

EIGHTH DAY - JANUARY 15, 2016
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 15, 2016

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

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

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Cook, Gloor, Hansen, Hilkemann, Murante, Schilz, Schumacher, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 47. Placed on Select File with amendment.
ER145 is available in the Bill Room.

(Signed) Matt Hansen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 14, 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

Benske, John
Amgen

Blakely, Cassandra
Nebraska Children and Families Foundation
Bruning Law Group
Archer Daniels Midland Company
Cavanaugh Law Firm, P.C., L.L.O.
Nebraska Enhanced Benefit Revenue
Hale, Andy
Nebraska Hospital Association
Heartland Strategy Group, LLC
Leafline Labs LLC
McGuire, Mark D.
Nebraska Council of School Administrators
Neilan Strategy Group
Tenaska
Rountree, Cory
College Board

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>

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs

Room 1510

Tuesday, January 26, 2016 1:30 p.m.

LB875
LB948
LB864
LB705

(Signed) Sue Crawford, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 990. Introduced by Davis, 43.

A BILL FOR AN ACT relating to abortion; to amend section 38-2021, Revised Statutes Cumulative Supplement, 2014; to adopt the Fetal Dignity Protection Act; to provide for a violation of the act to be unprofessional conduct; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by McCollister, 20; Bolz, 29; Crawford, 45; Morfeld, 46; Williams, 36.

A BILL FOR AN ACT relating to crime victims; to amend section 29-119, Revised Statutes Cumulative Supplement, 2014; to redefine victim; and to repeal the original section.

LEGISLATIVE BILL 992. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to cities, counties, and other political subdivisions; to provide a restriction on installment contracts for the purchase of real or personal property.

LEGISLATIVE BILL 993. Introduced by Coash, 27.

A BILL FOR AN ACT relating to state government; to amend sections 81-1348 and 84-1001, Reissue Revised Statutes of Nebraska and section 84-311, Revised Statutes Supplement, 2015; to authorize a designee on the board for the Auditor of Public Accounts; to allow the Auditor of Public Accounts to share working papers as prescribed; to require hours of work be recorded on a timesheet and reviewed and approved as prescribed; and to repeal the original sections.

MOTION - Withdraw LB917

Senator Krist offered his motion, MO149, found on page 273, to withdraw LB917.

The Krist motion to withdraw the bill prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 113. Senator Chambers offered his motion, MO156, found on page 304, to reconsider the vote taken to recommit to committee.

SENATOR SULLIVAN PRESIDING

SPEAKER HADLEY PRESIDING

SENATOR KRIST PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Friday, January 22, 2016 1:30 p.m.

Jeff Fassett - Department of Natural Resources
LB714

(Signed) Ken Schilz, Chairperson

Education

Room 1525

Monday, January 25, 2016 1:30 p.m.

LB691
LB752
LB906
LB930

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Monday, January 25, 2016 1:30 p.m.

LB929
LB814
LB785
LB716

Tuesday, January 26, 2016 1:30 p.m.

LB765
LB946
LB918

(Signed) Jim Smith, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB969	General Affairs
LB970	General Affairs
LB972	Business and Labor

(Signed) Bob Krist, Chairperson
Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 994. Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,167, Reissue Revised Statutes of Nebraska, and section 60-366, Revised Statutes Supplement, 2015; to change provisions relating to financial responsibility as applied to nonresident owners; and to repeal the original section.

LEGISLATIVE BILL 995. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-201, 77-1507.01, 77-5023, 79-1016, and 79-1036, Reissue Revised Statutes of Nebraska, and sections 77-1327, 77-1359, 77-1371, and 77-5022, Revised Statutes Cumulative Supplement, 2014; to repeal provisions relating to the special valuation of agricultural land; to provide for agricultural value of agricultural land; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1343, 77-1344, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue Revised Statutes of Nebraska, and section 77-1347, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 996. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1438.01, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Motor Vehicle Industry Regulation Act; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by Krist, 10.

A BILL FOR AN ACT relating to state government; to amend sections 60-1404, 72-723, 72-2210, 80-401.11, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, and section 3-106, Revised Statutes

Cumulative Supplement, 2014; to change provisions regarding office space; to provide and change duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 113. The Chambers motion, MO156, found on page 304 and considered in this day's Journal, to reconsider the vote taken to recommit to committee, was renewed.

