

TWENTY-SIXTH DAY - FEBRUARY 13, 2014

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 2014

PRAYER

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

ROLL CALL

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

The roll was called and all members were present except Senator Campbell who was excused; and Senators Ashford, Davis, Lathrop, and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

MESSAGE FROM THE GOVERNOR

February 12, 2014

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

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

This letter is to inform you that the request for confirmation of the appointment of Jerry Duane Holdsworth as a member of the Board of Emergency Medical Services is respectfully withdrawn.

Sincerely,
(Signed) Dave Heineman
Governor

COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 750. Placed on General File with amendment.
AM1859

- 1 1. On page 2, line 12, after the underscored period
- 2 insert: "Not later than May 31, 2014, the Secretary of State
- 3 shall notify, by first-class mail, the lienholders of record of
- 4 the liens described in this section that such a lien shall lose
- 5 its perfection unless a continuation statement is filed with the
- 6 Secretary of State as provided in this section.".

LEGISLATIVE BILL 819. Placed on General File with amendment.
AM1826

- 1 1. On page 2, line 12, after "indebtedness" insert "to be
- 2 secured".
- 3 2. On page 4, line 11, strike "trust deed" and insert
- 4 "mortgage"; and in line 21 after the period insert "The notice
- 5 under this subdivision shall be sent by certified mail to the
- 6 mortgagee at the address of the mortgagee set forth in the mortgage
- 7 or, if the mortgage has been assigned, to the address of the
- 8 most recent assignee reflected in a recorded assignment of the
- 9 mortgage.".
- 10 3. On page 5, strike beginning with "transfer" in line 12
- 11 through "the" in line 13; and strike beginning with "transfer" in
- 12 line 16 through the first "the" in line 17.
- 13 4. On page 7, lines 2 through 4, reinstate the stricken
- 14 matter and in line 4, after the reinstated "deed" insert "or, if
- 15 the trust deed has been assigned, to the address of the most recent
- 16 assignee reflected in a recorded assignment of the trust deed".

LEGISLATIVE BILL 876. Placed on General File with amendment.
AM1893

- 1 1. Strike original section 1 and insert the following new
- 2 section:
- 3 Section 1. An exclusion in a homeowner's or owner's,
- 4 landlord's, and tenant's policy of insurance for loss arising out
- 5 of the discharge, dispersal, release, or escape of pollutants shall
- 6 include an exception to the exclusion for bodily injury sustained
- 7 within a building and caused by smoke, fumes, vapor, or soot
- 8 produced by or originating from a heating system or ventilation
- 9 system. This section applies to policies issued or delivered in
- 10 this state on or after January 1, 2015.

(Signed) Mike Gloor, Chairperson

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 12, 2014, 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

Getachew, DeNora M.
Brennan Center for Justice
Kelley & Jerram, PC, LLO
Guardian Tax Partners
Mines, Mick
Nebraska Grocery Industry Association

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 56. With Emergency Clause.

A BILL FOR AN ACT relating to county officers; to amend section 32-815, Reissue Revised Statutes of Nebraska, and sections 32-615 and 32-811, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to write-in candidates; to provide for automatic nomination of certain county officers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Adams	Crawford	Howard	McGill	Seiler
Avery	Dubas	Janssen	Mello	Smith
Brasch	Garrett	Johnson	Murante	Sullivan
Carlson	Gloor	Karpisek	Nelson	Watermeier
Chambers	Haar, K.	Kintner	Nordquist	Wightman
Christensen	Hadley	Kolowski	Pirsch	
Coash	Hansen	Krist	Scheer	
Conrad	Harms	Larson	Schilz	
Cook	Harr, B.	McCoy	Schumacher	

Voting in the negative, 2:

Bloomfield Wallman

Present and not voting, 1:

Bolz

Excused and not voting, 5:

Ashford Campbell Davis Lathrop Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 588.

A BILL FOR AN ACT relating to veterans; to amend sections 23-2529, 48-225, and 48-227, Reissue Revised Statutes of Nebraska; to change employment preference provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Conrad	Harms	Larson	Schilz
Avery	Cook	Harr, B.	McCoy	Schumacher
Bloomfield	Crawford	Howard	McGill	Seiler
Bolz	Dubas	Janssen	Mello	Smith
Brasch	Garrett	Johnson	Murante	Sullivan
Carlson	Gloor	Karpisek	Nelson	Wallman
Chambers	Haar, K.	Kintner	Nordquist	Watermeier
Christensen	Hadley	Kolowski	Pirsch	Wightman
Coash	Hansen	Krist	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Ashford Campbell Davis Lathrop Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB371 to Select File

Senator Mello moved to return LB371 to Select File for his specific amendment, AM1863, found on page 486.

The Mello motion to return prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 371. The Mello specific amendment, AM1863, found on page 486, was adopted with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 56 and 588.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 438. Committee AM1240, found on page 1237, First Session, 2013, and considered on page 512, was renewed.

Senator Sullivan renewed her amendment, AM1580, found on page 113 and considered on pages 512 and 525, to the committee amendment.

