

**SIXTY-THIRD DAY - APRIL 14, 2015**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**FIRST SESSION**

**SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
 Tuesday, April 14, 2015

**PRAYER**

The prayer was offered by Senator Sullivan.

**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, Davis, Groene, Kintner, Kolowski, Kolterman, Mello, Morfeld, Schnoor, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-second day was approved.

**COMMITTEE REPORT(S)**  
 Enrollment and Review

**LEGISLATIVE BILL 89.** Placed on Final Reading.  
 ST23

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

1. In the Mello amendment, AM1009:
  - a. On page 2, line 1, an underscored comma has been inserted after "programs";
  - b. On page 3, line 31, "2" has been struck and "5" inserted; and
  - c. On page 4, line 11, "to 3" has been struck and ", 2, 3," inserted.
2. On page 1, lines 1 and 2; and page 9, lines 4 and 5, "section 43-513, Reissue Revised Statutes of Nebraska, and" has been struck.
3. On page 1, lines 5 and 6, "provide an operative date" has been struck and "create the Intergenerational Poverty Task Force; to provide powers and duties; to require reports; to provide a termination date; to provide operative dates" inserted.

**LEGISLATIVE BILL 89A.** Placed on Final Reading.

**LEGISLATIVE BILL 413.** Placed on Final Reading.  
**LEGISLATIVE BILL 413A.** Placed on Final Reading.  
**LEGISLATIVE BILL 641.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 181.** Introduced by Kolterman, 24.

**PURPOSE:** The purpose of this resolution is to study how to build Nebraska's workforce, especially in high-need areas, and support personal responsibility and professional growth for all Nebraskans. A first step in accomplishing this purpose is to identify and, if applicable, propose changes to state policies that serve as barriers to full-time employment. Some Nebraskans are forced to continue dependency on state-funded benefits rather than risk losing these supports if their work hours or income levels exceed the limits for these programs. While these programs fill an important need for families across the state, there may be improvements that can be made in order to enable workers to stay and grow within the workforce.

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

(1) Examining current state-funded financial assistance programs offered by the Department of Health and Human Services, including medicaid and other joint federal and state programs in which the state has discretion in setting limitations;

(2) Examining similar programs in other states; and

(3) Identifying potential improvements that can be made to current programs that would benefit Nebraska employers and employees, expand the available workforce in high-need areas, and contribute to the economic growth of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST 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 182.** Introduced by Kolterman, 24.

**PURPOSE:** LB531 was introduced in 2015 because of concerns regarding Nebraskans' lack of sufficient information when deciding which type of health insurance plan to purchase. Cost-sharing obligations, including deductibles, copayments, coinsurance, and excluded out-of-pocket expenses may be significantly greater than the total premiums paid for a health benefit

plan. Often Nebraskans are choosing health benefit plans based solely on premiums and a summary description of benefits without complete and accurate information about their own cost-sharing responsibilities under plans with differing premiums. The information currently presented on differing premiums may lead to an erroneous impression about which plan places the greater burden on the household budget. Nebraskans may be significantly disadvantaged by spending scarce resources on premiums for a benefit plan that fails to protect the household from the cost of medical care in a time of need. Several groups have tried to prevent such harm to consumers by creating tools and Internet-based calculators that reveal a more complete picture of the costs and benefits to consumers of competing health plans. Individuals may lack the time and expertise to find the relevant information themselves to make the best plan selection based on their household's medical and financial situation.

The purpose of this resolution is to investigate and make recommendations regarding what can be done to provide Nebraska consumers the necessary information to enable them to make informed decisions as to which health care plan to purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST 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.

#### AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB243:  
AM1217

(Amendments to E and R amendments, ER78)

1 1. On page 1, line 16, after "both" insert an underscored comma; and  
2 in line 27 after the third comma insert "or" and strike ", or domestic  
3 partner".

4 2. On page 2, strike lines 3 through 6 and insert the following new  
5 subdivisions:

6 "(e) Any individual who is a primary caretaker or trusted adult in a  
7 kinship home and who, as a primary caretaker, has lived with the child  
8 or, as a trusted adult, has a preexisting, significant relationship with  
9 the child:

10 (4) Kinship home means a home in which a child receives foster care  
11 and at least one of the primary caretakers has previously lived with or  
12 is a trusted adult that has a preexisting, significant relationship with  
13 the child:".

14 3. On page 3, line 5, after "both" insert an underscored comma.

Senator Hilkemann filed the following amendment to LB641:  
AM1233

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 60-601, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:  
5 60-601 Sections 60-601 to 60-6,382 and sections 2 and 3 of this act  
6 shall be known and may be cited as the Nebraska Rules of the Road.  
7 Sec. 2. Any disabled person operating a manual or motorized  
8 wheelchair on a sidewalk or across a roadway or shoulder in a crosswalk  
9 shall have all the rights and duties applicable to a pedestrian under the  
10 same circumstances.  
11 Sec. 3. (1) Any person operating a bicycle on a sidewalk or across a  
12 roadway or shoulder in a crosswalk shall have all the rights and duties  
13 applicable to a pedestrian under the same circumstances subject to  
14 subsection (2) of this section.  
15 (2) A person operating a bicycle on a sidewalk shall not:  
16 (a) Operate the bicycle so as to suddenly leave a curb or other  
17 place of safety and move into the path of a vehicle that is so close as  
18 to constitute an immediate hazard;  
19 (b) Fail to give an audible warning before overtaking and passing a  
20 pedestrian or fail to yield the right-of-way to all pedestrians on the  
21 sidewalk;  
22 (c) Operate the bicycle in a careless manner that endangers or would  
23 be likely to endanger any person or property; or  
24 (d) Operate the bicycle at a speed greater than an ordinary walk  
25 when approaching or entering a crosswalk, approaching or crossing a  
26 driveway, or crossing a curb cut or pedestrian ramp when a motor vehicle  
27 is approaching the crosswalk, driveway, curb cut, or pedestrian ramp.  
1 This subdivision does not require a reduced speed for a bicycle at a  
2 place on a sidewalk or other pedestrian way other than a place where the  
3 path for pedestrians or bicycle traffic approaches or crosses that for  
4 motor vehicle traffic.  
5 Sec. 4. Original section 60-601, Revised Statutes Cumulative  
6 Supplement, 2014, is repealed.