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

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

Voting in the affirmative, 21:

Baker	Crawford	Hilkemann	McCollister	Sullivan
Bolz	Garrett	Howard	Morfeld	
Campbell	Haar, K.	Johnson	Schumacher	
Chambers	Hansen	Kolowski	Seiler	
Cook	Harr, B.	Krist	Stinner	

Voting in the negative, 25:

Bloomfield	Ebke	Hadley	Larson	Schilz
Brasch	Fox	Hughes	Lindstrom	Schnoor
Coash	Friesen	Kintner	Murante	Smith
Craighead	Gloor	Kolterman	Riepe	Watermeier
Davis	Groene	Kuehn	Scheer	Williams

Present and not voting, 1:

Mello

Excused and not voting, 2:

McCoy Pansing Brooks

The Chambers motion to reconsider failed with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO157

Bracket until April 20, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Voting in the affirmative, 15:

Campbell	Garrett	Harr, B.	Kolowski	Morfeld
Cook	Haar, K.	Howard	Krist	Schumacher
Crawford	Hansen	Johnson	McCollister	Stinner

Voting in the negative, 25:

Bloomfield	Fox	Hilkemann	Larson	Schilz
Brasch	Friesen	Hughes	Lindstrom	Schnoor
Craighead	Gloor	Kintner	Murante	Smith
Davis	Groene	Kolterman	Riepe	Watermeier
Ebke	Hadley	Kuehn	Scheer	Williams

Present and not voting, 4:

Baker	Chambers	Mello	Sullivan
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Excused and not voting, 5:

Bolz	Coash	McCoy	Pansing Brooks Seiler
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The Chambers motion to bracket failed with 15 ayes, 25 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO158

Reconsider the vote taken to bracket.

SPEAKER HADLEY PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 998. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health; to amend sections 71-919, 71-920, 71-922, 71-926, 71-1203, 71-1204, 71-1206, 71-1210, and 81-3116, Reissue Revised Statutes of Nebraska, and sections 71-801,

71-804, and 71-901, Revised Statutes Cumulative Supplement, 2014; to provide for emergency community crisis centers; to define a term; to state findings; to provide for a regional outreach center; to change provisions relating to emergency protective custody; to provide duties for the Division of Behavioral Health; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 999. Introduced by Garrett, 3; Craighead, 6.

A BILL FOR AN ACT relating to surplus property; to amend sections 81-161.04 and 81-161.06, Reissue Revised Statutes of Nebraska; to change the disposition of proceeds from the sale of surplus personal property as prescribed; to change provisions relating to the State Surplus Property Revolving Fund; to eliminate a provision relating to the conveyance or lease of real estate by the Department of Economic Development; to repeal the original sections; and to outright repeal section 90-253, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1000. Introduced by Mello, 5; Cook, 13; Ebke, 32; Harr, B., 8; Krist, 10; Morfeld, 46; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to law enforcement; to define terms; to require certain law enforcement agencies to adopt policies on the use of body-worn cameras; to exempt recordings from body-worn cameras from disclosure under the public records statutes; to prohibit the unauthorized release or intentional destruction of such recordings; and to provide a penalty.

LEGISLATIVE BILL 1001. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to a compensation schedule for injuries resulting in disability; and to repeal the original section.

LEGISLATIVE BILL 1002. Introduced by Baker, 30.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1204, Reissue Revised Statutes of Nebraska; to change provisions relating to role and mission; and to repeal the original section.

LEGISLATIVE BILL 1003. Introduced by Smith, 14.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-328, 86-903, 86-904, and 86-905, Reissue Revised Statutes of Nebraska; to change a provision of the Nebraska Telecommunications Universal Service Fund Act; to change the prepaid wireless surcharge determination under the Prepaid Wireless Surcharge Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1004. Introduced by Cook, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-1003 and 79-2120, Revised Statutes Supplement, 2015; to change provisions relating to the Community Eligibility Provision; to redefine a term; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Supplement, 2015; to provide for an evidence-based drug formulary as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Office of the Attorney General for the hiring of forensic accountants as prescribed; and to state intent.

