

**NINETEENTH DAY - FEBRUARY 4, 2014****LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 4, 2014

**PRAYER**

The prayer was offered by Senator Avery.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Krist presiding.

The roll was called and all members were present except Senator Mello who was excused; and Senators Conrad and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 54.** Placed on General File with amendment.  
AM1566

- 1 1. Strike original section 4 and insert the following new
- 2 section:
- 3 Sec. 4. Section 38-124, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 38-124 (1)(a) Any credential holder's advertisement for
- 6 health care services shall identify the type of credential held
- 7 by the credential holder pursuant to the definitions, titles,
- 8 and abbreviations authorized under the practice act applicable to
- 9 his or her credential or the examination designations required
- 10 for a credential under the practice act applicable to his or
- 11 her credential. The advertisement shall not include deceptive
- 12 or misleading information and shall not include any affirmative
- 13 communication or representation that misstates, falsely describes,
- 14 or falsely represents the skills, training, expertise, education,
- 15 board certification, or credential of the credential holder.

16 (b) Such credential holder shall use only the licensure  
 17 titles or abbreviations authorized by the practice act applicable  
 18 to his or her credential, examination designations required for  
 19 a credential under the practice act applicable to his or her  
 20 credential, or the title authorized by the practice act applicable  
 21 to his or her credential for students in training.

22 (2) Every person credentialed under the Uniform  
 23 Credentialing Act shall make ~~the person's~~ his or her current  
 1 credential available upon request. The department, with the  
 2 recommendation of the appropriate board, if any, shall determine  
 3 how a consumer will be able to identify ~~a credential holder. The~~  
 4 ~~method of identification shall be clear and easily accessed and~~  
 5 ~~used by the consumer. All signs, announcements, stationery, and~~  
 6 ~~advertisements of persons credentialed under the act shall identify~~  
 7 the profession or business for which the credential is held.

8 (3) A credential holder who fails to comply with this  
 9 section may be subject to disciplinary action under the Uniform  
 10 Credentialing Act.

**LEGISLATIVE BILL 711.** Placed on General File with amendment.  
 AM1752

1 1. On page 3, lines 1 and 11, after "owners" insert "or  
 2 alleged owner or owners"; in lines 13 and 15 before "date" insert  
 3 "mailing"; and in line 14 after "request" insert "for a hearing".

(Signed) Kathy Campbell, Chairperson

#### **ANNOUNCEMENT**

The Education Committee designates LB967 as its priority bill.

#### **MOTION - Withdraw LB1102**

Senator Crawford offered her motion, MO130, found on page 436, to withdraw LB1102.

The Crawford motion to withdraw the bill prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 399.** Senator Chambers renewed his motion, MO124, found on page 419 and considered on page 437, to bracket until April 17, 2014.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 16:

Adams	Campbell	Haar, K.	McGill
Ashford	Chambers	Harr, B.	Schumacher
Avery	Cook	Kolowski	Sullivan
Bolz	Crawford	Lathrop	Wallman

Voting in the negative, 24:

Bloomfield	Garrett	Johnson	Murante	Schilz
Brasch	Gloor	Karpisek	Nelson	Seiler
Carlson	Hadley	Kintner	Nordquist	Smith
Christensen	Hansen	Lautenbaugh	Pirsch	Wightman
Coash	Harms	McCoy	Scheer	

Present and not voting, 4:

Davis	Dubas	Howard	Krist
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Excused and not voting, 5:

Conrad	Janssen	Larson	Mello	Watermeier
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The Chambers motion to bracket failed with 16 ayes, 24 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT**  
Enrollment and Review

**LEGISLATIVE BILL 278.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Natural Resources

Room 1525

Wednesday, February 12, 2014 1:30 p.m.

Richard R. Bell - Game and Parks Commission  
LB1040  
LB1115

Thursday, February 13, 2014 1:30 p.m.

LB818  
LB1100

Wednesday, February 19, 2014 1:30 p.m.

LB840  
LB959

Thursday, February 20, 2014 1:30 p.m.

Mark Spurgin - Game and Parks Commission  
LB985  
LB1111

Friday, February 21, 2014 1:30 p.m.