The Sullivan amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Lautenbaugh withdrew his amendment, FA199, found on page 530.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Monday, February 24, 2014 1:30 p.m.

Frank Harwood - Technical Advisory Committee for Statewide Assessment

Jim Hain - Board of Educational Lands and Funds

LB1081

LB789

LB958

LB834

LB1009

Tuesday, February 25, 2014 1:30 p.m.

Chad W. Buckendahl - Technical Advisory Committee for Statewide

Assessment

LB1060

LB972

LB973

LB1099

(Signed) Kate Sullivan, Chairperson

Transportation and Telecommunications

Room 1113

Monday, February 24, 2014 1:30 p.m.

Barbara J. Keegan - Board of Public Roads Classifications and Standards

James Litchfield - Board of Public Roads Classifications and Standards

Mick Syslo - Board of Public Roads Classifications and Standards

Edward Wootton - Board of Public Roads Classifications and Standards

LB925

LB954

(Signed) Annette Dubas, Chairperson

Revenue

Room 1524

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

LB978
LB979
LB1043
LB1067

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

LB708
LB709
LB836
LB885

Friday, February 28, 2014 1:30 p.m.

LB1025
LB1031
LB1057
LR423CA

(Signed) Galen Hadley, Chairperson

Judiciary

Room 1113

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

LB890
LB868
LB1034
LB1006
LB1105

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

LB808
LB927
LB1015
LB893
LB862

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Richard R. Bell - Game and Parks Commission

Aye: 8 Brasch, Carlson, Dubas, K. Haar, Johnson, Kolowski, Schilz, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 2014, at 9:25 a.m. were the following: LBs 56e and 588.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 838. Placed on Select File.

(Signed) John Murante, Chairperson

MESSAGE FROM THE GOVERNOR

February 13, 2014

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 33, 76e, 174, 215, 272, 278, 403, 446, 470e, 513, 514, 597e, 656, 657, 658, and 659 were received in my office on February 7, 2014.

These bills were signed and delivered to the Secretary of State on February 13, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 740. Title read. Considered.

SENATOR GLOOR PRESIDING

Committee AM1723, found on page 446, was offered.

SENATOR KRIST PRESIDING

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

The committee amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 671. Placed on General File with amendment.
AM1637

- 1 1. Strike original section 2.
- 2 2. On page 3, line 24, strike "sections 37-452 and
- 3 37-559" and insert "section 37-452"; and in line 25 strike "are"
- 4 and insert "is".
- 5 3. On page 4, line 1, strike "sections are" and insert
- 6 "section is"; and in line 2 strike "Sections 37-472 and" and insert
- 7 "Section".
- 8 4. Renumber the remaining sections accordingly.

(Signed) Tom Carlson, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 438A. Introduced by Adams, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, One Hundred Third Legislature, Second Session, 2014.

GENERAL FILE

LEGISLATIVE BILL 191. Title read. Considered.

Committee AM707, found on page 1736, First Session, 2013, was offered.

Senator Nordquist offered his amendment, AM1918, found on page 530, to the committee amendment.

The Nordquist amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Pending.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 888. Placed on General File.

LEGISLATIVE BILL 899. Placed on General File.

(Signed) Russ Karpisek, Chairperson

ANNOUNCEMENTS

Senator McCoy designates LB670 as his priority bill.

Senator Brasch designates LB145 as her priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 441. Introduced by B. Harr, 8; Bloomfield, 17; Carlson, 38; Hansen, 42; Johnson, 23; Lathrop, 12; Schilz, 47; Wallman, 30.

WHEREAS, Tamas (Tam) Allan was appointed to the Nebraska State Fair Board in 2004 by Governor Mike Johanns; and

WHEREAS, Tam Allan served as vice-chairperson of the Nebraska State Fair Board from 2007 to 2012; and

WHEREAS, Tam Allan chaired the committee that was instrumental with the relocation and revitalization of the Nebraska State Fair in Grand Island; and

WHEREAS, Tam Allan served three consecutive terms on the Nebraska State Fair Board until his last term expired in December of 2013.

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

1. That the Legislature recognizes Tam Allan for his accomplishments and honors him for his outstanding service on the Nebraska State Fair Board.

2. That a copy of this resolution be sent to Tam Allan.

Laid over.

AMENDMENTS - Print in Journal

Senator Nordquist filed the following amendment to LB191:
AM1935

- 1 1. On page 8, strike beginning with "All" in line 2
- 2 through line 17 and insert "All or a portion of the credit received
- 3 under section 3 of this act shall be subject to recapture by
- 4 the Department of Revenue from the person owning the historically
- 5 significant real property on the date the Department of Revenue
- 6 determines the recapture event occurred if at any time during
- 7 the five years after the historically significant real property
- 8 is placed into service the officer or the Department of Revenue
- 9 determines the historically significant real property has been
- 10 the subject of work not in substantial conformance with the
- 11 standards, the approved application, or the documents from which
- 12 the credit was calculated. If the person owning the historically
- 13 significant real property on the date the Department of Revenue
- 14 determines the recapture event occurred is a partnership or limited
- 15 liability company, the liability of the partners or members
- 16 for recapture shall be proportionate to their ownership in the
- 17 applicable partnership or limited liability company. Any action to
- 18 recapture credits under this section may proceed after a written
- 19 notice is given to the person owning the historically significant
- 20 real property on the date the Department of Revenue determines the
- 21 recapture event occurred and such person is allowed a six-month
- 22 cure period. Thereafter, the credit shall be subject to recapture
- 23 as follows:".
- 1 2. On page 10, strike beginning with "filing" in line
- 2 3 through "act" in line 4 and insert "owning the historically
- 3 significant real property on the date the Department of Revenue
- 4 determines the recapture event occurred".