LEGISLATIVE BILL 1007. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Adult Protective Services Act; to amend section 28-371, Reissue Revised Statutes of Nebraska, sections 28-348, 28-350, 28-358, 28-374, 28-386, and 29-110, Revised Statutes Cumulative Supplement, 2014, and section 28-101, Revised Statutes Supplement, 2015; to change provisions relating to vulnerable adults and senior adults; to define and redefine terms; to eliminate the statute of limitations for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1008. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2222 and 30-2636, Reissue Revised Statutes of Nebraska, section 30-2601, Revised Statutes Cumulative Supplement, 2014, and sections 30-2201 and 30-2619, Revised Statutes Supplement, 2015; to provide qualification requirements, powers, duties, and limitations for guardians ad litem in guardianship, conservatorship, and other protective proceedings; to state legislative findings; to require reports; to allow payment for costs of evaluations; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1009. Introduced by Williams, 36.

A BILL FOR AN ACT relating to synthetic drugs; to amend sections 28-431, 28-1439.02, 28-1439.03, 87-301, and 87-302, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-401, and 28-401.01, Revised Statutes Supplement, 2015; to prohibit the sale and use of certain synthetic drugs under the Uniform Controlled Substances Act and the Uniform Deceptive Trade Practices Act; to define terms; to provide for the seizure of such drugs; to provide for a deceptive trade practice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to a juvenile court petition; and to repeal the original section.

LEGISLATIVE BILL 1011. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-831, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to contracts and agreements relating to the medical assistance program governing at-risk managed care service delivery for behavioral health services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1012. Introduced by Mello, 5; Coash, 27; Cook, 13; Crawford, 45; Ebke, 32; Haar, K., 21; Hansen, 26; Howard, 9; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to municipalities; to adopt the Property Assessed Clean Energy Act.

LEGISLATIVE BILL 1013. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to taxation; to amend section 77-4008, Reissue Revised Statutes of Nebraska, and sections 71-7611, 77-1238, and 77-2602, Revised Statutes Supplement, 2015; to state intent; to change provisions relating to taxation of cigarettes and other tobacco products; to provide for distribution of proceeds; to state intent regarding appropriations; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

Monday, January 25, 2016 1:30 p.m.

LB853
LB678
LB729
LB731

(Signed) Jim Scheer, Chairperson

General Affairs

Room 1510

Monday, January 25, 2016 1:30 p.m.

LB822
LB820
LB862
LB970
LR380CA

(Signed) Tyson Larson, Chairperson

Agriculture

Room 2102

Tuesday, January 26, 2016 1:30 p.m.

Donald Anthony - Beginning Farmer Board
Bradley Lubben - Beginning Farmer Board
Todd Reed - Beginning Farmer Board
Nadine Hagedorn - Beginning Farmer Board
Ryan Ueberrhein - Beginning Farmer Board
LB909
LB921

(Signed) Jerry Johnson, Chairperson

Business and Labor

Room 2102

Monday, January 25, 2016 1:30 p.m.

LB828
LB841
LB855
LB972
LB933

(Signed) Burke Harr, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 26, 2016 1:30 p.m.

Kyle Schneeweis - Department of Roads

(Signed) Jim Smith, Chairperson

ANNOUNCEMENT(S)

The Executive Board designates LB954 as its priority bill.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 412. Introduced by Watermeier, 1.

PURPOSE: The purpose of this resolution is to study ways to improve communication access for movie theaters in Nebraska to ensure all persons can fully experience the movie theater experience. The study committee shall consult with the Commission for the Deaf and Hard of Hearing and work with interested stakeholders to identify areas of concern, conduct necessary research, and explore ways to address communication access issues in movie theaters.

According to the Hearing Loss Association of America, approximately 20% of Americans report some degree of hearing loss. Using that statistic, approximately 376,000 people in Nebraska have some form of hearing loss. With over 60% of adults attending movies, it is the number one leisure activity in the United States. When Nebraskans who are deaf or hard of hearing attend a movie, the movie is often not in a format, such as open captioning, which provides communication access. Therefore, many individuals who are deaf or hard of hearing are denied full participation in the movie experience.

The issues examined by this study shall include, but not be limited to:

- (1) What other states and the movie industry are doing to improve communication access in movie theaters;
- (2) Complaints and concerns from the deaf and hard of hearing community about communication access in movie theaters; and
- (3) Opportunities to share and address communication access issues among concerned stakeholders, including the deaf and hard of hearing community and movie theaters operating in Nebraska.