LB1003

Wednesday, February 26, 2014 1:30 p.m.

LB1005  
LB1098

Thursday, February 27, 2014 1:30 p.m.

LB1112  
LB1113

(Signed) Tom Carlson, Chairperson

Judiciary

Room 1113

Wednesday, February 12, 2014 1:30 p.m.

LB664  
LB1022  
LB1001  
LB832

Thursday, February 13, 2014 1:30 p.m.

LB870  
LB1063  
LB1093  
LB1021  
LB1028

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

Wednesday, February 12, 2014 1:30 p.m.

LB691  
LB787  
LB897  
LB1092

Thursday, February 13, 2014 1:30 p.m.

LB721  
LB902  
LB1056  
LB1097

(Signed) Galen Hadley, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 433.** Introduced by Crawford, 45.

**PURPOSE:** The purpose of this resolution is to study the issues surrounding the production, possession, and use of hemp oil in Nebraska for the purposes of treating epileptic seizures in patients not adequately treated by medical therapies approved by the federal Food and Drug Administration. The study shall include, but not be limited to, an examination of the following:

- (1) A review of state and federal policies related to the production, possession, and use of hemp oil;
- (2) Current research on use of hemp oil to treat epileptic seizures and potential side effects from its use;
- (3) A review of quality control standards in the production of hemp oil; and
- (4) Liability and licensing issues faced by physicians who suggest or recommend hemp oil as a treatment option for patients with epilepsy.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD 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.

**SELECT FILE**

**LEGISLATIVE BILL 399.** Senator Lautenbaugh offered his amendment, FA186, found on page 432.

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, FA186, found on page 432, and replace it with his substitute amendment, FA191. No objections. So ordered.

FA191

Amend ER123

Insert new language "or his or her designee" on page 2, line 7 and line 9 after "county attorney".

Senator Lautenbaugh asked unanimous consent to withdraw his amendment, FA191, found in this day's Journal, and replace it with his substitute amendment, FA192. No objections. So ordered.

FA192

Amend ER123

Strike all words after "by" on page 2, line 7, through "lights" on line 10, and insert "the sheriff or police department having jurisdiction where the use occurs."

Senator Lautenbaugh offered the following motion:

MO132

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

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

Voting in the affirmative, 32:

Adams	Crawford	Harms	McCoy	Seiler
Avery	Davis	Janssen	Murante	Smith
Bloomfield	Dubas	Johnson	Nelson	Watermeier
Brasch	Garrett	Karpisek	Nordquist	Wightman
Carlson	Gloor	Kintner	Pirsch	
Christensen	Hadley	Larson	Scheer	
Coash	Hansen	Lautenbaugh	Schilz	

Voting in the negative, 12:

Ashford	Chambers	Haar, K.	Lathrop
Bolz	Conrad	Harr, B.	McGill
Campbell	Cook	Kolowski	Sullivan

Present and not voting, 4:

Howard Krist Schumacher Wallman

Excused and not voting, 1:

Mello

The Lautenbaugh motion to invoke cloture failed with 32 ayes, 12 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 588.** ER131, found on page 377, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 96.** ER132, found on page 379, was adopted.

Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORTS**  
Health and Human Services

**LEGISLATIVE BILL 859.** Placed on General File.

**LEGISLATIVE BILL 869.** Placed on General File.

**LEGISLATIVE BILL 790.** Placed on General File with amendment.  
AM1667

- 1 1. Insert the following new section:
- 2 Sec. 2. To facilitate improved quality of employees
- 3 providing child welfare services, the Department of Health and
- 4 Human Services, in collaboration with social work education
- 5 programs at Nebraska's public colleges and universities, shall
- 6 establish a program to provide stipends for undergraduate and
- 7 graduate social work students enrolled in such colleges and
- 8 universities who are committed to working in the field of child
- 9 welfare services. Funds available under Title IV-E of the federal
- 10 Social Security Act, as such act existed on January 1, 2014,
- 11 shall be used to pay for such stipends. The department and the
- 12 governing boards of such colleges and universities shall develop an
- 13 application process for eligible students and, based on the amount
- 14 of funds available, shall determine the amount of such stipend
- 15 to be awarded to each eligible student. The department and the
- 16 governing boards may adopt and promulgate rules and regulations to
- 17 carry out this section.
- 18 2. On page 2, strike beginning with line 8 through "the"

19 in line 10 and insert "department or one or more organizations  
20 under contract with the department. The".

