

FORTY-SEVENTH DAY - MARCH 22, 2016**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 2016

PRAYER

The prayer was offered by Pastor Raymond Wicks, First Baptist Church, Plattsmouth.

ROLL CALL

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

The roll was called and all members were present except Senators Campbell, Coash, B. Harr, Howard, and Mello who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 477, 478, 479, 480, 481, 482, and 484 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 477, 478, 479, 480, 481, 482, and 484.

MOTION - Withdraw LR497

Senator Watermeier offered his motion, MO220, found on page 1132, to withdraw LR497.

The Watermeier motion to withdraw the resolution prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 790. ER209, found on page 1111, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 909. ER199, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731. ER208, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 784. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 942. ER196, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 726. ER197, found on page 1112, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 813. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 924. ER202, found on page 1113, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 770A. Considered.

SENATOR KRIST PRESIDING

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 875. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 948. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 725. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 680. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 680A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 823. ER201, found on page 1113, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 865. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1002. ER200, found on page 1113, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1086. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 567. ER207, found on page 1121, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 684. ER206, found on page 1122, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 887. Advanced to Enrollment and Review for Engrossment.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 736. ER215, found on page 1122, was adopted.

Senator Friesen offered the following amendment:

AM2668

1 1. Insert the following new section:

2 Sec. 6. Section 77-2704.57, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 77-2704.57 (1) Sales and use tax shall not be imposed on the gross
5 receipts from the sale, lease, or rental of personal property for use in
6 a C-BED project or community-based energy development project. This
7 exemption shall be conditioned upon filing requirements for the exemption
8 as imposed by the Tax Commissioner. The requirements imposed by the Tax
9 Commissioner shall be related to ensuring that the property purchased
10 qualifies for the exemption. The Tax Commissioner may require the filing
11 of the documents showing compliance with section 70-1907, the
12 organization of the project, the distribution of the payments, the power
13 purchase agreements, the project pro forma, articles of incorporation,
14 operating agreements, and any amendments or changes to these documents
15 during the life of the power purchase agreement.

16 (2) The Tax Commissioner shall notify an electric ~~supplier utility~~
17 that has a power purchase agreement with a C-BED project if there is a
18 change in project ownership which makes the project no longer eligible as
19 a C-BED project. Purchase of a C-BED project by an electric ~~supplier~~
20 ~~utility~~ prior to the end of the power purchase agreement disqualifies the
21 C-BED project for the exemption, but the Department of Revenue may not
22 recover the amount of the sales and use tax that was not paid by the
23 project prior to the purchase.

24 (3) For purposes of this section, the terms (a) C-BED project or
25 community-based energy development project, (b) ~~electric supplier~~, (c)
26 gross power purchase agreement payments, (~~d e~~) payments to the local
27 community, and (~~e e~~) qualified owner have the definitions found in
1 section 70-1903.

2 (4) The Department of Revenue may examine the actual payments and
3 the distribution of the payments to determine if the projected
4 distributions were met. If the payment distributions to qualified owners
5 do not meet the requirements of this section, the department may recover
6 the amount of the sales or use tax that was not paid by the project at
7 any time up until the end of three years after the end of the power
8 purchase agreement.

9 (5) At any time prior to the end of the power purchase agreements,
10 the project may voluntarily surrender the exemption granted by the Tax
11 Commissioner and pay the amount of sales and use tax that would otherwise
12 have been due.

13 (6) The amount of the tax due under either subsection (4) or (5) of
14 this section shall be increased by interest at the rate specified in
15 section 45-104.02, as such rate may from time to time be adjusted, from
16 the date the tax would have been due if no exemption was granted until
17 the date paid.

18 2. On page 5, line 22, strike "section 70-1904" and insert "sections
19 70-1904 and 77-2704.57".

20 3. Renumber the remaining section accordingly.

The Friesen amendment was adopted with 28 ayes, 0 nays, 20 present and
not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 679. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 891. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 881. Senator Schilz offered the following amendment:

AM2669

1 1. On page 2, lines 5 and 6, strike "designed to reduce energy
2 consumption" and show as stricken.

The Schilz amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 894. Senator Krist offered the following motion:

MO221

Bracket until April 20, 2016.

SPEAKER HADLEY PRESIDING

Senator Krist withdrew his motion to bracket.

Senator Schumacher asked unanimous consent to withdraw his amendment, AM2629, found on page 1076 and considered on page 1127, as amended. No objections. So ordered.

Senator Hughes withdrew his amendment, AM2666, found on page 1132.

Senator Krist offered the following amendment:

AM2700

(Amendments to E and R amendments, ER181)

1 1. Strike section 1.

2 2. On page 15, line 13, after the period insert "Whether such
3 counsel shall be provided at the cost of the county shall be determined
4 as provided in subsection (1) of section 43-272.".

5 3. On page 18, line 8, strike "When", show as stricken, and insert
6 "(a) In counties having a population of less than one hundred fifty
7 thousand inhabitants, when"; in lines 8 through 29 strike the new matter
8 and reinstate the stricken matter; and after line 29 insert the following
9 new subdivision:

10 "(b) In counties having a population of one hundred fifty thousand
11 or more inhabitants, when any juvenile court petition is filed alleging
12 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or
13 (4) of section 43-247, counsel shall be appointed for such juvenile. The

14 court shall inform such juvenile and his or her parent or guardian of
 15 such juvenile's right to counsel at county expense if none of them is
 16 able to afford counsel. If the juvenile or his or her parent or guardian
 17 desires to have counsel appointed for such juvenile, or the parent or
 18 guardian of such juvenile cannot be located, and the court ascertains
 19 that none of such persons are able to afford an attorney, the court shall
 20 forthwith appoint an attorney to represent such juvenile for all
 21 proceedings before the juvenile court, except that if an attorney is
 22 appointed to represent such juvenile and the court later determines that
 23 a parent of such juvenile is able to afford an attorney, the court shall
 24 order such parent or juvenile to pay for services of the attorney to be
 25 collected in the same manner as provided by section 43-290. If the parent
 26 willfully refuses to pay any such sum, the court may commit him or her
 1 for contempt, and execution may issue at the request of the appointed
 2 attorney or the county attorney or by the court without a request.
 3 4. On page 19, lines 19 and 20, strike the new matter and reinstate
 4 the stricken matter.
 5 5. On page 20, line 6, after "juvenile" insert "represented by an
 6 attorney".
 7 6. Renumber the remaining sections, correct internal references, and
 8 correct the repealer accordingly.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Krist moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 33:

Baker	Groene	Kintner	McCollister	Schumacher
Cook	Haar, K.	Kolowski	Mello	Seiler
Craighead	Hadley	Kolterman	Morfeld	Smith
Crawford	Hansen	Krist	Murante	Stinner
Davis	Hilkemann	Kuehn	Pansing Brooks	Watermeier
Friesen	Howard	Larson	Riepe	
Gloor	Hughes	Lindstrom	Scheer	

Voting in the negative, 7:

Bloomfield	Brasch	Schilz	Sullivan
Bolz	Chambers	Schnoor	

Present and not voting, 7:

Campbell	Fox	Harr, B.	Williams
Coash	Garrett	McCoy	

Excused and not voting, 2:

Ebke Johnson

The Krist amendment was adopted with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Bloomfield requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 910. ER182, found on page 957, was adopted.

Senator Groene offered his amendment, AM2624, found on page 1075.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 783. Placed on Select File with amendment.
ER219

- 1 1. In the Standing Committee amendments, AM2357:
- 2 a. On page 2, line 2, after the second "district" insert "as"; in
- 3 line 3 strike "which receives" and insert "receiving"; and in line 10
- 4 strike "section"; show as stricken, and insert "sections";
- 5 b. On page 5, line 22, after "vehicles" insert "or public power
- 6 district motor vehicles";
- 7 c. On page 7, line 27, after "vehicle" insert "or public power
- 8 district motor vehicle"; and in line 30 strike the comma and show as
- 9 stricken; and
- 10 d. On page 9, line 11, strike the comma; and in line 26 strike
- 11 "section 12 of this act" and insert "this section".
- 12 2. On page 1, line 2, after the second comma insert "60-3,101,".