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 160, 161, 162, 163, 164, 165, 166, 167,  
168, 169, and 170 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the  
Speaker signed the following: LRs 160, 161, 162, 163, 164, 165, 166, 167,  
168, 169, and 170.

**MOTION(S) - Confirmation Report(s)**

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1091:

Nebraska Environmental Trust Board  
Rodney R. Christen

Voting in the affirmative, 27:

Bloomfield	Gloor	Johnson	Pansing Brooks	Stinner
Bolz	Haar, K.	Krist	Riepe	Sullivan
Crawford	Hadley	Kuehn	Scheer	Williams
Ebke	Hansen	Lindstrom	Schilz	
Friesen	Hilkemann	McCollister	Schumacher	
Garrett	Hughes	Nordquist	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Baker	Coash	Harr, B.	McCoy
Brasch	Cook	Howard	Murante
Chambers	Craighead	Larson	Seiler

Excused and not voting, 10:

Campbell	Groene	Kolowski	Mello	Schnoor
Davis	Kintner	Kolterman	Morfeld	Watermeier

The appointment was confirmed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1091:

Department of Environmental Quality  
James Reed Macy, Director

Voting in the affirmative, 34:

Bloomfield	Friesen	Howard	McCollister	Schumacher
Bolz	Garrett	Hughes	Nordquist	Seiler
Brasch	Gloor	Johnson	Pansing Brooks	Smith
Chambers	Haar, K.	Kintner	Riepe	Stinner
Craighead	Hadley	Krist	Scheer	Sullivan
Crawford	Hansen	Kuehn	Schilz	Williams
Ebke	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 7:

Baker	Cook	Larson	Murante
Coash	Harr, B.	McCoy	

Excused and not voting, 8:

Campbell	Groene	Kolterman	Morfeld
Davis	Kolowski	Mello	Watermeier

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1091:

Nebraska Oil and Gas Conservation Commission  
John Arley Rundel

Voting in the affirmative, 32:

Baker	Gloor	Johnson	McCoy	Schumacher
Bloomfield	Groene	Kintner	Morfeld	Stinner
Bolz	Haar, K.	Kolowski	Nordquist	Sullivan
Campbell	Hadley	Kolterman	Riepe	Watermeier
Chambers	Hansen	Krist	Scheer	
Cook	Howard	Larson	Schilz	
Friesen	Hughes	McCollister	Schnoor	

Voting in the negative, 0.

Present and not voting, 16:

Brasch	Davis	Hilkemann	Murante
Coash	Ebke	Kuehn	Seiler
Craighead	Garrett	Lindstrom	Smith
Crawford	Harr, B.	Mello	Williams

Excused and not voting, 1:

Pansing Brooks

The appointment was confirmed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 265A.** ER80, found on page 1155, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 500A.** Advanced to Enrollment and Review for Engrossment.

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 623.** Placed on General File with amendment.  
AM1203

1 1. Insert the following new section:

2 Sec. 2. Section 60-484.05, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 60-484.05 (1) The department shall only issue an operator's license  
5 or a state identification card that is temporary to any applicant who  
6 presents documentation under sections 60-484 and 60-484.04 that shows his  
7 or her authorized stay in the United States is temporary. An operator's  
8 license or a state identification card that is temporary shall be valid  
9 only during the period of time of the applicant's authorized stay in the  
10 United States or, if there is no definite end to the period of authorized  
11 stay, a period of one year.

12 (2) An operator's license or state identification card that is  
13 temporary shall clearly indicate that it is temporary with a special  
14 notation on the front of the license or card and shall state the date on  
15 which it expires.

16 (3) An operator's license or state identification card that is  
17 temporary may be renewed only upon presentation of valid documentary  
18 evidence that the status by which the applicant qualified for the  
19 operator's license or state identification card that is temporary has  
20 been extended by the United States Department of Homeland Security.

21 (4) If an individual has an operator's license or a state  
22 identification card issued based on approved lawful status granted under  
23 section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005,  
24 Public Law 109-13, and the basis for the approved lawful status is  
25 terminated, the individual shall return the operator's license or state  
26 identification card to the Department of Motor Vehicles.

27 2. Renumber the remaining sections and correct the repealer  
1 accordingly.

(Signed) Jim Smith, Chairperson

## Business and Labor

**LEGISLATIVE BILL 276.** Placed on General File with amendment.  
AM1107

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. (1) For purposes of this section, construction work  
4 means work on real property and annexations, including new work,  
5 additions, alterations, reconstruction, installations, and repairs  
6 performed at one or more different sites which may be dispersed  
7 geographically.  
8 (2) A person who regularly and customarily performs construction  
9 work for others at a location other than the person's own fixed business  
10 location shall apply to the administrator of the Nebraska Workers'  
11 Compensation Court for certification as an independent contractor unless  
12 the person has elected to bring himself or herself within the provisions  
13 of the Nebraska Workers' Compensation Act in accordance with subdivision  
14 (10) of section 48-115. A certified independent contractor is not  
15 entitled to any benefits under the Nebraska Workers' Compensation Act.  
16 (3)(a) To request certification as an independent contractor, a  
17 person shall submit an application to the administrator of the  
18 compensation court in a form and manner prescribed by the administrator.  
19 The application shall include the following:  
20 (i) The applicant's name, address, and telephone number;  
21 (ii) The applicant's social security number and federal employer  
22 identification number;  
23 (iii) The applicant's regular trade, occupation, business, or  
24 profession;  
25 (iv) The applicant's business name, business address, and the type  
26 of business entity;  
27 (v) A completed and signed questionnaire developed by the  
1 administrator;  
2 (vi) A signed form developed by the administrator acknowledging  
3 that, as a certified independent contractor, the applicant is not  
4 entitled to any benefits under a policy of workers' compensation  
5 insurance pursuant to the Nebraska Workers' Compensation Act;  
6 (vii) Any other information required by the administrator; and  
7 (viii) A fee to be set by the administrator in an amount sufficient  
8 to cover the costs of administering this section. Fees collected pursuant  
9 to this section shall be remitted to the State Treasurer for credit to  
10 the Compensation Court Cash Fund.  
11 (b) The administrator of the compensation court may, at his or her  
12 discretion, require documentation or other evidence to support any  
13 representations made on an application or questionnaire submitted  
14 pursuant to this section.  
15 (4) The administrator of the compensation court shall evaluate the  
16 application and the applicant's answers to the questionnaire and  
17 determine whether the applicant is qualified to be a certified  
18 independent contractor. In making such determination, the administrator