**LEGISLATIVE BILL 843.** Indefinitely postponed.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 718.** Placed on General File with amendment.  
AM1724

1 1. On page 7, line 12, after "emergency" insert "by the  
2 Governor or the President of the United States"; and in line 14  
3 after the second "to" insert "state funds or".

**LEGISLATIVE BILL 719.** Placed on General File with amendment.  
AM1787

1 1. On page 3, line 6, after the period insert "The  
2 chairperson of the executive board or committee staff member of the  
3 executive board shall refer each written report received pursuant  
4 to this subsection for review (a) to the chairperson of the  
5 standing committee of the Legislature which has subject matter  
6 jurisdiction over the issue involved in the rule or regulation or  
7 which has traditionally handled the issue and (b) if practicable,  
8 to the member of the Legislature who was the primary sponsor of a  
9 legislative bill that granted the agency the rulemaking authority  
10 if the member is still serving or, if the legislative bill was  
11 amended to include the rulemaking authority, to the member of  
12 the Legislature who was the primary sponsor of the amendment that  
13 granted rulemaking authority if the member is still serving.".

(Signed) Bill Avery, Chairperson

Education

**LEGISLATIVE BILL 740.** Placed on General File with amendment.  
AM1723

1 1. Strike the original section and insert the following  
2 new section:  
3 Section 1. (1) A person who is a veteran as defined  
4 in section 80-401.01 and has been off active duty for two years  
5 or less or who is a spouse or dependent of such a veteran who  
6 enrolls in a public college or university in this state shall be  
7 considered a resident student notwithstanding the provisions of  
8 section 85-502 if the person is (a) registered to vote in Nebraska  
9 and (b) demonstrates objective evidence of intent to be a resident  
10 of Nebraska.  
11 (2) A person who is a spouse or dependent of such a  
12 veteran and who is younger than eighteen years of age is not



13 required to comply with subdivision (1)(a) of this section until he  
 14 or she attains eighteen years of age.

15 (3) This section does not apply to a veteran who  
 16 qualifies for benefits pursuant to 38 U.S.C. 3317, as such section  
 17 existed on January 1, 2014. This subsection does not affect  
 18 the applicability of this section with respect to the spouse or  
 19 dependent of such a veteran.

20 (4) For purposes of this section, objective evidence of  
 21 intent to be a resident of Nebraska includes either a Nebraska  
 22 driver's license or state identification card or a Nebraska motor  
 23 vehicle registration.

**LEGISLATIVE BILL 872.** Placed on General File with amendment.  
 AM1714

1 1. On page 2, strike beginning with "assuring" in line 6  
 2 through "of" in line 7 and insert "providing leadership and support  
 3 for"; in line 7 after "public" insert ", private, denominational,  
 4 and parochial"; strike beginning with "The" in line 7 through the  
 5 period in line 9; in line 13 after "Education" insert "relating to  
 6 accreditation of schools"; and strike beginning with "For" in line  
 7 14 through line 17 and insert "School districts shall provide the  
 8 state school security director with the safety and security plans  
 9 of the school district and any other security information requested  
 10 by the director, but any plans or information submitted by a school  
 11 district may be withheld by the department pursuant to subdivision  
 12 (8) of section 84-712.05;".

13 2. On page 3, line 3, strike "training program" and  
 14 insert "tools and training programs"; and in line 5 strike  
 15 "students" and insert "staff, students,".

(Signed) Kate Sullivan, Chairperson

#### ANNOUNCEMENT

Senator Crawford designates LB740 as her priority bill.

#### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB399:

FA190

Amend ER123

Page 2, line 4 after "vehicle" insert "lawfully".

Senator Coash filed the following amendment to LB503:

AM1805 is available in the Bill Room.