LEGISLATIVE BILL 783A. Placed on Select File.

LEGISLATIVE BILL 842. Placed on Select File with amendment.

ER217

- 1 1. On page 1, line 3, strike "redefine" and insert "define".
- 2 2. On page 4, lines 5 and 7 and 8, strike "school of barbering",
- 3 show as stricken, and insert "barber school or college".

LEGISLATIVE BILL 750. Placed on Select File with amendment.

ER210

- 1 1. In the Standing Committee amendments, AM2378, on page 2, line 26,
- 2 strike "declarative" and insert "declaratory".
- 3 2. On page 1, strike lines 2 through 8 and insert "sections 38-175,
- 4 38-1,106, 38-1,121, 38-1,129, 38-1,130, 38-1,134, and 71-445, Reissue
- 5 Revised Statutes of Nebraska, section 38-1,126, Revised Statutes
- 6 Cumulative Supplement, 2014, and section 38-101, Revised Statutes
- 7 Supplement, 2015; to prohibit discrimination and retaliation for making
- 8 reports under the act as prescribed; to provide for confidentiality of
- 9 persons involved in making reports under the act as prescribed; to
- 10 harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 816. Placed on Select File.

LEGISLATIVE BILL 952. Placed on Select File with amendment.

ER213

- 1 1. On page 1, strike beginning with "to" in line 2 through the
- 2 semicolon in line 4.

LEGISLATIVE BILL 678. Placed on Select File with amendment.

ER212

- 1 1. On page 1, strike lines 2 through 5 and insert "amend sections
- 2 81-885 and 81-885.24, Reissue Revised Statutes of Nebraska, and section
- 3 81-885.01, Revised Statutes Supplement, 2015; to define and redefine
- 4 terms; to provide duties for a team leader as prescribed; to provide
- 5 unfair trade practices;"

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1083A. Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1083, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 502.** Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the use of revolving funds within the Department of Administrative Services (DAS). Revolving funds are used to account for the financing of goods or services provided by one state agency to another on a cost-reimbursement basis. DAS has the statutory responsibility to provide centralized services to state agencies, boards, and commissions. Excluding the University of Nebraska and the Nebraska State College System, DAS accounts for 90.4 percent of all state revolving fund expenditures. This study shall include the following:

(1) A history of revolving fund expenditures and revenue for each revolving fund within DAS;

(2) A history of revolving fund balances for each revolving fund within DAS and the rationale for the levels of those balances; and

(3) An explanation of how fee structures are determined for each of the activities or centralized services within DAS that are paid for with revolving funds.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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 503. Introduced by Krist, 10.

WHEREAS, Ryan Dahlke, a member of Troop 60 of Papillion, 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Ryan bought and installed a telescoping flag pole for First Baptist Church of Bellevue. Ryan also constructed a large wooden cross that can be attached to the pole for special holidays such as Christmas and Easter; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; 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 Dahlke on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ryan Dahlke.

Laid over.

LEGISLATIVE RESOLUTION 504. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to examine the numerous deadlines involved in the election process. The study committee should examine how these deadlines work together, whether these deadlines are set appropriately, and any other issues related to election deadlines. In conducting this study, the study committee should seek the assistance of the Secretary of State and should consider the input of other interested persons as the committee deems necessary and beneficial.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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 505. Introduced by Murante, 49.

WHEREAS, Simon Thor Gissler, a member of Troop 405 of the Mid-America Council, Soaring Eagle District, 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, Simon 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. Simon has gone above and beyond, earning 38 merit badges. For his community service project, Simon led several other Scouts in the construction of 20 platform birdfeeders for the Gretna Community Living

Center, and researched and produced a birdwatcher's guide about local birds for the Center's residents; and

WHEREAS, Simon has participated in the Cub and then Boy Scouts since he was in first grade, and continues in Scouting as a freshman at the University of Nebraska-Lincoln by participating in the Venturing program. As a Boy Scout, Simon traveled to the 2010 National Scout Jamboree in Virginia, to Boundary Waters Canoe Area Wilderness in northern Minnesota, to Philmont Scout Ranch in New Mexico, and to several summer camps in Nebraska, Colorado, South Dakota, and Wisconsin. Simon also served as Youth Staff at the National Youth Leadership Training program at Little Sioux Scout Ranch in Iowa, including as Senior Patrol Leader; and

WHEREAS, Simon, 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 Simon Thor Gissler on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Simon Thor Gissler.

Laid over.

LEGISLATIVE RESOLUTION 506. Introduced by Seiler, 33; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10; Mello, 5; Morfeld, 46; Smith, 14; Williams, 36.

PURPOSE: The purpose of this resolution is to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence (DUI) and controlled substance offenses and to develop recommendations regarding the expansion of such programs throughout the state. The study committee is encouraged to work with the Transportation and Telecommunications Committee of the Legislature to examine the issues involved in this study.

The study shall examine, but not be limited to, the following issues:

- (1) How 24/7 sobriety programs in Douglas County are currently being used to monitor repeat DUI offenders;
- (2) Current success rates for dealing with repeat DUI offenders through 24/7 sobriety monitoring programs in Nebraska and other states;
- (3) Statewide expansion of 24/7 sobriety programs across Nebraska, issues and costs associated with such an expansion, and any available funding to offset such costs; and
- (4) Statutory changes necessary to implement a statewide 24/7 sobriety program.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Barels, Brian - Nebraska Natural Resources Commission - Natural Resources
 Christensen, Joel - Nebraska Natural Resources Commission - Natural Resources
 Clouse, Stanley A. - Nebraska Natural Resources Commission - Natural Resources
 Davis, Jeffery - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
 Dunbar, Brad B. - Nebraska Natural Resources Commission - Natural Resources
 Hegarty, Douglas - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
 Hoch, Harry - Nebraska State Fair Board - Agriculture
 Knutson, Thomas - Nebraska Natural Resources Commission - Natural Resources
 Smathers, Scott - Nebraska Natural Resources Commission - Natural Resources
 Wright, Chad - Nebraska Natural Resources Commission - Natural Resources

(Signed) Bob Krist, Chairperson
 Executive Board

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB710:

FA103

Strike the enacting clause.

VISITOR(S)

Visitors to the Chamber were 38 fourth-grade students from Malcolm; 40 fourth-grade students from Johnson County Central School, Cook; 3rd grade student, Andrew Callison, from Bellevue; and members of TeenPact Leadership Schools from across the state.

EASE

The Legislature was at ease from 12:05 p.m. until 12:30 p.m.

SENATOR KRIST PRESIDING

SELECT FILE

LEGISLATIVE BILL 910. The Groene amendment, AM2624, found on page 1075 and considered in this day's Journal, was renewed.

Senator Hansen moved the previous question. The question is, "Shall the debate now close?"

Senator Hansen moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Hansen requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

Baker	Davis	Harr, B.	McCollister	Seiler
Bolz	Fox	Howard	Mello	Smith
Chambers	Garrett	Johnson	Morfeld	Stinner
Coash	Gloor	Kolterman	Murante	Sullivan
Cook	Haar, K.	Krist	Pansing Brooks	Watermeier
Craighead	Hadley	Larson	Scheer	Williams
Crawford	Hansen	Lindstrom	Schilz	

Voting in the negative, 9:

Bloomfield	Groene	Kintner	McCoy	Schnoor
Brasch	Hughes	Kuehn	Riepe	

Present and not voting, 4:

Ebke	Friesen	Hilkemann	Schumacher
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Excused and not voting, 2:

Campbell	Kolowski
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The motion to cease debate prevailed with 34 ayes, 9 nays, 4 present and not voting, and 2 excused and not voting.