19 shall consider the following factors:  
20 (a) The extent of control which those for whom work is performed  
21 exercise over the details of the work;  
22 (b) Whether the applicant is engaged in a distinct business  
23 providing services to multiple entities;  
24 (c) Whether in the applicant's trade, occupation, business, or  
25 profession the work is normally done under the direction of an employer  
26 or by a specialist without supervision;  
27 (d) The skill required in the applicant's trade, occupation,  
28 business, or profession;  
29 (e) Whether the applicant or those for whom work is performed supply  
30 the instrumentalities, tools, and place of work;  
31 (f) Whether the applicant is engaged on an ongoing basis or for a  
1 specific project;  
2 (g) Whether the applicant is paid on a completed project basis or  
3 some other method;  
4 (h) Whether the work of the applicant is part of the regular  
5 business of those for whom work is performed;  
6 (i) Whether the applicant and those for whom work is performed  
7 intend the applicant to be an independent contractor and whether the work  
8 of the applicant is subject to an agreement designating the applicant as  
9 an independent contractor; and  
10 (j) Whether those for whom work is performed are or are not in  
11 business.  
12 (5) If the administrator of the compensation court determines that  
13 the applicant is qualified to be a certified independent contractor, the  
14 administrator shall issue a certificate to that effect. The certificate  
15 shall remain in effect for a period of two years. Any person desiring to  
16 continue certification beyond the initial two-year certification period  
17 shall submit a new application in accordance with subsection (3) of this  
18 section. Such new application shall be evaluated in accordance with  
19 subsection (4) of this section.  
20 (6) If the administrator of the compensation court determines that  
21 the applicant is not qualified to be a certified independent contractor,  
22 or if the applicant fails to provide any information required under  
23 subsection (3) of this section, the administrator shall deny the  
24 application. Any applicant who refuses to accept such denial may request  
25 reconsideration by a judge of the Nebraska Workers' Compensation Court.  
26 Such request must be filed in the office of the clerk of the compensation  
27 court within thirty days after notice of the denial. Appeal from an  
28 action by a judge of the compensation court pursuant to this subsection  
29 shall be in accordance with section 48-185.  
30 (7)(a) A certificate issued by the administrator of the compensation  
31 court shall be revoked prior to the expiration of the two-year  
1 certification period if:  
2 (i) The revocation is requested by the person certified;  
3 (ii) The person certified provided false information on an  
4 application or questionnaire which the administrator relied upon and the  
5 reliance was a substantial factor in the decision to issue the

6 certificate;

7 (iii) The administrator determines that the person certified is no  
8 longer qualified to be a certified independent contractor; or

9 (iv) The person certified elects to bring himself or herself within  
10 the provisions of the Nebraska Workers' Compensation Act in accordance  
11 with subsection (10) of this section.

12 (b) Any person who refuses to accept a revocation by the  
13 administrator pursuant to subdivision (7)(a)(ii) or (7)(a)(iii) of this  
14 section may request reconsideration by a judge of the Nebraska Workers'  
15 Compensation Court. Such request must be filed in the office of the clerk  
16 of the compensation court within thirty days after notice of the  
17 revocation. Appeal from an action by a judge of the compensation court  
18 pursuant to this subdivision shall be in accordance with section 48-185.

19 (8) Failure to apply for certification under this section or a  
20 denial or revocation of certification shall not create a presumption that  
21 the person is an employee for purposes of the Nebraska Workers'  
22 Compensation Act unless such person has elected to bring himself or  
23 herself within the provisions of the act in accordance with subdivision  
24 (10) of section 48-115.

25 (9) Any person who knowingly provides false information on an  
26 application or questionnaire submitted pursuant to this section shall be  
27 guilty of a Class IV misdemeanor. Any person who requires an employee to  
28 provide false information on an application or questionnaire in order for  
29 the employee to obtain status as a certified independent contractor shall  
30 be guilty of a Class IV misdemeanor.

31 (10) A certified independent contractor may, at any time, elect to  
1 bring himself or herself within the provisions of the Nebraska Workers'  
2 Compensation Act in accordance with subdivision (10) of section 48-115.  
3 Such election shall automatically terminate certification. Notification  
4 of such election shall be given to the administrator of the compensation  
5 court by the person certified.

6 (11) The Nebraska Workers' Compensation Court may adopt and  
7 promulgate rules and regulations necessary to implement this section.

8 Sec. 2. Section 48-106, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 48-106 (1) The Nebraska Workers' Compensation Act shall apply to the  
11 State of Nebraska, to every governmental agency created by the state,  
12 and, except as provided in this section, to every resident employer in  
13 this state and nonresident employer performing work in this state who  
14 employs one or more employees in the regular trade, business, profession,  
15 or vocation of such employer.

