations that facilitate economic self-sufficiency.

27 (4) The purpose of work experience shall be to improve the
1 employability of applicants by providing work experience and training to
2 assist them to move promptly into regular public or private employment.
3 Work experience shall mean unpaid work in a public, private, for-profit,
4 or nonprofit business or organization. Work experience placements shall
5 take into account the individual's prior training, skills, and
6 experience. A placement shall not exceed six months.

7 (5) Job search shall assist adult members of recipient families in
8 finding their own jobs. The emphasis shall be placed on teaching the
9 individual to take responsibility for his or her own job development and
10 placement.

11 (6) Employment shall consist of work for pay. The employment may be
12 full-time or part-time but shall be adequate to help the recipient family
13 reach economic self-sufficiency.

14 (7) For purposes of creating the self-sufficiency contract and
15 meeting the applicant's work activity requirement, an applicant shall be
16 allowed to engage in vocational training that leads to an associate
17 degree, a diploma, or a certificate for a minimum of twenty hours per
18 week for up to thirty-six months. ~~This subsection terminates on December~~
19 ~~31, 2016.~~

20 Sec. 8. The following section is outright repealed: Section
21 68-1735.04, Revised Statutes Cumulative Supplement, 2014.
22 2. Renumber the remaining sections and amend the repealer
23 accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Campbell - LB843

VISITOR(S)

Visitors to the Chamber were Dennis, Linda, Ella, and Todd Quigley from Bassett; 42 fourth-grade students from Yutan; Senator Sullivan's daughter and granddaughters, Mollie, Clara, and Norah Morrow from Albion; 11 fourth-grade students and teachers from St. John Lutheran School, Battle Creek; and Senator Williams' wife, Susan, daughter-in-law, Meredith Williams, and twin grandchildren, Reid and Joelle.

The Doctor of the Day was Dr. Jason L. Bepalec from Geneva.

ADJOURNMENT

At 12:27 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Monday, March 21, 2016.

Patrick J. O'Donnell
Clerk of the Legislature