Senator Groene requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Brasch	Fox	Kintner	Riepe
Craighead	Garrett	Kuehn	Schilz
Davis	Groene	McCoy	Schnoor
Ebke	Hughes	Murante	Watermeier

Voting in the negative, 18:

Baker	Cook	Hadley	McCollister	Sullivan
Bolz	Crawford	Harr, B.	Morfeld	Williams
Chambers	Gloor	Howard	Pansing Brooks	
Coash	Haar, K.	Krist	Seiler	

Present and not voting, 13:

Bloomfield	Hilkemann	Larson	Scheer	Stinner
Friesen	Johnson	Lindstrom	Schumacher	
Hansen	Kolterman	Mello	Smith	

Excused and not voting, 2:

Campbell Kolowski

The Groene amendment lost with 16 ayes, 18 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Bloomfield offered the following motion:

MO223

Reconsider the vote taken on AM2624.

SENATOR COASH PRESIDING

Senator Bolz moved the previous question. The question is, "Shall the debate now close?"

Senator Bolz moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Bolz requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

Baker	Fox	Hilkemann	Mello	Seiler
Bolz	Garrett	Howard	Morfeld	Smith
Chambers	Gloor	Johnson	Murante	Stinner
Coash	Haar, K.	Kolowski	Pansing Brooks	Sullivan
Cook	Hadley	Krist	Scheer	Watermeier
Crawford	Hansen	Lindstrom	Schilz	Williams
Ebke	Harr, B.	McCollister	Schumacher	

Voting in the negative, 11:

Bloomfield	Davis	Kintner	Riepe
Brasch	Friesen	Kuehn	Schnoor
Craighead	Hughes	McCoy	

Present and not voting, 2:

Groene Kolterman

Excused and not voting, 2:

Campbell Larson

The motion to cease debate prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 23:

Bloomfield	Friesen	Johnson	McCoy	Schumacher
Brasch	Garrett	Kintner	Murante	Stinner
Craighead	Groene	Kolterman	Riepe	Watermeier
Davis	Hilkemann	Kuehn	Schilz	
Fox	Hughes	Lindstrom	Schnoor	

Voting in the negative, 22:

Baker	Crawford	Hansen	McCollister	Sullivan
Bolz	Ebke	Harr, B.	Mello	Williams
Chambers	Gloor	Howard	Morfeld	
Coash	Haar, K.	Kolowski	Pansing Brooks	
Cook	Hadley	Krist	Seiler	

Present and not voting, 2:

Scheer Smith

Excused and not voting, 2:

Campbell Larson

The Bloomfield motion to reconsider failed with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 507. Introduced by Davis, 43; Bolz, 29; Campbell, 25; Cook, 13; Mello, 5.

PURPOSE: The purpose of this interim study is to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing. Numerous states have instituted such programs, which are generally referred to as "Silver Alerts" or "Missing Person Advisories." Such alerts are designed to locate vulnerable adults whose health and safety are at risk while they remain missing. The Alzheimer's State Plan Subcommittee of the Aging Nebraskans Task Force has identified the need for such a system to locate missing persons with Alzheimer's disease or dementia.

The study shall include, but not be limited to, an examination of the following issues:

- (1) Identifying criteria and procedures that law enforcement agencies should use when instituting an alert;
- (2) Identifying eligibility criteria to determine which vulnerable adults should be included in the alert system, such as a specific age or diagnosis of cognitive impairment;
- (3) Determining who should be eligible to file a report of a missing vulnerable adult, such as spouses, legal custodians, or agencies;
- (4) Considering protocols to verify that a vulnerable adult is actually missing;
- (5) Determining how such alerts should be broadcast, such as via media reports, recorded calls, or highway signs;
- (6) Identifying potential community and statewide partners that are available to assist in developing and executing such an alert system; and
- (7) Determining whether the existing AMBER Alert System could be expanded to include additional types of missing persons.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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 508. Introduced by Harr, B., 8.

PURPOSE: The purpose of this resolution is to study possible changes to the Nebraska Model Business Corporation Act. In particular, the study should include a review of amendments to the American Bar Association's Model Business Corporation Act which have been adopted or proposed since Nebraska adopted the act.

In order to carry out the purposes of this resolution, the study committee shall consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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 509. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study the funding history, programs, and services offered by the Cooperative Extension Service of the University of Nebraska. The Smith-Lever Act of 1914 established a system of cooperative extension services connected to land-grant universities in order to inform citizens about current developments in agriculture, home economics, public policy and government, leadership, 4-H activities, and economic development. Extension services are found throughout Nebraska in 83 county or multi-county offices that serve all 93 counties, and at four Research and Extension Centers across the state.

This study shall examine the following:

(1) The funding history of extension services in Nebraska, including federal, state, and county contributions;

(2) A history of programs and services offered;

(3) A history of funding for such programs and services;

(4) The number of staff employed by the Cooperative Extensive Service by area or location; and

(5) A history of the funding of, and the programs and services offered by, the Rural Futures Institute at the University of Nebraska.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Tuesday, April 5, 2016 8:00 a.m.

Omaha Public Power District Briefing

(Signed) Mark Kolterman, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 843. Placed on Final Reading.
ST72

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

1. In the E & R amendments, ER195, on page 1, line 5, "to provide for a motion to dismiss a prostitution charge as prescribed;" has been inserted after the second semicolon.

LEGISLATIVE BILL 956. Placed on Final Reading.
ST71

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

1. In the E & R amendments, ER192:
a. Section 44 has been renumbered as section 39 and the remaining sections renumbered accordingly; and
b. On page 2, line 9, "72" has been struck and "73" inserted.

LEGISLATIVE BILL 957. Placed on Final Reading.

LEGISLATIVE BILL 960. Placed on Final Reading.

LEGISLATIVE BILL 960A. Placed on Final Reading.

LEGISLATIVE BILL 981. Placed on Final Reading.

LEGISLATIVE BILL 1081. Placed on Final Reading.
ST73

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

1. On page 1, line 1, "sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and" has been inserted after "amend"; in line 4 "to eliminate termination dates relating to self-sufficiency contracts;" has

been inserted after the first semicolon and "and" has been struck; and in line 5 "; and to outright repeal section 68-1735.04, Revised Statutes Cumulative Supplement, 2014" has been inserted after "sections".

2. On page 9, line 6, "sections 68-1708 and 68-1721, Revised Statutes Cumulative Supplement, 2014, and" has been inserted after "Original".

(Signed) Matt Hansen, Chairperson

ANNOUNCEMENT(S)

The Task Force on Behavioral and Mental Health (LR413) elected Senator Bolz as Chairperson and Senator Howard as Vice Chairperson.

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB824:
AM2353 is available in the Bill Room.

Senator Kuehn filed the following amendment to LR378CA:
AM2638

(Amendments to Standing Committee amendments, AM2251)

1 1. On page 1, line 3, after the period insert paragraphing and
2 "(3)"; in line 5 strike "or any ordinance adopted by any political
3 subdivision"; in line 8 after the period insert "Nothing in this section
4 shall be construed to modify or affect the jurisdiction of any political
5 subdivision of the state."; and in line 9 strike "(3)" and insert "(4)".