16 (2) The act shall not apply to:

17 (a) A railroad company engaged in interstate or foreign commerce;

18 (b) Service performed by a worker who is a household domestic  
19 servant in a private residence;

20 (c) Service performed by a worker when performed for an employer who  
21 is engaged in an agricultural operation and employs only related  
22 employees;

23 (d) Service performed by a worker when performed for an employer who

24 is engaged in an agricultural operation and employs unrelated employees  
25 unless such service is performed for an employer who during any calendar  
26 year employs ten or more unrelated, full-time employees, whether in one  
27 or more locations, on each working day for thirteen calendar weeks,  
28 whether or not such weeks are consecutive. The act shall apply to an  
29 employer thirty days after the thirteenth such week; ~~and~~

30 (e) Service performed by a person who is engaged in an agricultural  
31 operation, or performed by his or her related employees, when the service  
1 performed is (i) occasional and (ii) for another person who is engaged in  
2 an agricultural operation who has provided or will provide reciprocal or  
3 similar service; and -

4 (f) Service performed by an independent contractor who is certified  
5 pursuant to section 1 of this act.

6 (3) If the employer is the state or any governmental agency created  
7 by the state, the exemption from the act under subdivision (2)(d) of this  
8 section does not apply.

9 (4) If the act applies to an employer because the employer meets the  
10 requirements of subdivision (2)(d) of this section, all unrelated  
11 employees shall be covered under the act and such employees' wages shall  
12 be considered for premium purposes.

13 (5) If an employer to whom the act applies because the employer  
14 meets the requirements of subdivision (2)(d) of this section subsequently  
15 does not employ ten or more unrelated, full-time employees, such employer  
16 shall continue to provide workers' compensation insurance coverage for  
17 the employees for the remainder of the calendar year and for the next  
18 full calendar year. When the required coverage period has expired, such  
19 employer may elect to return to exempt status by (a) posting,  
20 continuously in a conspicuous place at the employment locations of the  
21 employees for a period of at least ninety days, a written or printed  
22 notice stating that the employer will no longer carry workers'  
23 compensation insurance for the employees and the date such insurance will  
24 cease and (b) thereafter no longer carrying a policy of workers'  
25 compensation insurance. Failure to provide notice in accordance with this  
26 subsection voids an employer's attempt to return to exempt status.

27 (6) An employer who is exempt from the act under subsection (2) of  
28 this section may elect to bring the employees of such employer under the  
29 act. Such election is made by the employer obtaining a policy of workers'  
30 compensation insurance covering such employees. Such policy shall be  
31 obtained from a corporation, association, or organization authorized and  
1 licensed to transact the business of workers' compensation insurance in  
2 this state. If such an exempt employer procures a policy of workers'  
3 compensation insurance which is in full force and effect at the time of  
4 an accident to an employee of such employer, such procurement is  
5 conclusive proof of the employer's and employee's election to be bound by  
6 the act. Such an exempt employer who has procured a policy of workers'  
7 compensation insurance may elect to return to exempt status by (a)  
8 posting, continuously in a conspicuous place at the employment locations  
9 of the employees for a period of at least ninety days, a written or  
10 printed notice stating that the employer will no longer carry workers'

11 compensation insurance for the employees and the date such insurance will  
12 cease and (b) thereafter no longer carrying a policy of workers'  
13 compensation insurance. Failure to provide notice in accordance with this  
14 subsection voids an employer's attempt to return to exempt status.

15 (7) Every employer exempted under subdivision (2)(d) of this section  
16 who does not elect to provide workers' compensation insurance under  
17 subsection (6) of this section shall give all unrelated employees at the  
18 time of hiring or at any time more than thirty calendar days prior to the  
19 time of injury the following written notice which shall be signed by the  
20 unrelated employee and retained by the employer: "In this employment you  
21 will not be covered by the Nebraska Workers' Compensation Act and you  
22 will not be compensated under the act if you are injured on the job or  
23 suffer an occupational disease. You should plan accordingly." Failure to  
24 provide the notice required by this subsection subjects an employer to  
25 liability under and inclusion in the act for any unrelated employee to  
26 whom such notice was not given.

27 (8) An exclusion from coverage in any health, accident, or other  
28 insurance policy covering a person employed by an employer who is exempt  
29 from the act under this section which provides that coverage under the  
30 health, accident, or other insurance policy does not apply if such person  
31 is entitled to workers' compensation coverage is void as to such person  
1 if such employer has not elected to bring the employees of such employer  
2 within the act as provided in subsection (6) of this section.

3 (9) For purposes of this section:

4 (a) Agricultural operation means (i) the cultivation of land for the  
5 production of agricultural crops, fruit, or other horticultural products  
6 or (ii) the ownership, keeping, or feeding of animals for the production  
7 of livestock or livestock products;

8 (b) Full-time employee means a person who is employed to work one-  
9 half or more of the regularly scheduled hours during each pay period; and

10 (c) Related employee means a spouse of an employer and an employee  
11 related to the employer within the third degree by blood or marriage.  
12 Relationship by blood or marriage within the third degree includes  
13 parents, grandparents, great grandparents, children, grandchildren, great  
14 grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, and  
15 spouses of the same. If the employer is a partnership, limited liability  
16 company, or corporation in which all of the partners, members, or  
17 shareholders are related within the third degree by blood or marriage,  
18 then related employee means any employee related to any such partner,  
19 member, or shareholder within the third degree by blood or marriage.  
20 Sec. 3. Section 48-116, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 48-116 Any person, firm, or corporation creating or carrying into  
23 operation any scheme, artifice, or device to enable him or her, them, or  
24 it to execute work without being responsible to the workers for the  
25 provisions of the Nebraska Workers' Compensation Act shall be included in  
26 the term employer, and with the immediate employer shall be jointly and  
27 severally liable to pay the compensation herein provided for and be  
28 subject to all the provisions of such act. This section, however, shall

29 not be construed as applying to (1) an owner who lets a contract to a  
 30 contractor in good faith, or a contractor, who, in good faith, lets to a  
 31 subcontractor a portion of his or her contract, if the owner or principal  
 1 contractor, as the case may be, requires the contractor or subcontractor,  
 2 respectively, to procure a policy or policies of insurance from an  
 3 insurance company licensed to write such insurance in this state, which  
 4 policy or policies of insurance shall guarantee payment of compensation  
 5 according to the Nebraska Workers' Compensation Act to injured workers or  
 6 (2) service performed by an independent contractor who is certified  
 7 pursuant to section 1 of this act.