Senator Davis filed the following amendment to LB842:
AM1946

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 79-8,137.03, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 79-8,137.03 (1) The department shall administer the
- 5 Enhancing Excellence in Teaching Program either directly or by
- 6 contracting with public or private entities.
- 7 (2) To be eligible for the program, an eligible student
- 8 shall:
- 9 (a) Agree to complete an eligible graduate program at
- 10 an eligible institution and to complete the major on which the
- 11 applicant's eligibility is based as determined by the department;
- 12 and
- 13 (b) Commit to teach in an accredited or approved public
- 14 or private school in Nebraska upon successful completion of the
- 15 eligible graduate program for which the applicant is applying to

16 the Enhancing Excellence in Teaching Program and to maintaining
17 certification pursuant to sections 79-806 to 79-815.

18 (3) Eligible students may apply on an annual basis for
19 loans in an amount of not more than ~~one hundred seventy five~~
20 two hundred fifty dollars per credit hour. Loans awarded to
21 individual students shall not exceed a cumulative period exceeding
22 five consecutive years. Loans shall only be awarded through the
23 department. Loans shall be funded pursuant to section 79-8,137.05.

1 Sec. 3. Section 79-8,137.04, Revised Statutes Supplement,
2 2013, is amended to read:

3 79-8,137.04 (1) Prior to receiving any money from a
4 loan pursuant to the Enhancing Excellence in Teaching Program, an
5 eligible student shall enter into a contract with the department.
6 Such contract shall provide notice to the eligible student that
7 funding for loans pursuant to the Enhancing Excellence in Teaching
8 Program terminates on June 30, 2016. Such contract shall be exempt
9 from the requirements of sections 73-501 to 73-510. The contract
10 shall require that if (a) the borrower is not employed as a
11 full-time teacher teaching in an approved or accredited school in
12 Nebraska for a time period equal to the number of years required
13 for loan forgiveness pursuant to subsection (2) of this section or
14 (b) the borrower does not complete the requirements for graduation
15 within five consecutive years after receiving the initial loan
16 under the program, then the loan shall be repaid, with interest
17 at the rate fixed pursuant to section 45-103 accruing as of the
18 date the borrower signed the contract and actual collection costs
19 as determined by the department. If a borrower fails to remain
20 enrolled at an eligible institution or otherwise fails to meet
21 the requirements of an eligible student, repayment of the loan
22 shall commence within six months after such change in eligibility.
23 The State Board of Education may by rules and regulations provide
24 for exceptions to the conditions of repayment pursuant to this
25 subsection based upon mitigating circumstances.

26 (2) If the borrower (a) successfully completes the
27 eligible graduate program and major for which the borrower is
1 receiving a forgivable loan pursuant to the Enhancing Excellence in
2 Teaching Program and maintains certification pursuant to sections
3 79-806 to 79-815, (b) maintains employment as a teacher in an
4 approved or accredited school in this state, and (c) otherwise
5 meets the requirements of the contract, payments shall be suspended
6 for the number of years that the borrower is required to remain
7 employed as a teacher in this state under the contract. Beginning
8 ~~after the first two years with the second year~~ of teaching
9 full-time in Nebraska following graduation for the degree for which
10 the loan was received, for each year that the borrower teaches
11 full-time in Nebraska pursuant to the contract, the loan shall be
12 forgiven in an amount equal to three thousand dollars, except that
13 if the borrower teaches full-time in a school district that is
14 in a local system classified as very sparse as defined in section

15 79-1003, teaches in a school building in which at least forty
16 percent of the students are poverty students as defined in section
17 79-1003, or teaches in an accredited or approved private school in
18 Nebraska in which at least forty percent of the enrolled students
19 qualified for free lunches as determined by the most recent data
20 available from the department, payments shall be forgiven each year
21 in an amount equal to six thousand dollars.
22 2. Renumber the remaining sections and amend the repealer
23 accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Kintner asked unanimous consent to add his name as cointroducer to LB814 and LB698. No objections. So ordered.

Senators Ashford, Lathrop, Mello, and Nordquist asked unanimous consent to add their names as cointroducers to LB465. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB191. No objections. So ordered.

VISITORS

Visitors to the Chamber were 8 members from the District 31 Student Advisory Council; and 20 Home Instead Senior Care franchise owners from across the state.

The Doctor of the Day was Dr. Mark Ptacek from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 10:00 a.m., Tuesday, February 18, 2014.

Patrick J. O'Donnell
Clerk of the Legislature