SELECT FILE

LEGISLATIVE BILL 910. Senator Schumacher asked unanimous consent to withdraw his amendment, AM2651, found on page 1131, and replace it with his substitute amendment, AM2715. No objections. So ordered.
AM2715

(Amendments to E & R amendments, ER182)

1 1. Insert the following new section:
2 Sec. 6. Section 83-173.03, Revised Statutes Supplement, 2015, is
3 amended to read:
4 83-173.03 (1) Beginning July 1, 2016, no inmate shall be held in
5 restrictive housing unless done in the least restrictive manner
6 consistent with maintaining order in the facility and pursuant to rules
7 and regulations adopted and promulgated by the department pursuant to the
8 Administrative Procedure Act.
9 (2) Any inmate confined in restrictive housing may, after the
10 ninetieth day in a calendar year of his or her confinement and after the
11 effective date of this act, seek a review of the decision to place him or
12 her in restrictive housing. The review shall be conducted by the district
13 court of the county in which the correctional facility in which the
14 inmate is confined is located. A district judge may appoint a special
15 master to conduct the review. The district judge may hold further

16 proceedings with respect to the review or enter an order based upon
 17 recommendations of the special master.
 18 (3 2) The department shall adopt and promulgate rules and
 19 regulations pursuant to the Administrative Procedure Act establishing
 20 levels of restrictive housing as may be necessary to administer the
 21 correctional system. Rules and regulations shall establish behavior,
 22 conditions, and mental health status under which an inmate may be placed
 23 in each confinement level as well as procedures for making such
 24 determinations. Rules and regulations shall also provide for
 25 individualized transition plans, developed with the active participation
 26 of the committed offender, for each confinement level back to the general
 1 population or to society.
 2 (4 3) Rules and regulations may authorize the director to issue
 3 written directives, guidance documents, and operational manuals not
 4 inconsistent with law and rules and regulations. Such directives,
 5 guidance documents, and operational manuals shall be made available to
 6 the public in the same manner that rules and regulations are made
 7 available unless the safety and security of a correctional facility
 8 ~~institution~~ would be placed at imminent and substantial risk by such
 9 publication. If any directive, guidance document, or operational manual
 10 is not made available to the public, notice shall be given to the deputy
 11 public counsel for corrections and to the Inspector General of the
 12 Nebraska Correctional System. The notice shall identify all documents not
 13 publicly available by title, number of pages, and date adopted. All
 14 directives, guidance documents, and operational manuals shall be made
 15 available to any member of the Legislature upon request. Security manuals
 16 shall be made available to the Legislature for inspection upon request,
 17 but shall not be copied or removed from secure locations as designated by
 18 the director.
 19 2. On page 8, after line 2, insert the following new subdivision:
 20 "(e) The number of inmates who were released from restrictive
 21 housing based upon an order of a district judge under subsection (2) of
 22 section 83-173.03;"; in line 3 strike "(e)", show as stricken, and insert
 23 "(f)"; in line 6 strike "(f)", show as stricken, and insert "(g)"; and in
 24 line 9 strike "(g)", show as stricken, and insert "(h)".
 25 3. Renumber the remaining sections and correct the repealer
 26 accordingly.

SENATOR WATERMEIER PRESIDING

SPEAKER HADLEY PRESIDING

Senator Bolz offered the following motion:

MO224

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Bolz moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

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

Voting in the affirmative, 28:

Baker	Davis	Harr, B.	McCollister	Seiler
Campbell	Garrett	Hilkemann	Mello	Stinner
Chambers	Gloor	Howard	Morfeld	Sullivan
Coash	Haar, K.	Kolowski	Pansing Brooks	Williams
Cook	Hadley	Krist	Schilz	
Crawford	Hansen	Larson	Schumacher	

Voting in the negative, 15:

Craighead	Groene	Kintner	Lindstrom	Riepe
Fox	Hughes	Kolterman	McCoy	Schnoor
Friesen	Johnson	Kuehn	Murante	Watermeier

Present and not voting, 4:

Bloomfield	Bolz	Brasch	Smith
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Excused and not voting, 2:

Ebke	Scheer
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The Bolz motion to invoke cloture failed with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1093. ER188, found on page 963, was adopted.

Senator Mello offered his amendment, AM2547, found on page 1000.

The Mello amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Morfeld offered his amendment, AM2632, found on page 1076.

The Morfeld amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 977. ER189, found on page 969, was adopted.

Senator Smith withdrew his amendment, AM2478, found on page 908 and considered on page 929.

Senator Smith offered his amendment, AM2623, found on page 1063.

The Smith amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA104

Page 2, line 22, strike "may" and insert "shall".

SENATOR KRIST PRESIDING

The Chambers amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA105

Strike section 1.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 977A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1105. ER184, found on page 970, was adopted.

Senator Larson withdrew his amendment, AM1927, found on page 473.

Senator Larson offered his amendment, AM2634, found on page 1132.

The Larson amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1105A. ER198, found on page 1111, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 938. Title read. Considered.

Committee AM2356, found on page 836, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Smith withdrew his amendment, AM2301, found on page 717.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 938A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 774. Title read. Considered.

Committee AM2422, found on page 893, was offered.

Senator Stinner offered his amendment, AM2648, found on page 1096, to the committee amendment.

The Stinner amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 1000. Placed on General File with amendment. AM2704

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

3 Section 1. For purposes of sections 1 to 3 of this act, unless the
4 context otherwise requires:

5 (1) Body-worn camera means a device worn by a peace officer in
6 uniform which has the capability to record both audio and video of an
7 interaction between a peace officer and a member of the public but does
8 not include any device used by a plain clothes officer;

9 (2) Commission means the Nebraska Commission on Law Enforcement and
10 Criminal Justice;

11 (3) Law enforcement agency means an agency or department of this
12 state or of any political subdivision of this state which is responsible
13 for the prevention and detection of crime, the enforcement of the penal,
14 traffic, or highway laws of this state or any political subdivision of
15 this state, and the enforcement of arrest warrants. Law enforcement
16 agency includes a police department, an office of a town marshal, an
17 office of a county sheriff, the Nebraska State Patrol, and any department
18 to which a deputy state sheriff is assigned as provided in section
19 84-106; and

20 (4) Peace officer means any officer or employee of a law enforcement
21 agency authorized by law to make arrests.

22 Sec. 2. (1) On or before December 1, 2016, the commission shall
23 develop and distribute a model body-worn camera policy that includes the

24 procedures and provisions required by section 3 of this act. Any law
25 enforcement agency required to adopt a policy under this section that
26 does not develop and adopt its own policy shall adopt the model body-worn
27 camera policy developed by the commission.

1 (2)(a) Any law enforcement agency which uses body-worn cameras as of
2 the effective date of this act shall, on or before January 1, 2017, adopt
3 a written body-worn camera policy. Such policy shall include procedures
4 and provisions in conformance with the minimum standards set forth in the
5 model body-worn camera policy developed by the commission, and may
6 include any other procedures and provisions the law enforcement agency
7 deems appropriate.

8 (b) Beginning January 1, 2017, any law enforcement agency which uses
9 body-worn cameras shall, prior to commencing such use, adopt a written
10 body-worn camera policy. Such policy shall include procedures and
11 provisions in conformance with the minimum standards set forth in the
12 model body-worn camera policy developed by the commission, and may
13 include any other procedures and provisions the law enforcement agency
14 deems appropriate.

15 (3) The head of a law enforcement agency required to adopt a policy
16 under this section shall provide a copy of such policy to the commission
17 within three months of such policy's adoption.

18 (4) On or before January 1, 2018, and each January 1 thereafter,
19 when any law enforcement agency required to adopt a policy under this
20 section has made any change to its policy in the preceding year, the head
21 of such agency shall provide an updated copy of such policy to the
22 commission.