8 Sec. 4. Section 48-1,110, Revised Statutes Cumulative Supplement,  
 9 2014, is amended to read:  
 10 48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall  
 11 be known and may be cited as the Nebraska Workers' Compensation Act.  
 12 Sec. 5. Section 48-1,116, Reissue Revised Statutes of Nebraska, is  
 13 amended to read:

14 48-1,116 The Compensation Court Cash Fund is hereby created. The  
 15 fund shall be used to aid in providing for the expense of administering  
 16 the Nebraska Workers' Compensation Act and the payment of the salaries  
 17 and expenses of the personnel of the Nebraska Workers' Compensation  
 18 Court, ~~except that transfers may be made from the fund to the General~~  
 19 ~~Fund at the direction of the Legislature through June 30, 2011.~~  
 20 All fees received pursuant to sections 48-120, 48-120.02, 48-138,  
 21 48-139, 48-145.04, and 48-165 and section 1 of this act shall be remitted  
 22 to the State Treasurer for credit to the Compensation Court Cash Fund.  
 23 The fund shall also consist of amounts credited to the fund pursuant to  
 24 sections 48-1,113, 48-1,114, and 77-912. The State Treasurer may receive  
 25 and credit to the fund any money which may at any time be contributed to  
 26 the state or the fund by the federal government or any agency thereof to  
 27 which the state may be or become entitled under any act of Congress or  
 28 otherwise by reason of any payment made from the fund.  
 29 Any money in the fund available for investment shall be invested by  
 30 the state investment officer pursuant to the Nebraska Capital Expansion  
 31 Act and the Nebraska State Funds Investment Act.  
 1 Sec. 6. Original sections 48-106, 48-116, and 48-1,116, Reissue  
 2 Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes  
 3 Cumulative Supplement, 2014, are repealed.

**LEGISLATIVE BILL 306.** Placed on General File with amendment.  
 AM875

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 48-2503, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 48-2503 (1)(a) The Conveyance Advisory Committee is created. One  
 6 member shall be the state elevator inspector appointed pursuant to  
 7 section 48-2512.01. One member shall be the State Fire Marshal or his or  
 8 her designee. The Governor shall appoint the remaining members of the  
 9 committee as follows: One representative from a major elevator

10 manufacturing company; one representative from an elevator servicing  
11 company; one representative who is a building manager; one representative  
12 who is an elevator mechanic; one representative of labor involved in the  
13 elevator industry; and except as provided in subdivision (b) of this  
14 subsection, one representative of the general public from each county  
15 that has a population of more than one hundred thousand inhabitants. ~~The~~  
16 ~~committee shall be appointed within ninety days after January 1, 2008.~~

17 (b) On and after the operative date of this section, as the term of  
18 each representative of the general public from a county that has a  
19 population of more than one hundred thousand inhabitants expires, the  
20 Governor shall fill such expired terms with representatives from three  
21 different counties of the state, one of whom shall reside in a county  
22 containing a city of the metropolitan class, one of whom shall reside in  
23 a county that has a population of at least one hundred thousand  
24 inhabitants but less than four hundred thousand inhabitants, and one of  
25 whom shall reside in a county that has a population of less than one  
26 hundred thousand inhabitants. A representative of the general public who  
27 is serving on the committee on the operative date of this section may be  
1 eligible for reappointment when his or her term expires if he or she is  
2 eligible under the criteria established by this subdivision.

3 (2) The members of the committee appointed by the Governor shall  
4 serve for terms of three years, except that of the initial members  
5 appointed, two shall serve for terms of one year and three shall serve  
6 for terms of two years. The state elevator inspector and the State Fire  
7 Marshal or his or her designee shall serve continuously. The appointed  
8 members shall be reimbursed for their actual and necessary expenses for  
9 service on the committee as provided in sections 81-1174 to 81-1177. The  
10 members of the committee shall elect a chairperson who shall be the  
11 deciding vote in the event of a tie vote.

12 (3) ~~The committee shall meet and organize within thirty days after~~  
13 ~~the appointment of the members.~~ The committee shall meet quarterly at a  
14 time and place to be fixed by the committee for the consideration of code  
15 regulations and for the transaction of such other business as properly  
16 comes before it. Special meetings may be called by the chairperson or at  
17 the request of two or more members of the committee. Any appointed  
18 committee member absent from three consecutive meetings shall be  
19 dismissed.

20 Sec. 2. Section 48-2504, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 48-2504 The committee:

23 (1) May consult with engineering authorities and organizations  
24 concerned with standard safety codes;

25 (2) Shall recommend to the commissioner rules and regulations  
26 governing the operation, maintenance, servicing, construction,  
27 alteration, installation, and inspection of conveyances;

28 (3) Shall recommend to the commissioner qualifications for licensure  
29 as an elevator mechanic or elevator contractor and conditions for  
30 disciplinary actions, including suspension or revocation of a license;