Senator Hadley filed the following amendment to LB474:

AM1815

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. Section 14-109, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 14-109 (1)(a) The city council shall have power to tax  
 6 for revenue, license, and regulate any person within the limits  
 7 of the city by ordinance except as otherwise provided in this  
 8 section. Such tax may include both a tax for revenue and license.  
 9 The city council may raise revenue by levying and collecting a  
 10 tax on any occupation or business within the limits of the city.  
 11 After the effective date of this act, any occupation tax imposed  
 12 pursuant to this section shall make a reasonable classification of  
 13 businesses, users of space, or kinds of transactions for purposes  
 14 of imposing such tax, except that no occupation tax shall be  
 15 imposed on any transaction which is subject to tax under section  
 16 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602,  
 17 or 77-4008. The occupation tax shall be imposed in the manner  
 18 provided in section 18-1208, except that section 18-1208 does not  
 19 apply to an occupation tax subject to section 86-704. All such  
 20 taxes shall be uniform in respect to the class upon which they are  
 21 imposed. All scientific and literary lectures and entertainments  
 22 shall be exempt from taxation, as well as concerts and all other  
 23 musical entertainments given exclusively by the citizens of the  
 1 city. It shall be the duty of the city clerk to deliver to the city  
 2 treasurer the certified copy of the ordinance levying such tax, and  
 3 the city clerk shall append thereto a warrant requiring the city  
 4 treasurer to collect such tax.  
 5 (b) For purposes of this subsection, limits of the city  
 6 does not include the extraterritorial zoning jurisdiction of such  
 7 city.  
 8 (2)(a) Except as otherwise provided in subdivision (c)  
 9 of this subsection, the city council shall also have power to  
 10 require any individual whose primary residence or person who owns  
 11 a place of business which is within the limits of the city and  
 12 that owns and operates a motor vehicle within such limits to  
 13 annually register such motor vehicle in such manner as may be  
 14 provided and to require such person to pay an annual motor vehicle  
 15 fee therefor and to require the payment of such fee upon the  
 16 change of ownership of such vehicle. All such fees which may be  
 17 provided for under this subsection shall be credited to a separate  
 18 fund of the city, thereby created, to be used exclusively for  
 19 constructing, repairing, maintaining, or improving streets, roads,  
 20 alleys, public ways, or parts thereof or for the amortization of  
 21 bonded indebtedness when created for such purposes.  
 22 (b) No motor vehicle fee shall be required under this  
 23 subsection if (i) a vehicle is used or stored but temporarily in  
 24 such city for a period of six months or less in a twelve-month

25 period, (ii) an individual does not have a primary residence or  
26 a person does not own a place of business within the limits of  
27 the city and does not own and operate a motor vehicle within the  
1 limits of the city, or (iii) an individual is a full-time student  
2 attending a postsecondary institution within the limits of the city  
3 and the motor vehicle's situs under the Motor Vehicle Certificate  
4 of Title Act is different from the place at which he or she is  
5 attending such institution.

6 (c) After December 31, 2012, no motor vehicle fee shall  
7 be required of any individual whose primary residence is or person  
8 who owns a place of business within the extraterritorial zoning  
9 jurisdiction of such city.

10 (d) For purposes of this subsection, limits of the city  
11 includes the extraterritorial zoning jurisdiction of such city.

12 (3) For purposes of this section, person includes  
13 bodies corporate, societies, communities, the public generally,  
14 individuals, partnerships, limited liability companies, joint-stock  
15 companies, cooperatives, and associations. Person does not  
16 include any federal, state, or local government or any political  
17 subdivision thereof.

18 Sec. 2. Section 15-202, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 15-202 A city of the primary class shall have power to  
21 levy taxes for general revenue purposes on all property within  
22 the corporate limits of the city taxable according to the laws of  
23 Nebraska and to levy an occupation tax on public service property  
24 or corporations in such amounts as may be proper and necessary, in  
25 the judgment of the mayor and council, for purposes of revenue.  
26 All such taxes shall be uniform with respect to the class upon  
27 which they are imposed. The occupation tax may be based upon a  
1 certain percentage of the gross receipts of such public service  
2 corporation or upon such other basis as may be determined upon  
3 by the mayor and council. After the effective date of this act,  
4 any occupation tax imposed pursuant to this section shall make a  
5 reasonable classification of businesses, users of space, or kinds  
6 of transactions for purposes of imposing such tax, except that  
7 no occupation tax shall be imposed on any transaction which is  
8 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
9 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax ~~and~~  
10 shall be imposed in the manner provided in section 18-1208, except  
11 that section 18-1208 does not apply to an occupation tax subject to  
12 section 86-704.

13 Sec. 3. Section 15-203, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 15-203 A city of the primary class shall have power to  
16 raise revenue by levying and collecting a license or occupation tax  
17 on any person, partnership, limited liability company, corporation,  
18 or business within the limits of the city and regulate the same  
19 by ordinance except as otherwise provided in this section and

20 in section 15-212. After the effective date of this act, any  
 21 occupation tax imposed pursuant to this section shall make a  
 22 reasonable classification of businesses, users of space, or kinds  
 23 of transactions for purposes of imposing such tax, except that no  
 24 occupation tax shall be imposed on any transaction which is subject  
 25 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
 26 66-4,146, 77-2602, or 77-4008. The occupation tax shall be imposed  
 27 in the manner provided in section 18-1208, except that section  
 1 18-1208 does not apply to an occupation tax subject to section  
 2 86-704. All such taxes shall be uniform in respect to the class  
 3 upon which they are imposed. All scientific and literary lectures  
 4 and entertainments shall be exempt from such taxation as well as  
 5 concerts and all other musical entertainments given exclusively by  
 6 the citizens of the city.

7 Sec. 4. Section 16-205, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 16-205 A city of the first class may raise revenue  
 10 by levying and collecting a license or occupation tax on any  
 11 person, partnership, limited liability company, corporation, or  
 12 business within the limits of the city and ~~to~~ may regulate the  
 13 same by ordinance. After the effective date of this act, any  
 14 occupation tax imposed pursuant to this section shall make a  
 15 reasonable classification of businesses, users of space, or kinds  
 16 of transactions for purposes of imposing such tax, except that no  
 17 occupation tax shall be imposed on any transaction which is subject  
 18 to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145,  
 19 66-4,146, 77-2602, or 77-4008. The occupation tax shall be imposed  
 20 in the manner provided in section 18-1208, except that section  
 21 18-1208 does not apply to an occupation tax subject to section  
 22 86-704. All such taxes shall be uniform in respect to the class  
 23 upon which they are imposed. All scientific and literary lectures  
 24 and entertainments shall be exempt from such taxation as well as  
 25 concerts and all other musical entertainments given exclusively by  
 26 the citizens of the city.

27 Sec. 5. Section 17-525, Reissue Revised Statutes of  
 1 Nebraska, is amended to read:

2 17-525 Second-class cities and villages shall have power  
 3 to raise revenue by levying and collecting a license tax on any  
 4 occupation or business within the limits of the city or village,  
 5 and regulate the same by ordinance. After the effective date of  
 6 this act, any occupation tax imposed pursuant to this section shall  
 7 make a reasonable classification of businesses, users of space, or  
 8 kinds of transactions for purposes of imposing such tax, except  
 9 that no occupation tax shall be imposed on any transaction which is  
 10 subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140,  
 11 66-4,145, 66-4,146, 77-2602, or 77-4008. The occupation tax shall  
 12 be imposed in the manner provided in section 18-1208, except that  
 13 section 18-1208 does not apply to an occupation tax subject to  
 14 section 86-704. All such taxes shall be uniform in respect to the

15 classes upon which they are imposed. All scientific and literary  
16 lectures and entertainments shall be exempt from such taxation, as  
17 well as concerts and other musical entertainments given exclusively  
18 by the citizens of the city or village.  
19 Sec. 6. Original sections 14-109, 15-202, 15-203, 16-205,  
20 and 17-525, Reissue Revised Statutes of Nebraska, are repealed.

**NOTICE OF COMMITTEE HEARING**  
Transportation and Telecommunications

Room 1113

Tuesday, February 11, 2014 1:30 p.m.

LB795  
LB990

(Signed) Annette Dubas, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Coash asked unanimous consent to add his name as cointroducer to LB1010 and LB850. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB48. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 28 NSEA members from across the state.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Brasch, the Legislature adjourned until 10:30 a.m., Wednesday, February 5, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