23 Sec. 3. A body-worn camera policy required by section 2 of this act
24 shall include provisions which govern the use of body-worn cameras by
25 peace officers and the retention and disposition of recordings created
26 with such cameras by law enforcement agencies. Such body-worn camera
27 policy shall include, but not be limited to:

28 (1) A requirement that training be provided to any peace officer who
29 will use a body-worn camera and to any other employee who will come into
30 contact with video or audio data recorded by a body-worn camera;

31 (2) A requirement that recordings created by body-worn cameras shall
1 be retained for a minimum period of ninety days from the date of
2 recording. Such recordings shall be retained for more than ninety days if
3 required by the following circumstances:

4 (a) Upon notice to the law enforcement agency of a criminal or civil
5 court proceeding in which the recording may have evidentiary value or in
6 which the recording is otherwise involved, the recording shall be
7 retained until final judgment has been entered in the proceeding;

8 (b) Upon notice to the law enforcement agency of a disciplinary
9 proceeding against an employee of the agency in which the recording may
10 have evidentiary value or in which the recording is otherwise involved,
11 the recording shall be retained until a final determination has been made
12 in such proceeding; and

13 (c) If the recording is part of a criminal investigation that has
14 not resulted in an arrest or prosecution, the recording shall be retained

15 until the investigation is officially closed or suspended; and
16 (3) A procedure governing the destruction of recordings after the
17 retention period described in subdivision (2) of this section has
18 elapsed.
19 Sec. 4. (1) On or before January 1, 2017, the Nebraska State Patrol,
20 each county sheriff, each city or village police department, and any
21 other law enforcement agency in this state which conducts eyewitness
22 suspect identifications shall adopt a written policy on eyewitness
23 suspect identifications and provide a copy of such policy to the Nebraska
24 Commission on Law Enforcement and Criminal Justice. The policy shall
25 include the minimum standards developed by the commission relating to the
26 following: (a) Standards which describe the administration of a lineup,
27 (b) procedures governing the instructions given by a peace officer to an
28 eyewitness, and (c) procedures for documentation of the eyewitness's
29 level of certainty of an identification.
30 (2) The Nebraska Commission on Law Enforcement and Criminal Justice
31 shall distribute a standard model written policy on suspect
1 identification by eyewitnesses. Any law enforcement agency described in
2 subsection (1) of this section which fails to adopt its own policy as
3 required by this section shall adopt the commission's standard model
4 written policy.
5 Sec. 5. Section 29-1401, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:
7 29-1401 (1) The district courts are hereby vested with power to call
8 grand juries.
9 (2) A grand jury may be called and summoned in the manner provided
10 by law on such day of a regular term of the district court in each year
11 in each county of the state as the district court may direct and at such
12 other times and upon such notice as the district court may deem
13 necessary.
14 (3) District courts shall call a grand jury in each case that a
15 petition meets the requirements of section 32-628, includes a recital as
16 to the reason for requesting the convening of the grand jury and a
17 specific reference to the statute or statutes which are alleged to have
18 been violated, and is signed not more than ninety days prior to the date
19 of filing under section 29-1401.02 by not less than ten percent of the
20 registered voters of the county who cast votes for the office of Governor
21 in such county at the most recent general election held for such office.
22 (4) District courts shall call a grand jury in each case upon
23 certification by the county coroner or coroner's physician that a person
24 has died while being apprehended by or while in the custody of a law
25 enforcement officer or detention personnel. In each case subject to this
26 subsection:
27 (a) Law enforcement personnel from the jurisdiction in which the
28 death occurred shall immediately secure the scene, preserve all evidence,
29 and investigate the matter as in any other homicide. The case shall be
30 treated as an open, ongoing matter until all evidence, reports, and other
31 relevant material which has been assembled are transferred to a
1 prosecuting attorney selected pursuant to subdivision (b) of this

2 subsection; and

3 (b) The county attorney or a member of his or her staff shall be the
4 prosecuting attorney. Except as provided in subdivision (d) of this
5 subsection, the prosecuting attorney shall, as soon as practicable,
6 select a team of three peace officers trained to investigate homicides.
7 At least two of such investigators shall be from agencies other than the
8 agency under which the death occurred. The team shall examine all
9 evidence concerning the cause of death and present the findings of its
10 investigation to the prosecuting attorney;

11 (c) A grand jury shall be impaneled within thirty days after the
12 certification by the county coroner or coroner's physician, unless the
13 court extends such time period upon the showing of a compelling reason;
14 and -

15 (d) In those cases in which the death has been certified by a
16 licensed practicing physician to be from natural causes, the county
17 attorney or a member of his or her staff may present such finding to a
18 grand jury without selecting a three-member team of peace officers to
19 investigate.

20 Sec. 6. Section 29-1404, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 29-1404 (1) Except as provided in subsection (2) of this section,
23 when the foreperson ~~foreman~~ shall be appointed, an oath or
24 affirmation shall be administered to him or her in the following words:
25 Saving yourself and fellow jurors, you, as foreperson ~~foreman~~ of this
26 grand inquest, shall diligently inquire and true presentment make, of all
27 such matters and things as shall be given you in charge or otherwise come
28 to your knowledge, touching the present service. The counsel of the
29 state, your own and your fellows, you shall keep secret, unless called on
30 in a court of justice to make disclosures. You shall present no person
31 through malice, hatred, or ill will, nor shall you leave any person
1 unpresented through fear, favor, or affection, or for any reward or hope
2 thereof; but in all your presentments you shall present the truth, the
3 whole truth, and nothing but the truth, according to the best of your
4 skill and understanding.

5 (2) For grand juries impaneled pursuant to subsection (4) of section
6 29-1401, when the foreperson shall be appointed, an oath or affirmation
7 shall be administered to him or her in the following words: Saving
8 yourself and fellow jurors, you, as foreperson of this grand inquest,
9 shall diligently inquire and true presentment make, of all such matters
10 and things as shall be given you in charge or otherwise come to your
11 knowledge, touching the present service. The counsel of the state, your
12 own and your fellows, you shall keep secret during the course of the
13 impaneled grand jury's investigation and deliberations, unless called on
14 in a court of justice to make disclosures. You shall present no person
15 through malice, hatred, or ill will, nor shall you leave any person
16 unpresented through fear, favor, or affection, or for any reward or hope
17 thereof; but in all your presentments you shall present the truth, the
18 whole truth, and nothing but the truth, according to the best of your
19 skill and understanding.

20 Sec. 7. Section 29-1406, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 29-1406 (1) The grand jury, after being sworn, shall be charged as
23 to their duty by the judge, who shall call their attention particularly
24 to the obligation of secrecy which their oaths impose, and to such
25 offenses as he or she is by law required to specially charge.

26 (2) Upon impanelment of each grand jury, the court shall give to
27 such grand jury adequate and reasonable written notice of and shall
28 assure that the grand jury reasonably understands the nature of:

29 (a) Its duty to inquire into offenses against the criminal laws of
30 the State of Nebraska alleged to have been committed or, in the case of a
31 grand jury impaneled pursuant to subsection (4) of section 29-1401, its
1 duty to inquire into offenses against the criminal laws of the State of
2 Nebraska regarding the death of a person who has died while being
3 apprehended or while in the custody of a law enforcement officer or
4 detention personnel;

5 (b) Its right to call and interrogate witnesses;

6 (c) Its right to request the production of documents or other
7 evidence;

8 (d) The subject matter of the investigation and the criminal
9 statutes or other statutes involved, if these are known at the time the
10 grand jury is impaneled;

11 (e) The duty of the grand jury by an affirmative vote of twelve or
12 more members of the grand jury to determine, based on the evidence
13 presented before it, whether or not there is probable cause for finding
14 indictments and to determine the violations to be included in any such
15 indictments; ~~and~~

16 (f) The requirement that the grand jury may not return an indictment
17 in cases of perjury unless at least two witnesses to the same fact
18 present evidence establishing probable cause to return such an
19 indictment; ~~and -~~

20 (g) In the case of a grand jury impaneled pursuant to subsection (4)
21 of section 29-1401, if the grand jury returns a no true bill:

22 (i) The grand jury shall create a grand jury report with the
23 assistance of the prosecuting attorney. The grand jury report shall
24 briefly provide an explanation of the grand jury's findings and any
25 recommendations the grand jury determines to be appropriate based upon
26 the grand jury's investigation and deliberations; and

27 (ii) The no true bill and the grand jury report shall be filed with
28 the court, where they shall be available for public review, along with
29 the grand jury transcript provided for in subdivision (2)(b) of section
30 29-1407.01.