31 (4) Shall recommend to the commissioner rules and regulations for

1 temporary and emergency elevator mechanic ~~thirty-day~~ licenses;  
 2 (5) May recommend to the commissioner legislative changes to the  
 3 Conveyance Safety Act deemed appropriate by the committee;  
 4 (6) Shall recommend to the commissioner an enforcement program  
 5 which will ensure compliance with the Conveyance Safety Act and the rules  
 6 and regulations adopted and promulgated pursuant to the act. The  
 7 enforcement program shall include the identification of property  
 8 locations which are subject to the act, issuing notifications to  
 9 violating property owners or operators, random onsite inspections and  
 10 tests on existing installations, and assisting in development of public  
 11 awareness programs; and  
 12 (7) Shall make recommendations to the commissioner regarding  
 13 variances under section 48-2509, continuing education providers under  
 14 section 48-2526, and license disciplinary actions under section 48-2528.  
 15 Sec. 3. Section 48-2507, Reissue Revised Statutes of Nebraska, is  
 16 amended to read:  
 17 48-2507 (1) The Conveyance Safety Act applies to the construction,  
 18 operation, inspection, testing, maintenance, alteration, and repair of  
 19 conveyances. Conveyances include the following equipment, associated  
 20 parts, and hoistways which are not exempted under section 48-2508:  
 21 (a) Hoisting and lowering mechanisms equipped with a car which moves  
 22 between two or more landings. This equipment includes elevators;  
 23 (b) Power driven stairways and walkways for carrying persons between  
 24 landings. This equipment includes:  
 25 (i) Escalators; and  
 26 (ii) Moving sidewalks; and  
 27 (c) Hoisting and lowering mechanisms equipped with a car, which  
 28 serves two or more landings and is restricted to the carrying of material  
 29 by its limited size or limited access to the car. This equipment  
 30 includes:  
 31 (i) Dumbwaiters;  
 1 (ii) Material lifts and dumbwaiters with automatic transfer devices;  
 2 and  
 3 (iii) Conveyors and related equipment within the scope of American  
 4 Society of Mechanical Engineers B20.1.  
 5 (2) The act applies to the construction, operation, inspection,  
 6 maintenance, alteration, and repair of automatic guided transit vehicles  
 7 on guideways with an exclusive right-of-way. This equipment includes  
 8 automated people movers.  
 9 (3) The act applies to conveyances in private residences ~~located in~~  
 10 ~~counties that have a population of more than one hundred thousand~~  
 11 ~~inhabitants at the time of installation.~~ Such conveyances are subject to  
 12 inspection at installation and upon the transfer of ownership of the  
 13 private residence but are not subject to periodic inspections.  
 14 Sec. 4. Section 48-2508, Reissue Revised Statutes of Nebraska, is  
 15 amended to read:  
 16 48-2508 The Conveyance Safety Act does not apply to:  
 17 (1) Conveyances under the jurisdiction and subject to inspection by  
 18 the United States Government;

19 (2) Conveyances used exclusively for agricultural purposes, except  
 20 upon the written request of the property owner to the state elevator  
 21 inspector;  
 22 (3) Personnel hoists within the scope of American National Standards  
 23 Institute A10.4;  
 24 (4) Material hoists within the scope of American National Standards  
 25 Institute A10.5;  
 26 (5) Manlifts within the scope of American Society of Mechanical  
 27 Engineers A90.1;  
 28 (6) Mobile scaffolds, towers, and platforms within the scope of  
 29 American National Standards Institute A92;  
 30 (7) Powered platforms and equipment for exterior and interior  
 31 maintenance within the scope of American National Standards Institute  
 1 120.1;  
 2 (8) Cranes, derricks, hoists, hooks, jacks, and slings within the  
 3 scope of American Society of Mechanical Engineers B30;  
 4 (9) Industrial trucks within the scope of American Society of  
 5 Mechanical Engineers B56;  
 6 (10) Portable equipment, except for portable escalators which are  
 7 covered by American National Standards Institute A17.1;  
 8 (11) Tiering or piling machines used to move materials to and from  
 9 storage located and operating entirely within one story;  
 10 (12) Equipment for feeding or positioning materials at machine  
 11 tools, printing presses, and similar equipment;  
 12 (13) Skip or furnace hoists;  
 13 (14) Wharf ramps;  
 14 (15) Railroad car lifts or dumpers;  
 15 (16) Line jacks, false cars, shafters, moving platforms, and similar  
 16 equipment used for installing a conveyance by an elevator contractor;  
 17 (17) Manlifts, hoists, or conveyances used in grain elevators or  
 18 feed mills;  
 19 (18) Dock levelators; and  
 20 (19) Except as provided in subsection (3) of section 48-2507,  
 21 stairway Stairway chair lifts and platform lifts, ; and  
 22 ~~(20) Conveyances in residences located in counties that have a~~  
 23 ~~population of one hundred thousand or less inhabitants.~~  
 24 Sec. 5. Section 48-2512, Reissue Revised Statutes of Nebraska, is  
 25 amended to read:  
 26 48-2512 (1) No person shall wire, alter, replace, remove, or  
 27 dismantle an existing conveyance ~~contained within a building or structure~~  
 28 ~~located in a county that has a population of more than one hundred~~  
 29 ~~thousand inhabitants unless such person is a licensed elevator mechanic~~  
 30 ~~or he or she is working under the direct supervision of a person who is a~~  
 31 ~~licensed elevator mechanic. Neither a licensed elevator mechanic nor a~~  
 1 ~~licensed elevator contractor is required to perform nonmechanical~~  
 2 ~~maintenance of a conveyance. Neither a licensed elevator contractor nor a~~  
 3 ~~licensed elevator mechanic is required for removing or dismantling~~  
 4 ~~conveyances which are destroyed as a result of a complete demolition of a~~  
 5 ~~secured building.~~



6 (2) It shall be the responsibility of licensed elevator mechanics  
7 and licensed elevator contractors to ensure that installation and service  
8 of a conveyance is performed in compliance with applicable fire and  
9 safety codes. It shall be the responsibility of the owner of the  
10 conveyance to ensure that the conveyance is maintained in compliance with  
11 applicable fire and safety codes.

12 (3) All new conveyance installations shall be performed by a  
13 licensed elevator mechanic under the control of a licensed elevator  
14 contractor or by a licensed elevator contractor. Subsequent to  
15 installation, a licensed elevator contractor shall certify compliance  
16 with the Conveyance Safety Act.