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 413. Introduced by Watermeier, 1.

WHEREAS, the Legislature finds that an audit of the behavioral health care system by the Legislative Performance Audit Committee found the need for additional study of the ways to reduce behavioral and mental health care service gaps; and

WHEREAS, the existing behavioral and mental health care system in Nebraska relies on a community-based approach requiring appropriate oversight and coordination; and

WHEREAS, the Division of Behavioral Health of the Department of Health and Human Services estimates that there are sixty-two thousand adults in Nebraska with a serious mental illness and that drug and alcohol abuse affects one hundred thirty-four thousand adults in the state.

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

1. The Task Force on Behavioral and Mental Health is created. The task force shall consist of seven members, including the chairperson of the Health and Human Services Committee of the Legislature or his or her designee, the chairperson of the Judiciary Committee of the Legislature or his or her designee, the chairperson of the Appropriations Committee of the Legislature or his or her designee, and four additional members of the Legislature appointed by the Executive Board of the Legislative Council. The committee shall elect a chairperson from among the members who shall call the meetings of the task force.

2. The Task Force on Behavioral and Mental Health shall study the following issues:

(a) The adequacy and needs of systems and services provided through the behavioral health regions and the adequacy of such services to meet the requirements and expectations of community-based behavioral health care

services, including, but not limited to, prevention services, first episode psychosis services, supportive services, supportive housing, emergency services, and services for individuals with developmental disabilities;

(b) The adequacy and needs of the Lincoln Regional Center to provide services to individuals requiring a mental health commitment;

(c) The adequacy and needs of the behavioral health regions, the Lincoln Regional Center, local hospitals, and other service providers to provide care to the full continuum of individuals in need of behavioral health care services;

(d) The adequacy and needs of jails, youth rehabilitation and treatment centers, and the Department of Correctional Services in accessing behavioral health services to achieve public safety goals for individuals exiting the justice system and the ability of the current behavioral health care system in meeting those needs;

(e) The progress of the Division of Behavioral Health of the Department of Health and Human Services in developing a strategic plan, an adequate behavioral health workforce, and data collection initiatives; and

(f) The progress of the division in conducting a statewide needs assessment of the behavioral health system, either by the division or an independent consulting firm. In determining the progress of the statewide needs assessment, the task force shall examine the alignment of financing and delivery of physical health, behavioral health, and supportive services for individuals with behavioral health conditions. The examination shall include, but is not limited to:

(i) Data sources describing the health of the population, including trends, health issues, behavioral factors, environmental hazards, and social and economic conditions;

(ii) Infrastructure, including information technology, reporting standards, data access, and data analytics;

(iii) Provider rates, including reimbursement rates, integration and coordination of behavioral health and primary care services, risk-based versus no-risk models, and potential medicaid waiver options;

(iv) Current statewide workforce, provider shortages, and forecast of need based on growing populations;

(v) Delivery systems, including institutional placement and community alternatives; and

(vi) The ratio of qualified facilities to the state population.

3. The Task Force on Behavioral and Mental Health shall electronically issue a report with its findings to the Legislature no later than December 1, 2016.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR413 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Schnoor filed the following amendment to LB289:

AM1853

1 1. On page 16, strike beginning with "The" in line 16 through "(i)"
2 in line 17; and strike beginning with "or" in line 17 through line 19.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB113:

MO159

Bracket.

Senator Chambers filed the following motion to LB113:

MO160

Indefinitely postpone.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Schnoor, Lindstrom - LB289

Krist, McCollister - LB276

Campbell - LB773 and LB844

Mello - LB945

Hansen - LB471

Campbell, Cook, Crawford, Hansen, Howard, Kuehn - LB18

Bolz, Mello, Morfeld - LB18

Brasch, Groene, Kintner, Scheer, Schnoor, Sullivan - LR378CA

Baker - LB880

VISITORS

Visitors to the Chamber were Senator Hadley's brother-in-law and sister-in-laws, Jack, Sandy, and Kathe Bowen, from Little Rock, AR and Ann Arbor, MI.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Howard, the Legislature adjourned until 10:00 a.m., Tuesday, January 19, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