31 Sec. 8. Section 29-1407.01, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 29-1407.01 (1) A certified or authorized reporter shall be present
3 at all grand jury sessions. All grand jury proceedings and testimony from
4 commencement to adjournment shall be reported.

5 (2)(a) Except as provided in subdivision (2)(b) of this section, the
6 ~~The~~ reporter's notes and any transcripts which may be prepared shall be

7 preserved, sealed, and filed with the court. No release or destruction of
8 the notes or transcripts shall occur without prior court approval.

9 (b) In the case of a grand jury impaneled pursuant to subsection (4)
10 of section 29-1401, a transcript, including any exhibits of the grand
11 jury proceedings, shall be prepared at court expense and shall be filed
12 with the court where it shall be available for public review. Such
13 transcript shall not include the names of grand jurors or their
14 deliberations.

15 (3 2) Upon application by the prosecutor, or by any witness after
16 notice to the prosecutor, the court, for good cause, may enter an order
17 to furnish to that witness a transcript of his or her own grand jury
18 testimony, or minutes, reports, or exhibits relating thereto.

19 (4 3) Any witness summoned to testify before a grand jury, or an
20 attorney for such witness with the witness's written approval, shall be
21 entitled, prior to testifying, to examine and copy at the witness's
22 expense any statement in the possession of the prosecuting attorney or
23 the grand jury which such witness has made that relates to the subject
24 matter under inquiry by the grand jury. If a witness is proceeding in
25 forma pauperis, he or she shall be furnished, upon request, a copy of
26 such transcript and shall not pay a fee.

27 Sec. 9. Section 29-1420, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 29-1420 (1) Except as provided in subdivision (2)(g) of section
30 29-1406, the ~~The~~ report of the grand jury shall not be made public except
31 when the report is filed, including indictments, or when required by
1 statute or except that all of the report or a portion thereof may be
2 released if the judge of the district court finds that such a release
3 will exonerate a person or persons who have requested such a release.

4 (2) A district judge under whose direction a grand jury has been
5 impaneled may, upon good cause shown, transfer to a court of competent
6 jurisdiction in another county or jurisdiction any evidence gathered by
7 the grand jury that offenses have been committed in such other county or
8 jurisdiction.

9 Sec. 10. Original sections 29-1404, 29-1406, 29-1407.01, and
10 29-1420, Reissue Revised Statutes of Nebraska, and section 29-1401,
11 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 510. Introduced by Howard, 9.

PURPOSE: Integrating palliative care into mainstream medicine for all patients and families facing serious illnesses offers an essential opportunity to deliver on the promise of person-centered and family-focused care. Palliative care means medical care that improves the quality of life of a patient and his or her family as they face problems associated with life-threatening illness, through the prevention and relief of suffering by means

of early identification, assessment, and treatment of pain and other physical, psychosocial, and spiritual problems.

Palliative care improves quality of life and creates care efficiencies that curb costs. Palliative care is concerned with treating the person beyond the disease. It is about improving quality of life and providing an extra layer of support to relieve the pain, symptoms, and stress of serious illness, and can be provided alongside curative treatment. It helps both the patient and family and is appropriate at any age and any stage. At its core, the focus of palliative care is to promote and protect patient and family quality of life by relieving the burden of illness and ensuring that treatment plans are tailored to personal goals.

The purpose of this interim study is to examine how to best integrate palliative care into the overall medical care structure of our health care system. This examination should include discussions about the establishment of a state advisory council on palliative care and quality of life and how this council could, by conducting educational programs or by other means, help increase access to and understanding of the usage and need for palliative care. The study committee should also examine whether legislation is necessary to maximize the effectiveness of palliative care initiatives in the state by ensuring that comprehensive and accurate information is available to the public, health care providers, and health care facilities.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 511. Introduced by Davis, 43; Baker, 30; Bolz, 29; Brasch, 16; Cook, 13; Groene, 42; Haar, K., 21; Harr, B., 8; Hilkemann, 4; Howard, 9; Kolowski, 31; Krist, 10; Kuehn, 38; Mello, 5; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schnoor, 15; Schumacher, 22; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1.

PURPOSE: The purpose of this interim study is to examine existing law governing the collection of sales and use tax on remote sales-those sales where the seller does not have a physical presence in Nebraska-and determine whether and how existing law can be improved to increase collection of these legally due and payable but generally uncollected taxes.

Under existing United States Supreme Court precedent, a state cannot require a business to collect use taxes if the business does not have a physical presence in the state. However, in a concurring opinion in *Direct Marketing Association v. Brohl*, 135 S. Ct. 1124, 1135 (2015) ("Brohl II"),

Justice Anthony Kennedy urged the Supreme Court to reconsider this precedent, stating that there "is a powerful case to be made that a retailer doing extensive business within a state has a sufficiently 'substantial nexus' to justify imposing some minor tax-collection duty, even if that business is done through mail or the Internet."

On remand from the United States Supreme Court, in *Direct Marketing Association v. Brohl*, case no. 12-1175 (Feb. 22, 2016) ("Brohl III"), the United States Court of Appeals for the Tenth Circuit upheld as constitutional a Colorado law that requires retailers who do not collect sales tax to instead provide notices regarding use taxes to purchasers and make an annual report to the state that will facilitate the collection of use taxes.

In light of these legal developments, the study committee shall conduct an examination that includes, but is not limited to, the following issues:

(1) Examining whether Nebraska's sales and use tax nexus law allows the state to require remote sellers to collect sales tax to the fullest extent permitted by the Constitution of the United States, as interpreted by existing United States Supreme Court precedent, including *Quill v. North Dakota*, 504 U.S. 298 (1992); *Tyler Pipe Industries v. Washington State Department of Revenue*, 483 U.S. 232 (1987); and *Scripto, Inc. v. Carson*, 362 U.S. 207 (1960);

(2) Considering, in light of Justice Kennedy's concurring opinion in *Brohl II*, whether Nebraska should require all sellers to collect sales and use tax regardless of whether a nexus would be found under existing United States Supreme Court precedent; and

(3) Considering, in light of the Tenth Circuit's decision in *Brohl III*, whether Nebraska should require all sellers who do not collect sales and use taxes to provide notices on use tax to their purchasers and provide reports to the state that will facilitate the collection of use taxes from those purchasers.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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 512. Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Crawford, 45; Ebke, 32; Howard, 9; Johnson, 23.

PURPOSE: The purpose of this resolution is to study the Commission of Industrial Relations (CIR). The CIR is a state agency designed to resolve public sector labor controversies with jurisdiction over state and local government employees, including public utilities. The Constitution of Nebraska authorizes the creation of such an agency, and in 1947, state legislation created the CIR. The CIR was designed as a compromise meant

to provide a meaningful avenue for workers to be heard and address fairness in the workplace while prohibiting workers from striking and ensuring public safety. The CIR is an option of last resort meant to be invoked only when the parties reach an impasse in their negotiations of wages, terms, or other conditions.

The study shall include, but not be limited to, an examination of the following:

- (1) Implementation, experience, and practice of the CIR;
- (2) Effectiveness of legislation in providing greater predictability and consistency to the CIR process of resolving labor disputes;
- (3) Similar laws, programs, or institutions in other states addressing public sector labor controversies; and
- (4) Costs and benefits to employers, employees, and taxpayers as a result of the Industrial Relations Act.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes 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 513. Introduced by Howard, 9; Kolterman, 24.

PURPOSE: The purpose of this resolution is to examine workforce issues within the child welfare and juvenile justice systems. Front-line professionals within juvenile probation and the Department of Health and Human Services' Division of Children and Family Services have extremely challenging jobs. These professionals do what is necessary to respond to the urgent needs of children, youth, and families every day of the week and at all hours of the day and night. Such tasks include staffing the abuse and neglect hotline, conducting initial assessments, providing ongoing case management, and operating juvenile probation. A skilled and stable workforce of such professionals is key to successful outcomes for Nebraska's vulnerable children, youth, and families. This can be achieved when staff have manageable caseloads and workloads, when they receive high-quality training and education, and when turnover is minimized.