17 Sec. 6. Section 48-2516, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 48-2516 Upon a conveyance passing an inspection under section  
20 48-2513, 48-2514, or 48-2515 and receipt of the inspection fee, the  
21 commissioner shall issue the owner or user of the conveyance a  
22 certificate of inspection, upon forms prescribed by the commissioner. For  
23 inspections conducted from January 1, 2016, through December 31, 2016, in  
24 counties that have a population of one hundred thousand inhabitants or  
25 less, the certificate of inspection shall notify the owner of the  
26 licensure requirements provided in the Conveyance Safety Act.

27 Sec. 7. Section 48-2529, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 48-2529 The commissioner shall adopt and promulgate rules and  
30 regulations establishing standards and procedures for the issuance of  
31 temporary and emergency elevator mechanic ~~thirty-day~~ licenses and for the  
1 extension of such licenses for good cause shown.

2 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 10 of this act become  
3 operative on January 1, 2017. The other sections of this act become  
4 operative on their effective date.

5 Sec. 9. Original section 48-2516, Reissue Revised Statutes of  
6 Nebraska, is repealed.

7 Sec. 10. Original sections 48-2503, 48-2504, 48-2507, 48-2508,  
8 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Burke Harr, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 183.** Introduced by Harr, B., 8.

WHEREAS, the Nebraska State Chili Championship Cookoff is celebrating its 35th anniversary in 2015; and

WHEREAS, the Nebraska State Chili Championship Cookoff is the only chili cook-off sanctioned by the International Chili Society; and

WHEREAS, the Nebraska State Chili Championship Cookoff benefits charitable organizations and will be held on June 6-7, 2015, in Omaha.

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

1. That the Legislature recognizes Sunday, June 7, 2015, as Nebraska's Official Chili Day.
2. That a copy of this resolution be sent to the Nebraska State Chili Championship Cookoff organizers, Sue and Bill Dudzik.

Laid over.

**LEGISLATIVE RESOLUTION 184.** Introduced by Harr, B., 8.

WHEREAS, the National Defense Act of 1916 established the Reserve Officer Training Corps (ROTC) and the Junior Reserve Officer Training Corps (JROTC); and

WHEREAS, the University of Nebraska and Creighton University were the first institutions in the state to charter ROTC programs; and

WHEREAS, the public schools in Bellevue, Lincoln, Omaha, Papillion-La Vista, and Plattsmouth were the first high schools in the state to charter JROTC programs; and

WHEREAS, ROTC and JROTC programs serve communities, provide military leadership, and motivate youth to become better citizens.

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

1. That the Legislature declares June 7, 2015, as Reserve Officer Training Corps Recognition Day in Nebraska.

Laid over.

#### GENERAL FILE

**LEGISLATIVE BILL 80.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 494.** Title read. Considered.

Committee AM647, found on page 881, was offered.

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

Senator B. Harr requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 20:

Bloomfield	Cook	Harr, B.	Kuehn	Nordquist
Bolz	Crawford	Howard	McCollister	Pansing Brooks
Campbell	Haar, K.	Kolowski	Mello	Schumacher
Chambers	Hansen	Krist	Morfeld	Sullivan

Voting in the negative, 25:

Baker	Friesen	Hughes	Lindstrom	Schnoor
Brasch	Garrett	Johnson	McCoy	Seiler
Coash	Groene	Kintner	Murante	Stinner
Craighead	Hadley	Kolterman	Riepe	Watermeier
Davis	Hilkemann	Larson	Scheer	Williams

Present and not voting, 2:

Ebke            Smith

Excused and not voting, 2:

Gloor            Schilz

The committee amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 18:

Bolz	Crawford	Howard	McCollister	Pansing Brooks
Campbell	Haar, K.	Johnson	Mello	Schumacher
Chambers	Hansen	Kolowski	Morfeld	
Cook	Harr, B.	Krist	Nordquist	

Voting in the negative, 27:

Baker	Ebke	Hughes	Murante	Sullivan
Bloomfield	Friesen	Kintner	Riepe	Watermeier
Brasch	Garrett	Kolterman	Scheer	Williams
Coash	Groene	Larson	Schnoor	
Craighead	Hadley	Lindstrom	Seiler	
Davis	Hilkemann	McCoy	Stinner	

Present and not voting, 2:

Kuehn            Smith

Excused and not voting, 2:

Gloor            Schilz

Failed to advance to Enrollment and Review Initial with 18 ayes, 27 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 320.** Placed on Final Reading.

**LEGISLATIVE BILL 320A.** Placed on Final Reading.

**LEGISLATIVE BILL 347.** Placed on Final Reading.

**LEGISLATIVE BILL 347A.** Placed on Final Reading.

**LEGISLATIVE BILL 500.** Placed on Final Reading.

ST24

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

1. On page 1, line 4, "and" has been struck and a comma inserted and ", and in-home family services model" has been inserted after the second "therapy".

**LEGISLATIVE BILL 538.** Placed on Final Reading.

**LEGISLATIVE BILL 538A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

### **AMENDMENT(S) - Print in Journal**

Senator Krist filed the following amendment to LB15:

FA46

Strike the enacting clause.

Senator Crawford filed the following amendment to LB67:

AM1245

1 1. On page 3, strike beginning with "the" in line 10 through "Code"

2 in line 19, show the old matter as stricken, and insert "any sanitary and

3 improvement district".

### **VISITORS**

Visitors to the Chamber were 7 twelfth-grade students and teacher from Sutherland; 24 fourth-grade students and teachers from Elmwood Murdock; 35 ninth- through twelfth-grade students and teachers from Northeast High School, Lincoln; 94 fourth-grade students and teachers from St. Vincent DePaul School, Omaha; 24 fourth-grade students and teachers from Ponca; and 56 fourth-grade students and teachers for La Vista West Elementary.

**RECESS**

At 12:04 p.m., on a motion by Senator Crawford, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Craighead who was excused; and Senators Davis, Gloor, Kintner, Schilz, Schumacher, and Watermeier who were excused until they arrive.