The study shall include:

- (1) Examining whether there are adequate recruiting and retention efforts for front-line professionals within juvenile probation and the Department of Health and Human Services' Division of Children and Family Services;
- (2) Ascertaining whether the caseloads and workloads of such professionals are manageable and lead to successful outcomes;

(3) Determining whether statutes should be harmonized or amended to ensure clarity and consistency of caseload and workload requirements for caseworkers and juvenile probation officers; and

(4) Determining whether further efforts are needed to improve the professionalization and stability of the child welfare and juvenile justice workforce.

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

1. That the Health and Human Services Committee shall be designated to conduct an interim study to carry out the purposes 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.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB910:
AM2689

(Amendments to E&R amendments, ER182)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Groene filed the following amendment to LB910:
AM2716

(Amendments to E & R amendments, ER182)

- 1 1. On page 6, line 8, strike the new matter and reinstate the
- 2 stricken matter; and after line 27 insert the following new subdivision:
- 3 "(b) A person with one or more felony convictions for the possession
- 4 or use of a controlled substance or a person with one or two felony
- 5 convictions involving the sale or distribution of a controlled substance
- 6 shall only be eligible to receive Supplemental Nutrition Assistance
- 7 Program benefits under this subsection if he or she (i) is participating
- 8 in or has completed a state-licensed or nationally accredited substance
- 9 abuse treatment program since the date of his or her most recent
- 10 conviction or (ii) voluntarily submits to a drug test, verified by a
- 11 laboratory approved by the Department of Health and Human Services, the
- 12 results of which test are negative with respect to any illegal substances
- 13 prior to receiving Supplemental Nutrition Assistance Program benefits and
- 14 continues to agree to drug tests at random intervals thereafter, no less
- 15 than every six months. The determination of participation or completion
- 16 of such a substance abuse treatment program or negative drug test results
- 17 shall be certified by the treatment provider administering the program or
- 18 the laboratory verifying the drug test to the department.
- 19 (c) A person shall be ineligible for Supplemental Nutrition
- 20 Assistance Program benefits under this subsection if he or she has been

21 convicted of three or more felonies involving the sale or distribution of
22 a controlled substance."

BILL ON FIRST READING

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

LEGISLATIVE BILL 1103A. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1103, One Hundred Fourth Legislature, Second Session, 2016; and to reduce an appropriation.

GENERAL FILE

LEGISLATIVE BILL 1038. Title read. Considered.

Committee AM2472, found on page 907, was offered.

Senator Garrett offered his amendment, AM2688, found on page 1137, to the committee amendment.

The Garrett amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Davis offered the following amendment to the committee amendment:

AM2675

(Amendments to Standing Committee amendments, AM2472)

1 1. Insert the following new sections:

2 Sec. 8. Section 72-2007, Revised Statutes Supplement, 2015, is

3 amended to read:

4 72-2007 (1) The Niobrara Council is created. The council membership
5 shall include:

6 (a) A commissioner from each of the county boards of Brown, Cherry,
7 Keya Paha, and Rock counties chosen by the county board of the respective
8 county;

9 (b) A representative of the Middle Niobrara Natural Resources
10 District and the Lower Niobrara Natural Resources District chosen by the
11 board of the respective district;

12 (c) The secretary of the Game and Parks Commission or his or her
13 designee;

14 (d) The regional director for the National Park Service or his or
15 her designee and the regional director for the United States Fish and
16 Wildlife Service or his or designee. The members under this subdivision
17 shall be nonvoting members unless and until the agencies represented by
18 these members formally authorize such members to vote on all matters
19 before the council by notifying the council and the Governor in writing;

20 (e) An individual from each of Brown, Cherry, Keya Paha, and Rock

21 counties who resides in the Niobrara River drainage area and owns land in
22 the Niobrara scenic river corridor chosen by the Governor from a list of
23 at least three individuals, or fewer if there are not at least three
24 qualified individuals, from each county submitted by the county board
25 members on the council;

26 (f) A representative from a recreational business operating within
1 the Niobrara scenic river corridor chosen by the Governor from a list of
2 at least three individuals, or fewer if there are not at least three
3 qualified individuals, submitted by the county board members on the
4 council;

5 (g) A timber industry representative operating within the Niobrara
6 scenic river corridor chosen by the Governor from a list of at least
7 three individuals, or fewer if there are not at least three qualified
8 individuals, submitted by the county board members on the council; and

9 (h) A representative of a recognized, nonprofit environmental,
10 conservation, or wildlife organization chosen by the Governor from a list
11 of at least three individuals, or fewer if there are not at least three
12 qualified individuals, submitted by the county board members on the
13 council.

14 The appointments made pursuant to subdivisions (1)(e) through (h) of
15 this section shall be subject to confirmation by the Legislature. The
16 council members shall hold office for three-year terms and until a
17 successor is appointed and qualified. The council members shall serve at
18 the pleasure of the appointing board or the Governor.

19 (2) The council shall elect a chairperson, a vice-chairperson, a
20 secretary, and a treasurer who shall jointly serve as the executive
21 committee for the council. The council shall meet on a regular basis with
22 a minimum of six meetings per year. Special meetings may be called by any
23 member of the executive committee or at the request of a simple majority
24 of the members of the council.

25 (3) A quorum shall be present at a meeting before any action may be
26 taken by the council. A quorum shall be a majority of the members who are
27 selected and serving and who vote on issues before the council. All
28 actions of the council require a majority vote of the quorum present at
29 any meeting, except that any vote to reject or adopt any zoning
30 regulation or variance under section 72-2010 requires a vote of two-
31 thirds of all the council members who are selected and serving and who
1 vote on issues before the council.

2 (4) Members shall be reimbursed for actual and necessary expenses
3 incurred in carrying out their duties on the council as provided in
4 sections 81-1174 to 81-1177.

5 Sec. 9. Section 72-2008, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 72-2008 The mission of the Niobrara Council is to assist in all
8 aspects of the management of the Niobrara scenic river corridor since
9 portions of the Niobrara River have been designated as a national scenic
10 river under 16 U.S.C. 1274(a)(117), as such section existed on May 24,
11 1991, giving consideration and respect to local and governmental input
12 and private landowner rights, and to maintain and protect the integrity

13 of the resources associated with the Niobrara scenic river corridor. The
 14 council shall perform management functions related to the Niobrara scenic
 15 river corridor, including, but not limited to, those authorized and
 16 delegated to it by the National Park Service. The council may promulgate
 17 its own rules and internal policies to carry out the purposes of the
 18 Niobrara Scenic River Act. The Game and Parks Commission may provide
 19 administrative, budgetary, operational, and programmatic support when
 20 requested by the council to carry out its duties. ~~This support shall not~~
 21 ~~exceed fifty thousand dollars in any calendar year.~~ In the Niobrara
 22 scenic river corridor, the council may hold title to real estate in the
 23 name of the council. The council may purchase, accept gifts of, or trade
 24 real estate and may obtain conservation easements as provided in the
 25 Conservation and Preservation Easements Act. Acquisition of conservation
 26 easements outside the boundaries of the Niobrara scenic river corridor
 27 shall require the approval of the appropriate governing body as provided
 28 in section 76-2,112. On December 1, 2016, and on each December 1
 29 thereafter, the council shall electronically submit an annual report to
 30 the Clerk of the Legislature and the chairperson of the Natural Resources
 31 Committee of the Legislature describing expenditures made pursuant to the
 1 Niobrara Scenic River Act.
 2 2. Renumber the remaining sections and correct the repealer
 3 accordingly.

The Davis amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

Senator Schilz withdrew his amendment, AM1966, found on page 529.

Senator Bloomfield requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 5:

Bloomfield Coash Groene Kintner Riepe

Excused and not voting, 3:

Chambers Larson Morfeld

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1038A. 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.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB1094:
AM2721

(Amendments to Standing Committee amendments, AM2337)

1 1. Insert the following new sections:

2 Sec. 29. Section 47-901, Revised Statutes Supplement, 2015, is
3 amended to read:

4 47-901 Sections 47-901 to 47-918 and section 32 of this act shall be
5 known and may be cited as the Office of Inspector General of the Nebraska
6 Correctional System Act.

7 Sec. 30. Section 47-903, Revised Statutes Supplement, 2015, is
8 amended to read:

9 47-903 For purposes of the Office of Inspector General of the
10 Nebraska Correctional System Act, the following definitions apply:

11 (1) Administrator means a person charged with administration of a
12 program, an office, or a division of the department or administration of
13 a private agency;

14 (2) Department means the Department of Correctional Services;

15 (3) Director means the Director of Correctional Services;

16 (4) Inspector General means the Inspector General of the Nebraska
17 Correctional System appointed under section 47-904;

18 (5) Malfeasance means a wrongful act that the actor has no legal
19 right to do or any wrongful conduct that affects, interrupts, or
20 interferes with performance of an official duty;

21 (6) Management means supervision of subordinate employees;

22 (7) Misfeasance means the improper performance of some act that a
23 person may lawfully do;

24 (8) Obstruction means hindering an investigation, preventing an
25 investigation from progressing, stopping or delaying the progress of an
26 investigation, or making the progress of an investigation difficult or
1 slow;

2 (9) Office means the office of Inspector General of the Nebraska
3 Correctional System and includes the Inspector General and other
4 employees of the office;

5 (10) Office of Parole Administration means the office created
 6 pursuant to section 83-1,100;

7 ~~(11) (10)~~ Private agency means an entity that contracts with the
 8 department or contracts to provide services to another entity that
 9 contracts with the department; and

10 ~~(12) (11)~~ Record means any recording in written, audio, electronic
 11 transmission, or computer storage form, including, but not limited to, a
 12 draft, memorandum, note, report, computer printout, notation, or message,
 13 and includes, but is not limited to, medical records, mental health
 14 records, case files, clinical records, financial records, and
 15 administrative records.

16 Sec. 31. Section 47-908, Revised Statutes Supplement, 2015, is
 17 amended to read:

18 47-908 All employees of the department, all employees of the Office
 19 of Parole Administration, and all owners, operators, managers,
 20 supervisors, and employees of private agencies shall cooperate with the
 21 office. Cooperation includes, but is not limited to, the following:

22 (1) Provision of full access to and production of records and
 23 information. Providing access to and producing records and information
 24 for the office is not a violation of confidentiality provisions under any
 25 statute, rule, or regulation if done in good faith for purposes of an
 26 investigation under the Office of Inspector General of the Nebraska
 27 Correctional System Act;

28 (2) Fair and honest disclosure of records and information reasonably
 29 requested by the office in the course of an investigation under the act;

30 (3) Encouraging employees to fully comply with reasonable requests
 31 of the office in the course of an investigation under the act;

1 (4) Prohibition of retaliation by owners, operators, or managers
 2 against employees for providing records or information or filing or
 3 otherwise making a complaint to the office;

4 (5) Not requiring employees to gain supervisory approval prior to
 5 filing a complaint with or providing records or information to the
 6 office;

7 (6) Provision of complete and truthful answers to questions posed by
 8 the office in the course of an investigation; and

9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 32. The Office of Parole Administration shall provide the
 11 Public Counsel and the Inspector General with direct computer access to
 12 all computerized records, reports, and documents maintained by the office
 13 in connection with administration of the Nebraska parole system, except
 14 that access for the Public Counsel and the Inspector General to a
 15 parolee's medical or mental health records shall be subject to the
 16 parolee's consent.

17 Sec. 37. Section 83-1,101, Reissue Revised Statutes of Nebraska, is
 18 amended to read:

19 ~~83-1,101 The Director of Correctional Services with the consent of~~
 20 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~
 21 ~~Administrator, who shall be a person with appropriate experience and~~
 22 ~~training, including, but not limited to, familiarity with the~~

23 implementation of evidence-based processes for utilizing risk and needs
24 assessments to measure criminal risk factors and specific individual
25 needs in the field of corrections, or with training in relevant
26 disciplines at a recognized university.

27 Sec. 43. Section 83-4,114, Revised Statutes Supplement, 2015, is
28 amended to read:

29 83-4,114 (1) There shall be no corporal punishment or disciplinary
30 restrictions on diet.

31 (2) Disciplinary restrictions on clothing, bedding, mail,
1 visitations, use of toilets, washbowls, or scheduled showers shall be
2 imposed only for abuse of such privilege or facility and only as
3 authorized by written directives, guidance documents, and operational
4 manuals.

5 (3) No person shall be placed in solitary confinement.

6 (4) The director shall issue an annual report on or before September
7 15 to the Governor and the Clerk of the Legislature. The report to the
8 Clerk of the Legislature shall be issued electronically. For all inmates
9 who were held in restrictive housing during the prior year, the report
10 shall contain the race, gender, age, and length of time each inmate has
11 continuously been held in restrictive housing. The report shall also
12 contain:

13 (a) The number of inmates held in restrictive housing;

14 (b) The reason or reasons each inmate was held in restrictive
15 housing;

16 (c) The number of inmates held in restrictive housing who have been
17 diagnosed with a mental illness or behavioral disorder as defined in
18 section 71-907 and the type of mental illness or behavioral disorder by
19 inmate;

20 (d) The number of inmates who were released from restrictive housing
21 directly to parole or into the general public and the reason for such
22 release;

23 (e) The number of inmates who were placed in restrictive housing for
24 his or her own safety and the underlying circumstances for each
25 placement;

26 (f) To the extent reasonably ascertainable, comparable statistics
27 for the nation and each of the states that border Nebraska pertaining to
28 subdivisions (4)(a) through (e) of this section; and

29 (g) The mean and median length of time for all inmates held in
30 restrictive housing.

31 (5)(a) There is hereby established within the department a long-term
1 restrictive housing work group. The work group shall consist of:

2 (i) The director and all deputy directors. The director shall serve
3 as the chairperson of the work group;

4 ~~(ii) The director of health services within the department;~~

5 ~~(ii) #~~ The behavioral health administrator within the department;

6 ~~(iii) #~~ Two employees of the department who currently work with
7 inmates held in restrictive housing;

8 ~~(iv) #~~ Additional department staff as designated by the director;

9 and

10 (v ~~vi~~) Four members as follows appointed by the Governor:
11 (A) Two representatives from a nonprofit prisoners' rights advocacy
12 group, including at least one former inmate; and
13 (B) Two mental health professionals independent from the department
14 with particular knowledge of prisons and conditions of confinement.
15 (b) The work group shall advise the department on policies and
16 procedures related to the proper treatment and care of offenders in long-
17 term restrictive housing.
18 (c) The director shall convene the work group's first meeting no
19 later than September 15, 2015, and the work group shall meet at least
20 semiannually thereafter. The chairperson shall schedule and convene the
21 work group's meetings.
22 (d) The director shall provide the work group with quarterly updates
23 on the department's policies related to the work group's subject matter.
24 2. Renumber the remaining sections, amend the repealer, and correct
25 internal references accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LR506

VISITOR(S)

Visitors to the Chamber were Mike and Jeannette Bernskoetter from Jefferson City, MO; 24 fourth-grade students from Cedar Elementary, Beatrice; 27 fourth- and fifth-grade students from Sacred Heart School, Falls City; 21 grassroots coordinators of the Nebraska Rural Electric Association from across the state; and Maggie Morehouse from Lincoln.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

ADJOURNMENT

At 7:15 p.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