**MESSAGE(S) FROM THE GOVERNOR**

April 14, 2015

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

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

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Janelle Beveridge, 411 W. 2, P.O. Box 66, Paxton, NE 69155

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

April 14, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

William G. Blake, 6601 Park Crest Court, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosure

April 14, 2015

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Commission on Problem Gambling:

Matthew Anselmo, 321 Fort Crook Road, #103, Bellevue, NE 68005  
Paul Leckband, 1606 Skyline Drive, Norfolk, NE 68701  
Terry L. Scoville, 409 South Ash Street, North Platte, NE 69101

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

#### **GENERAL FILE**

**LEGISLATIVE BILL 605.** Title read. Considered.

Committee AM1010, found on page 1023, was offered.

Senator Seiler offered the following amendment to the committee amendment:

AM1242 is available in the Bill Room.

**SPEAKER HADLEY PRESIDING**

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Davis moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Seiler amendment was adopted with 36 ayes, 4 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator B. Harr offered the following amendment to the committee amendment:

AM1026

(Amendments to AM1010)

1 1. On page 12, line 13, strike "one hundred dollars fine", show as  
2 stricken, and insert "none".

Senator B. Harr withdrew his amendment.

The committee amendment, as amended, was adopted with 32 ayes, 4 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 3 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 598.** Title read. Considered.

Committee AM928, found on page 1003, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

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

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 265.** Placed on Final Reading.

ST26

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

1. In the E and R amendments, ER61, on page 29, line 18, "and" has been inserted after the first comma and "on September 6, 2015" has been struck and "three calendar months after the adjournment of this legislative session" inserted.

**LEGISLATIVE BILL 482.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Schumacher filed the following amendment to LB72:  
AM1225

1 1. Strike original sections 4 and 5 and insert the following new  
2 section:

3 Sec. 4. Section 68-919, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 68-919 (1) The recipient of medical assistance under the medical  
6 assistance program shall be indebted to the department for the total  
7 amount paid for medical assistance on behalf of the recipient if:

8 (a) The recipient was fifty-five years of age or older at the time  
9 the medical assistance was provided; or

10 (b) The recipient resided in a medical institution and, at the time  
11 of institutionalization or application for medical assistance, whichever  
12 is later, the department determines that the recipient could not have  
13 reasonably been expected to be discharged and resume living at home. For  
14 purposes of this section, medical institution means a nursing facility,  
15 an intermediate care facility for persons with developmental  
16 disabilities, or an inpatient hospital.

17 (2) The debt accruing under subsection (1) of this section arises  
18 during the life of the recipient but shall be held in abeyance until the  
19 death of the recipient. Any such debt to the department that exists when  
20 the recipient dies shall be recovered only after the death of the  
21 recipient's spouse, if any, and only when the recipient is not survived  
22 by a child who either is under twenty-one years of age or is blind or  
23 totally and permanently disabled as defined by the Supplemental Security  
24 Income criteria.

25 (3) The debt shall include the total amount of medical assistance  
26 provided when the recipient was fifty-five years of age or older or  
27 during a period of institutionalization as described in subsection (1) of  
1 this section and shall not include interest.

2 (4) The debt may be recovered from the estate of a medical  
3 assistance recipient, including any real property, personal property, or  
4 other asset in which the recipient had any legal title or interest at the  
5 time of the recipient's death, to the extent of such interests, including  
6 interests in trusts.

7 (5) 4 In any probate proceedings in which the department has filed a  
8 claim under this section, no additional evidence of foundation shall be  
9 required for the admission of the department's payment record supporting  
10 its claim if the payment record bears the seal of the department, is  
11 certified as a true copy, and bears the signature of an authorized  
12 representative of the department.

13 (6) 5 The department may waive or compromise its claim, in whole or  
14 in part, if the department determines that enforcement of the claim would



15 not be in the best interests of the state or would result in undue  
 16 hardship as provided in rules and regulations of the department.  
 17 2. On page 2, lines 21 through 23; page 7, lines 6 through 8; and  
 18 page 8, lines 11 through 13, strike "and" through "trustor".  
 19 3. On page 2, line 28; page 7, line 13; and page 8, line 18, after  
 20 the period insert "If there is no medicaid reimbursement due, the  
 21 department shall waive the restriction within sixty days after receipt of  
 22 the trustee's request for waiver and the deceased trustor's name and  
 23 social security number and, if available upon reasonable investigation,  
 24 the name and social security number of the trustor's spouse if such  
 25 spouse is deceased.".  
 26 4. On page 11, line 13, after the period insert "Notice to the  
 27 department shall not be dispensed with pursuant to subsection (4) or (5)  
 28 of this section.".  
 29 5. Renumber the remaining sections and correct internal references  
 30 and the repealer accordingly.

Senator Campbell filed the following amendment to LB89A:  
 AM1251

(Amendments to Final Reading copy)

1 1. Strike section 1 and insert the following new section:  
 2 Section 1. There is hereby appropriated (1) \$8,322,800 from federal  
 3 funds for FY2015-16 and (2) \$8,322,800 from federal funds for FY2016-17  
 4 to the Department of Health and Human Services, for Program 347, to aid  
 5 in carrying out the provisions of Legislative Bill 89, One Hundred Fourth  
 6 Legislature, First Session, 2015.  
 7 No expenditures for permanent and temporary salaries and per diems  
 8 for state employees shall be made from funds appropriated in this  
 9 section.

#### **UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Friesen, Garrett - LB623  
 Mello - LR154

#### **VISITORS**

Visitors to the Chamber were Veronica LeDuc, UNL law student; 100 fourth-grade students from Standing Bear Elementary, Omaha; 9 eleventh- and twelfth-grade students and teachers from Papillion/La Vista; and 14 fourth-grade students and teachers from Red Cloud.

**ADJOURNMENT**

At 5:04 p.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Wednesday, April 15, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature