

SEVENTY-FIFTH DAY - MAY 5, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 5, 2015

PRAYER

The prayer was offered by Pastor Coral Parmenter, United Methodist Church of Christ, Wisner.

ROLL CALL

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

The roll was called and all members were present except Senators Craighead, Groene, Hansen, Mello, Pansing Brooks, and Watermeier who were excused until they arrive.

SPEAKER HADLEY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 658. Placed on Select File.
LEGISLATIVE BILL 659. Placed on Select File.

LEGISLATIVE BILL 656. Placed on Select File with amendment.
ER113
1 1. In the Standing Committee amendments, AM828, on page 6, line 10,
2 after the first "the" insert "Nebraska State".
3 2. On page 1, line 2, strike "22, 44, and 112" and insert "34, 35,
4 44, 112, and 175"; and in line 3 strike "59" and insert "60".

LEGISLATIVE BILL 657. Placed on Select File with amendment.
ER114 is available in the Bill Room.

LEGISLATIVE BILL 660. Placed on Select File with amendment.

ER116

1 1. In the Standing Committee amendments, AM830, strike section 1 and
2 insert the following new section:

3 Section 1. DEFINITION OF APPROPRIATION PERIOD.

4 For purposes of this act and any other legislative bill passed by
5 the One Hundred Fourth Legislature, First or Second Session, which
6 appropriates funds, FY2015-16 means the period July 1, 2015, through June
7 30, 2016, FY2016-17 means the period July 1, 2016, through June 30, 2017,
8 FY2017-18 means the period July 1, 2017, through June 30, 2018, and
9 FY2018-19 means the period July 1, 2018, through June 30, 2019.

LEGISLATIVE BILL 661. Placed on Select File with amendment.

ER117

1 1. In the Standing Committee amendments, AM831:

2 a. On page 3, line 24, strike "fund" and insert "Republican River

3 Compact Litigation Contingency Cash Fund";

4 b. On page 4, line 18, strike "interpretive" and insert

5 "interpreter"; and

6 c. On page 18, line 14, strike "\$50,000" and insert "fifty thousand
7 dollars"; and in line 15 after the first "the" insert "Nebraska".

8 2. On page 1, strike beginning with "13-2610" in line 1 through line
9 5 and insert "2-1587, 13-1905, 13-1906, 13-1907, 13-2610, 81-1354.05,
10 81-3119, and 85-1401, Reissue Revised Statutes of Nebraska, and sections
11 2-1507, 2-1513, 2-1588, 13-2704, 39-1390, 61-222, 71-7611, and 77-2602,
12 Revised Statutes Cumulative Supplement, 2014; to provide for fund
13 transfers; to create funds; to provide for and change the source and use
14 of certain funds; to state findings and intent; to change provisions
15 relating to certain funds, financial assistance, and cigarette tax
16 proceeds as prescribed; to provide for oral health training and services
17 contracts; to repeal the original sections; and to declare an
18 emergency."

LEGISLATIVE BILL 662. Placed on Select File.

LEGISLATIVE BILL 663. Placed on Select File.

LEGISLATIVE BILL 663A. Placed on Select File.

LEGISLATIVE BILL 554. Placed on Select File with amendment.

ER115

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. The following sums of money, or so much thereof as may
4 be required, are hereby appropriated from the General Fund or from other
5 funds as indicated in the state treasury, not otherwise appropriated, for
6 the payment of claims arising out of miscellaneous items of indebtedness
7 owing by the State of Nebraska.

8 \$175,000.00 for Miscellaneous Claim Number 2014-13890, against the
9 State of Nebraska, pay to Jaryl Ellis and Keating, O'Gara, Nedved and
10 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,

11 out of the General Fund.
 12 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 13 State of Nebraska, pay to Michael Hunter and Keating, O'Gara, Nedved and
 14 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 15 out of the General Fund.
 16 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 17 State of Nebraska, pay to Paul Zeiger and Keating, O'Gara, Nedved and
 18 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 19 out of the General Fund.
 20 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 21 State of Nebraska, pay to Tiffany Johnson and Keating, O'Gara, Nedved and
 22 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 23 out of the General Fund.
 24 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
 25 State of Nebraska, pay to Aaron Delaney and Keating, O'Gara, Nedved and
 26 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
 27 out of the General Fund.
 1 \$102,087.50 for Miscellaneous Claim Number 2014-13890, against the
 2 State of Nebraska, pay to Keating, O'Gara, Nedved and Peter, P.C.,
 3 L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508, out of the
 4 General Fund.
 5 \$79,070.98 for Miscellaneous Claim Number 2015-14059, against the
 6 State of Nebraska, pay to Andy Stebbing, Lancaster County Treasurer, 555
 7 South 10th Street, Lincoln, NE 68508, out of the General Fund.
 8 \$25,326.65 for Miscellaneous Claim Number 2015-14295, against the
 9 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"
 10 Street, Lincoln, NE 68508, out of the General Fund.
 11 \$275,000.00 for Miscellaneous Claim Number 2015-14382, against the
 12 State of Nebraska, pay to Farney Daniels, P.C., 800 South Austin Avenue,
 13 Suite 200, Georgetown, TX 78626, out of the General Fund.
 14 \$350,000.00 for Miscellaneous Claim Number 2015-14383, against the
 15 State of Nebraska, pay to Farney Daniels, P.C., 800 South Austin Avenue,
 16 Suite 200, Georgetown, TX 78626, out of the General Fund.
 17 The claims included in this section shall be paid through Program
 18 536 in Agency 65.
 19 For informational purposes only, the appropriations contained in
 20 this section and fund source:
 21

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$1,206,485.13</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,206,485.13</u>

26 Sec. 2. The following sums of money, or so much thereof as may be
 27 required, are hereby appropriated from the General Fund or from other
 28 funds as indicated in the state treasury, not otherwise appropriated, for
 29 the payment of tort claims which have been settled by the State Claims
 30 Board and approved by the district court, which have been settled by the
 1 Attorney General in the district court, or in which court judgments have
 2 been entered and which require the approval of the Legislature for

3 payment.
 4 \$95,000.00 for Tort Claim Number 2009-03751, against the State of
 5 Nebraska, pay to Debra Rhodes on behalf of Estate of David Peterson, c/o
 6 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
 7 out of the Roads Operations Cash Fund.
 8 \$95,000.00 for Tort Claim Number 2010-04062, against the State of
 9 Nebraska, pay to Natasha Lunn on behalf of Estate of Travis Lunn, c/o
 10 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
 11 out of the Roads Operations Cash Fund.
 12 \$270,094.89 for Tort Claim Number 2010-04089, against the State of
 13 Nebraska, pay to Herbert J. Friedman and James Dean, c/o Friedman Law
 14 Offices, 3800 Normal Boulevard, Suite 200, Lincoln, NE 68506-5240, out of
 15 the General Fund.
 16 \$484,415.08 for Tort Claim Number 2010-04094, against the State of
 17 Nebraska, pay to Bartle and Geier Law Firm, in trust for Ada Joann
 18 Taylor, 1141 "H" Street, Lincoln, NE 68501-3104, out of the General Fund.
 19 \$250,000.00 for Tort Claim Number 2011-11324, against the State of
 20 Nebraska, pay to Valley Bank and Trust, Trustee of the Debra Shelden
 21 Special Needs Trust, and Chaloupka, Holyoke, Snyder, Chaloupka, Longoria,
 22 and Kishiyama, P.C., L.L.O., 1714 Second Avenue, P.O. Box 2424,
 23 Scottsbluff, NE 69363-2424, out of the General Fund.
 24 The claims included in this section shall be paid through Program
 25 591 in Agency 65.
 26 For informational purposes only, the appropriations contained in
 27 this section and fund source:

28 <u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
29 <u>GENERAL FUND</u>	<u>\$1,004,509.97</u>
30 <u>CASH FUND</u>	<u>\$190,000.00</u>
1 <u>REVOLVING FUND</u>	<u>\$-0-</u>
2 <u>TOTAL</u>	<u>\$1,194,509.97</u>

3 Sec. 3. The following sums of money, or so much thereof as may be
 4 required, are hereby appropriated from the General Fund or from other
 5 funds as indicated in the state treasury, not otherwise appropriated, for
 6 the payment of tort claims which have been settled by the State Claims
 7 Board and approved by the district court, which have been settled by the
 8 Attorney General in the district court, or in which court judgments have
 9 been entered and which require the approval of the Legislature for
 10 payment.
 11 \$213,750.00 for Tort Claim Number 2015-13205, against the State of
 12 Nebraska, pay to Jason Sullivan and Fitzgerald, Vetter, and Temple, 1002
 13 Riverside Boulevard, Norfolk, NE 68701, out of the State Insurance Fund.
 14 \$80,000 for Tort Claim Number 2015-14247, against the State of
 15 Nebraska, pay to Kent Sprague and Perry, Guthery, Haase, and Gessford,
 16 P.C., L.L.O., 233 South 13th Street, Suite 1400, Lincoln, NE 68508, out
 17 of the State Insurance Fund.
 18 \$10,000 for Tort Claim Number 2015-14248, against the State of
 19 Nebraska, pay to Allied Insurance Company, c/o Nationwide Insurance
 20 Company, Attn: Trust Team, 1100 Locust Street, Department 2019, Des
 21 Moines, IA 50391, out of the State Insurance Fund.

22 The claims included in this section shall be paid through Program
 23 594 in Agency 65.
 24 For informational purposes only, the appropriations contained in
 25 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
27 <u>GENERAL FUND</u>	<u>\$-0-</u>
28 <u>CASH FUND</u>	<u>\$-0-</u>
29 <u>REVOLVING FUND</u>	<u>\$303,750.00</u>
30 <u>TOTAL</u>	<u>\$303,750.00</u>

1 Sec. 4. The Director of Administrative Services is hereby
 2 authorized and directed to draw his or her warrants upon the funds in the
 3 state treasury enumerated in this act, in favor of the several
 4 beneficiaries named in this act for the amount set opposite their
 5 respective names upon the presentation of proper vouchers therefor. The
 6 several amounts appropriated in this act shall be in full payment of any
 7 and all claims, rights, causes of action, damages, and demands of every
 8 character and kind owing by or against the State of Nebraska, its
 9 officers, agents, and employees, and their successors and assigns with
 10 respect to each of the beneficiaries respectively in whose favor the
 11 appropriations are made. The director shall not deliver any warrant for
 12 any items appropriated in this act until a receipt and release in full,
 13 releasing the State of Nebraska, its officers, employees, and agents, and
 14 their successors and assigns, has been filed by each of the beneficiaries
 15 respectively. Upon presentation of the warrants, the State Treasurer is
 16 hereby directed to pay the same out of money in the General Fund or out
 17 of money in other funds indicated in this act not otherwise appropriated.

18 Sec. 5. The following requests were filed by state agencies seeking
 19 permission to write off certain accounts. The State Claims Board reviewed
 20 and approved the following requests:
 21 \$152.59 for Request Number 2015-14171, made by the Supreme Court.
 22 \$17,232.44 for Request Number 2015-14190, made by the Nebraska
 23 Public Employees Retirement Systems.
 24 \$142,101.68 for Request Number 2015-14203, made by the Department of
 25 Roads.
 26 \$583,469.40 for Request Number 2015-14273, made by the Department of
 27 Health and Human Services.
 28 \$6,702.30 for Request Number 2015-14274, made by the Department of
 29 Correctional Services.
 30 \$2,613.61 for Request Number 2015-14275, made by the Military
 31 Department.
 1 \$99,675.70 for Request Number 2015-14276, made by the State
 2 Treasurer.
 3 \$3.87 for Request Number 2015-14277, made by the Clerk of the
 4 Legislature.
 5 \$28.65 for Request Number 2015-14278, made by the Department of
 6 Motor Vehicles.
 7 \$3,055.15 for Request Number 2015-14279, made by the Department of
 8 Administrative Services.
 9 \$43,471.58 for Request Number 2015-14280, made by the State Energy

10 Office.

11 \$58,348.38 for Request Number 2015-14294, made by the Nebraska State

12 Patrol.

13 \$4,079.00 for Request Number 2015-14296, made by the Department of

14 Insurance.

15 \$12,796.78 for Request Number 2015-14323, made by the Board of

16 Educational Lands and Funds.

17 Sec. 6. Since an emergency exists, this act takes effect when

18 passed and approved according to law.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 202, 203, 204, 205, 206, 207, and 208 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 202, 203, 204, 205, 206, 207, and 208.

MOTION(S) - Confirmation Report(s)

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1322:

Department of Administrative Services
Byron L. Diamond, Director

Voting in the affirmative, 33:

Baker	Crawford	Hadley	Larson	Schumacher
Bloomfield	Davis	Hughes	McCollister	Seiler
Bolz	Ebke	Johnson	McCoy	Smith
Campbell	Friesen	Kolowski	Morfeld	Sinner
Chambers	Garrett	Kolterman	Murante	Williams
Coash	Gloor	Krist	Riepe	
Cook	Haar, K.	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 10:

Brasch	Hilkemann	Kintner	Nordquist	Schnoor
Harr, B.	Howard	Lindstrom	Schilz	Sullivan

Excused and not voting, 6:

Craighead	Hansen	Pansing Brooks
Groene	Mello	Watermeier

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Division of Medicaid and Long Term Care-Department of Health and Human Services
Calder Lynch, Director

Voting in the affirmative, 34:

Baker	Crawford	Johnson	McCollister	Scheer
Bloomfield	Davis	Kintner	McCoy	Schumacher
Bolz	Ebke	Kolowski	Mello	Seiler
Brasch	Garrett	Kolterman	Morfeld	Stinner
Campbell	Gloor	Krist	Murante	Watermeier
Chambers	Haar, K.	Larson	Nordquist	Williams
Cook	Hadley	Lindstrom	Riepe	

Voting in the negative, 0.

Present and not voting, 11:

Coash	Hilkemann	Kuehn	Smith
Friesen	Howard	Schilz	Sullivan
Harr, B.	Hughes	Schnoor	

Excused and not voting, 4:

Craighead	Groene	Hansen	Pansing Brooks
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Department of Health and Human Services
Courtney Phillips, Chief Executive Officer

Voting in the affirmative, 38:

Baker	Crawford	Hilkemann	Lindstrom	Schilz
Bloomfield	Davis	Howard	McCollister	Schumacher
Bolz	Ebke	Johnson	McCoy	Seiler
Brasch	Friesen	Kolowski	Mello	Stinner
Campbell	Garrett	Kolterman	Morfeld	Watermeier
Chambers	Gloor	Krist	Murante	Williams
Coash	Haar, K.	Kuehn	Nordquist	
Cook	Hadley	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 7:

Harr, B.	Kintner	Schnoor	Sullivan
Hughes	Scheer	Smith	

Excused and not voting, 4:

Craighead	Groene	Hansen	Pansing Brooks
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Division of Veterans Homes-Department of Health and Human Services
John Hilgert, Director

Voting in the affirmative, 38:

Baker	Davis	Howard	Larson	Schnoor
Bloomfield	Ebke	Hughes	McCollister	Schumacher
Bolz	Friesen	Johnson	McCoy	Smith
Brasch	Garrett	Kintner	Mello	Stinner
Campbell	Haar, K.	Kolowski	Murante	Watermeier
Chambers	Hadley	Kolterman	Nordquist	Williams
Cook	Hansen	Krist	Riepe	
Crawford	Hilkemann	Kuehn	Schilz	

Voting in the negative, 0.

Present and not voting, 8:

Coash	Harr, B.	Morfeld	Seiler
Gloor	Lindstrom	Scheer	Sullivan

Excused and not voting, 3:

Craighead Groene Pansing Brooks

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1355:

Division of Public Health-Department of Health and Human Services
Joseph Acierno, Chief Medical Officer, Director

Senator Campbell moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Campbell requested a roll call vote on the confirmation report.

Voting in the affirmative, 22:

Baker	Friesen	Kintner	Riepe	Sullivan
Brasch	Gloor	Kolterman	Scheer	Williams
Campbell	Hadley	Kuehn	Schilz	
Cook	Hughes	Larson	Schumacher	
Ebke	Johnson	Murante	Smith	

Voting in the negative, 15:

Bloomfield	Davis	Kolowski	McCollister	Seiler
Chambers	Garrett	Krist	Morfeld	Stinner
Coash	Haar, K.	Lindstrom	Schnoor	Watermeier

Present and not voting, 9:

Bolz	Hansen	Hilkemann	Mello	Pansing Brooks
Crawford	Harr, B.	Howard	Nordquist	

Excused and not voting, 3:

Craighead Groene McCoy

The Health and Human Services committee confirmation report was not adopted with 22 ayes, 15 nays, 9 present and not voting, and 3 excused and not voting.

Pursuant to Rule 3, Section 4 (e)(iv), the appointment is thereby rejected.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1356:

Nebraska State Patrol
Bradley Rice, Superintendent

SENATOR GLOOR PRESIDING

SENATOR WATERMEIER PRESIDING

SPEAKER HADLEY PRESIDING

Senator B. Harr offered the following motion:
Recommit confirmation report of Bradley Rice to Government, Military and Veterans Affairs Committee.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The B. Harr motion to recommit to committee failed with 6 ayes, 29 nays, 13 present and not voting, and 1 excused and not voting.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 72. Placed on Final Reading.
LEGISLATIVE BILL 72A. Placed on Final Reading.
LEGISLATIVE BILL 85. Placed on Final Reading.
LEGISLATIVE BILL 253. Placed on Final Reading.
LEGISLATIVE BILL 317. Placed on Final Reading.
LEGISLATIVE BILL 348. Placed on Final Reading.

LEGISLATIVE BILL 469. Placed on Final Reading.
ST32

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

1. In the Standing Committee amendments, AM833:
 - a. On page 1, lines 5 and 6, "effective date of this act" has been struck and "operative date of this section" inserted; and
 - b. On page 3, line 10; page 4, line 19; page 5, lines 3, 7, 9, and 12; page 8, lines 4 and 14; and page 9, line 4, "8" has been struck and "11" inserted.
2. On page 1, the matter beginning with "the" in line 1 through line 4 and all amendments thereto have been struck and "law; to amend sections 3-402, 3-408, 81-1601, 81-1602, 81-1603, 81-1605, 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska; to define terms; to provide procedures and reporting requirements relating to a state plan regarding

carbon dioxide emissions; to provide requirements for meteorological evaluation towers; to provide penalties; to provide and change duties of the State Energy Office; to require a strategic state energy plan as prescribed; to eliminate provisions relating to wind measurement equipment; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal section 66-1901, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency." inserted.

LEGISLATIVE BILL 469A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Enenbach, Matt - Nebraska Accountability and Disclosure Commission -
Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 230. Introduced by Davis, 43; Baker, 30; Gloor, 35; Hughes, 44; Kolowski, 31; Kolterman, 24; Mello, 5; Nordquist, 7; Schnoor, 15; Schumacher, 22; Stinner, 48; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study pensions provided for firefighters from cities of the first class.

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

1. That the Nebraska Retirement Systems 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 231. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the effectiveness of the prescription drug monitoring program currently housed within the Nebraska Health Information Initiative. The issues examined in this study shall include, but not be limited to:

1. How the current program functions as well as the capabilities and limitations of the health information exchange model as it currently exists;
2. Current usage of the program by providers and how to increase utilization to ensure statewide coverage;
3. The benefits and limitations of transitioning to a stand-alone prescription drug monitoring system;
4. Funding options, additional funding sources, and projected sustainability of funding for both the current program and a proposed stand-alone system;
5. Technological improvements or changes that would allow for interstate sharing of data with other state prescription drug monitoring programs; and
6. A review of Nebraska statutes to determine changes needed to address the ability for patients to opt out of the system, mandatory reporting by providers, and inclusion of information relating to all payors.

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 232. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the process by which a person changes his or her name, including the administrative name change procedure within the Nebraska court system, and the practice of adopting a name by which he or she wishes to be known without intent to defraud. The issues examined in this study shall include, but not be limited to:

- (1) Why Nebraska only provides that a woman may change her surname upon marriage or divorce without following the administrative name change procedure;
- (2) Ensuring that a person's last name is not automatically changed upon marriage and that neither party to the marriage be required to change his or her name, while also ensuring that either party be given equal opportunity to change his or her name upon marriage without participating in the administrative name change procedure;
- (3) A review of name change processes in other states and their effect on the issuance of state identification cards and drivers' licenses; and
- (4) A review of Nebraska statutes to determine if changes are necessary to address the name change process and, if changes are necessary, how such changes can be made to keep Nebraska in compliance with the federal REAL ID Act of 2005 when issuing state identification.

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

LEGISLATIVE RESOLUTION 233. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study payday loans and other short-term lending practices where high interest rates are charged and collected from customers. The issues examined in this study shall include, but not be limited to:

(1) What efforts have been undertaken in other states to address similar practices in which higher-than-average interest rates were charged to customers;

(2) How these lending practices may affect a segment of Nebraska's population that is vulnerable to such practices;

(3) A review of payday lending statutes in other states and their effect on the practice of payday lending; and

(4) A review of Nebraska statutes to determine if changes are necessary to address such lending practices.

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.

LEGISLATIVE RESOLUTION 234. Introduced by Kolowski, 31.

WHEREAS, Brittany Margritz of Skutt Catholic High School in Omaha was named a 2015 United States Presidential Scholars Semifinalist; and

WHEREAS, high school seniors are chosen for their accomplishments in many areas including academic and artistic success, leadership, and involvement in their school and community; and

WHEREAS, 565 semifinalists were selected from nearly 3.3 million high school seniors nationwide; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Brittany Margritz of Skutt Catholic High School on being named a 2015 United States Presidential Scholars Semifinalist.

2. That a copy of this resolution be sent to Brittany Margritz.

Laid over.

LEGISLATIVE RESOLUTION 235. Introduced by Kolowski, 31.

WHEREAS, Alisha Dalal of Elkhorn South High School was named a 2015 United States Presidential Scholars Semifinalist; and

WHEREAS, high school seniors are chosen for their accomplishments in many areas including academic and artistic success, leadership, and involvement in their school and community; and

WHEREAS, 565 semifinalists were selected from nearly 3.3 million high school seniors nationwide; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Alisha Dalal of Elkhorn South High School on being named a 2015 United States Presidential Scholars Semifinalist.

2. That a copy of this resolution be sent to Alisha Dalal.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Monday, May 18, 2015 8:30 a.m.

Denis Blank - Public Employees Retirement Board
Dennis W. Leonard - Public Employees Retirement Board
Kelli Ackerman - Public Employees Retirement Board

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB656:
AM1501

(Amendments to AM828)

1 1. Purpose: To provide temporary and permanent funding for the
2 restoration of the loss of over-the-air television service to the
3 panhandle region.

4 Amendment:

5 1. Insert the following new section:

6 Sec. 16. AGENCY NO. 47 — NEBRASKA EDUCATIONAL TELECOMMUNICATIONS

7 COMMISSION

8 Program No. 533 - Network Operations

9	<u>FY2013-14</u>	<u>FY2014-15</u>
10 <u>GENERAL FUND</u>	<u>-0-</u>	<u>385,000</u>
11 <u>CASH FUND</u>	<u>-0-</u>	<u>-0-</u>
12 <u>PROGRAM TOTAL</u>	<u>-0-</u>	<u>385,000</u>
13 <u>SALARY LIMIT</u>	<u>-0-</u>	<u>-0-</u>

14 The funds appropriated in this section are for the Nebraska
15 Educational Telecommunication Commission's television antenna at KTNE
16 (Alliance) that fell from the tower on April 9, 2015, and related costs.

17 Funds appropriated are for both the temporary and permanent solution for
18 the restoration of the loss of over-the-air television service to the
19 panhandle region.

20 It is the intent of the Legislature that any funds recovered from
21 insurance coverage or from the manufacturer's financial liability be
22 remitted to the General Fund.

23 2. Purpose: To correct a Program Total.

24 Amendment:

25 1. On page 4, line 8, strike "22,899,110" and insert "20,899,110";
26 and in line 10 strike "\$22,899,110" and insert "\$20,899,110".

1 3. Purpose: Strike a section passed in LB 430.

2 Amendment:

3 1. Strike section 25.

Senator Mello filed the following amendment to LB657:
AM1508

(Amendments to E & R amendments, ER114)

1 1. Purpose: Increase salary limit to accommodate normal salary
2 policy increases for the two new positions added in the Office of the
3 Governor.

4 Amendment:

5 1. On page 10, strike line 28 and insert:

6 "SALARY LIMIT 926,781 947,633"

7 2. Purpose: To correct a fund amount.

8 Amendment:

9 1. On page 30, line 8, strike "24,721,328" and insert "24,721,538".

10 3. Purpose: To increase the property tax credit by \$4,000,000 each
11 year.

12 Amendment:

13 1. On page 31, lines 21 and 22, strike each occurrence of
14 "200,000,000" and insert "204,000,000"; and in lines 24 and 26 strike
15 "\$200,000,000" and insert "\$204,000,000".

16 4. Purpose: To add a reporting requirement and correct a reporting
17 requirement.

18 Amendment:

19 1. On page 45, after line 6 insert:

20 "It is the intent of the Legislature that the Department of Health
21 and Human Services shall provide quarterly status reports electronically
22 on the replacement of the Medicaid Medical Information System (MMIS).";
23 and in line 27 strike "contracting entity" and insert "department" and
24 strike "its" and insert "the".

25 5. Purpose: To add an earmark.

26 Amendment:

1 1. On page 47, after line 8, insert the following new language:

2 "There is included in the appropriation to this program for
3 FY2015-16 \$1,000,000 General Funds for the electronic records initiative,
4 to be used only for that purpose. There is included in the appropriation
5 to this program for FY2016-17 \$1,000,000 General Funds for the electronic
6 records initiative, to be used only for this purpose."

7 6. Purpose: To allow for the reappropriation of the unexpended cash
8 fund balance.

9 Amendment:

10 1. On page 53, line 15, after the first "Fund" insert ", Cash
11 Fund,".

12 7. Purpose: To correct a name and earmark an appropriation.

13 Amendment:

14 1. On page 58, line 24, after the second comma insert "East Central
15 District Health Department —"; and in line 26 strike "Norfolk" and insert
16 "Midtown".

17 2. On page 59, line 4, after the first comma insert "East Central
18 District Health Department —"; in lines 5 and 20 strike "Norfolk" and
19 insert "Midtown"; in line 17 strike "Inc.,"; in line 18 after
20 "Department" insert a dash; in line 20 strike "Care Clinic, Inc." and
21 insert "Center"; and in line 27 after the period insert "The additional
22 \$200,000 Cash Funds included in this appropriation is to be distributed
23 equally among the eighteen public health departments.".

24 8. Purpose: To correct appropriations amounts and provide for
25 earmarks.

26 Amendment:

27 1. On page 61, line 1, strike "6,937,612" and insert "7,077,612" and
28 strike "6,837,612" and insert "6,917,612"; in line 4 strike "72,475,654"
29 and insert "72,615,654" and strike "72,375,654" and insert "72,455,654";
30 in line 9 strike "\$6,937,612" and insert "\$7,077,612"; and in line 12
31 strike "\$6,837,612" and insert "\$6,917,612".

1 2. On page 62, after line 9 insert:

2 "There is included in the appropriation to this program for
3 FY2015-16 \$100,000 General Funds to contract with the University of

4 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
5 Collaborative. There is included in the appropriation to this program for
6 FY2016-17 \$100,000 General Funds to contract with the University of
7 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
8 Collaborative.

9 There is included in the appropriation to this program for FY2015-16
10 \$300,000 General Funds to contract for services for implementation of a
11 statewide drug disposal project. There is included in the appropriation
12 to this program for FY2016-17 \$300,000 General Funds to contract for
13 services for implementation of a statewide drug disposal project.

14 There is included in the appropriation to this program for FY2015-16
15 \$292,000 General Funds for state aid for tuition reimbursement for
16 emergency medical services responders' initial and ongoing training.

17 There is included in the appropriation to this program for FY2016-17
18 \$292,000 General Funds for state aid for tuition reimbursement for
19 emergency medical services responders' initial and ongoing training.

20 There is included in this appropriation a one-time appropriation for
21 FY2015-16 of \$160,000 General Funds for cardiac monitors.".

22 9. Purpose: To reappropriate the unexpended General Fund balance in
23 order to continue the temporary and permanent fix for the television
24 antenna at KTNE (Alliance).

25 Amendment:

26 1. On page 87, after line 20 insert:

27 "The unexpended General Fund appropriation balance existing on June
28 30, 2015, is hereby reappropriated for the television antennae and
29 related costs at KTNE (Alliance).".

30 10. Purpose: To eliminate the blanket reappropriation authority for
31 Agency No. 51 — University of Nebraska, Program No. 781 - University -
1 Administration.

2 Amendment:

3 1. On page 92, strike lines 17 and 18.

4 11. Purpose: To assure private funds have been received prior to the
5 expenditure of General Funds for the Yeutter Institute for International
6 Trade and Finance.

7 Amendment:

8 1. Strike beginning with "It" on page 93, line 29, through the
9 period on page 94, line 1.

10 2. On page 94, line 7, after the period insert "The budget
11 administrator of the budget division of the Department of Administrative
12 Services shall allot \$1,250,000 General Funds for FY2015-16 and
13 \$1,250,000 General Funds for FY2016-17 to the Board of Regents of the
14 University of Nebraska for the Yeutter Institute for International Trade
15 and Finance upon evidence provided by the board that \$1,250,000 for
16 FY2015-16 and \$1,250,000 for FY2016-17 in private funds have been
17 received by the board for this institute.".

18 12. Purpose: To revise the funding of state aid to development
19 districts from the Civic and Community Center Financing Fund in Program
20 No. 655 to General Funds in Program No. 601 and to revise the Civic and
21 Community Center Financing Fund expenditure authority.

22 Amendment:

23 1. On page 117, strike line 4 and insert:

24 "GENERAL FUND 796,059 799,877"; strike line 7 and insert "PROGRAM

25 TOTAL 38,777,213 38,519,293"; and in line 9 after "FY2015-16" insert

26 "\$500,000 General Funds,"; in line 10 after the first "Funds" insert a

27 comma; in line 12 after "FY2016-17" insert "\$500,000 General Funds," and

28 before "and" insert a comma; and after line 14 insert:

29 "There is included in the appropriation to this program for

30 FY2015-16 \$500,000 General Funds to provide funding to development

31 districts formed under sections 13-1901 to 13-1907. There is included in

1 the appropriation to this program for FY2016-17 \$500,000 General Funds to

2 provide funding to development districts formed under sections 13-1901 to

3 13-1907."

4 2. On page 118, strike lines 9 and 10 and insert:

5 "CASH FUND 2,100,586 2,101,222

6 PROGRAM TOTAL 2,100,586 2,101,222"; and in lines 13 and 15 strike

7 "\$2,515,000" and insert "\$2,065,000".

8 13. Purpose: To provide funding for the Nebraska Developing Youth

9 Talent Initiative in the Department of Economic Development.

10 Amendment:

11 1. On page 117, strike line 18 and insert "GENERAL FUND 11,836,200

12 11,911,451"; and strike line 21 and insert "PROGRAM TOTAL 27,218,854

13 27,304,627".

14 2. On page 118, after line 5 insert:

15 "There is included in the appropriation to this program for

16 FY2015-16 \$250,000 General Funds for the Nebraska Developing Youth Talent

17 Initiative, which shall only be used for such purpose. There is included

18 in the appropriation to this program for FY2016-17 \$250,000 General Funds

19 for the Nebraska Developing Youth Talent Initiative, which shall only be

20 used for such purpose. The department shall establish a separate budget

21 subprogram to account for the expenditure of funds appropriated for the

22 Nebraska Developing Youth Talent Initiative. It is the intent of the

23 Legislature that the Department of Economic Development shall select up

24 to two industry partners or industry consortiums each fiscal year from

25 the manufacturing and information technology sectors to participate in

26 the initiative, which shall be in collaboration with public schools. The

27 initiative shall be designed to reach students beginning in the seventh

28 and eighth grades. At least one industry partner selected to participate

29 in the initiative shall be from a county that has a population of less

30 than one hundred thousand inhabitants. An initial evaluation report

31 regarding the results of the initiative shall be provided to the

1 Legislature electronically and to the Governor upon completion of the

2 first year of the initiative, not later than September 15, 2016. A final

3 evaluation report detailing the outcomes of the initiative shall be

4 provided to the Legislature electronically and to the Governor upon

5 completion of the initiative, not later than September 15, 2017. The

6 department shall include in the final evaluation report its

7 recommendation regarding the future funding of the initiative."

8 14. Purpose: To reappropriate a cash fund balance.

9 Amendment:

10 1. On page 131, line 27, after the period insert "The unexpended
11 Cash Fund appropriation balance existing on June 30, 2015, is hereby
12 reappropriated."

13 15. Purpose: To add a fund to a listing of cash funds.

14 Amendment:

15 1. On page 135, line 4, before the semicolon insert ", Public

16 Guardianship Cash Fund".

Senator Mello filed the following amendment to LB660:

AM1502

(Amendments to AM830)

1 1. Purpose: To change appropriations to accrue to the State
2 Colleges Sport Facilities Cash Fund pursuant to amended provisions of
3 section 13-2704 as proposed by the Appropriations Committee.

4 Amendment:

5 1. On page 10, strike lines 4 and 5 and insert:

6 CASH FUND	300,000	300,000	600,000
7 PROGRAM TOTAL	300,000	300,000	600,000

8 2. Purpose: To change funding for Capitol heating, ventilating, and
9 air conditioning systems replacement.

10 Amendment:

11 1. On page 19, strike line 4 and insert:

12 NEBRASKA CAPITAL CONSTRUCTION FUND -0- 7,804,292 20,436,714
13 PROGRAM TOTAL -0- 7,804,292 86,501,914; in line 22 after the period
14 insert "The Legislature further intends to appropriate future amounts
15 from the Nebraska Capital Construction Fund for completion of the project
16 as follows: \$3,417,587 for FY2019-20; \$3,742,825 for FY2020-21;
17 \$4,781,509 for FY2021-22; \$4,711,059 for FY2022-23; and \$3,783,734 for
18 FY2023-24."; and in line 23 strike "\$77,767,100" and insert
19 "\$106,008,106".

Senator Mello filed the following amendment to LB661:

AM1506

(Amendments to AM831)

1 1. Purpose: To increase the transfer to the Property Tax Credit Cash
2 Fund.

3 Amendment:

4 1. On page 1, line 25; and page 2, line 2, strike "\$198,000,000" and
5 insert "\$202,000,000".

6 2. Purpose: To designate an agency for a new cash fund and clarify
7 language.

8 Amendment:

9 1. On page 3, line 28, before the period insert "within the

10 Department of Health and Human Services".

11 2. On page 4, line 4, strike "appropriated to" and insert "deposited
12 in".

13 3. Purpose: To remove provisions that would require that \$500,000

14 from the Civic and Community Center Financing Fund be used to fund

15 development districts, to amend the transfer to the State Colleges Sport
16 Facilities Cash Fund to \$300,000 per year, and to delete a proposed
17 General Fund transfer.

18 Amendment:

19 1. On page 9, line 18, strike "sections", reinstate the stricken
20 "section", and strike "and 13-2704".

21 2. On page 14, strike the new matter and reinstate the stricken
22 matter.

23 3. On page 15, lines 1 through 4 and 6 strike the new matter and
24 reinstate the stricken matter; and in line 5 reinstate the stricken
25 "transfer", after the reinstated "transfer" insert "three", and reinstate
26 the stricken matter beginning with "hundred" through "Community".

1 4. Purpose: To transfer \$250,000 from the Job Training Cash Fund to
2 the General Fund in each of FY2015-16 and FY2016-17.

3 Amendment:

4 1. Insert the following new section:

5 Sec. 34. Section 81-1201.21, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 81-1201.21 (1) There is hereby created the Job Training Cash Fund.
8 The fund shall be under the direction of the Department of Economic
9 Development. Money may be transferred to the fund pursuant to subdivision
10 (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the
11 direction of the Legislature. The department shall establish a subaccount
12 for all money transferred from the Cash Reserve Fund to the Job Training
13 Cash Fund on or after July 1, 2005.

14 (2) The department shall use the Job Training Cash Fund or the
15 subaccount established in subsection (1) of this section (a) to provide
16 reimbursements for job training activities, including employee
17 assessment, preemployment training, on-the-job training, training
18 equipment costs, and other reasonable costs related to helping industry
19 and business locate or expand in Nebraska, (b) to provide upgrade skills
20 training of the existing labor force necessary to adapt to new technology
21 or the introduction of new product lines, or (c) to provide grants
22 pursuant to section 81-1210.02. The department shall give a preference to
23 job training activities carried out in whole or in part within an
24 enterprise zone designated pursuant to the Enterprise Zone Act.

25 (3) The department shall establish a subaccount within the fund to
26 provide training grants for training employees and potential employees of
27 businesses that (a) employ twenty-five or fewer employees on the
28 application date, (b) employ, or train for potential employment,
29 residents of rural areas of Nebraska, or (c) are located in or employ, or
30 train for potential employment, residents of high-poverty areas as
31 defined in section 81-1203. The department shall calculate the amount of
1 prior year investment income earnings accruing to the fund and allocate
2 such amount to the subaccount for training grants under this subsection.
3 The subaccount shall also be used as provided in the Teleworker Job
4 Creation Act and as provided in section 81-1210.02. The department shall
5 give a preference to training grants for businesses located in whole or
6 in part within an enterprise zone designated pursuant to the Enterprise

7 Zone Act.

8 (4) The State Treasurer shall transfer two hundred fifty thousand
 9 dollars from the Job Training Cash Fund to the General Fund no later than
 10 July 15 of 2015 and 2016.

11 (5 4) Any money in the fund available for investment shall be
 12 invested by the state investment officer pursuant to the Nebraska Capital
 13 Expansion Act and the Nebraska State Funds Investment Act.

14 2. Renumber the remaining sections and correct internal references
 15 and the repealer accordingly.

16 5. Purpose: To establish a minimum contract term of ten years, to
 17 establish a contract application deadline of January 1, 2017, and to
 18 provide for limitations of contract award amounts.

19 Amendment:

20 1. On page 26, line 16, after "services" insert "for a minimum of
 21 ten years. An application to enter into a contract under this section
 22 shall be made no later than January 1, 2017"; in line 19 after
 23 "dentistry" insert "for at least five years"; in line 22 after "services"
 24 insert "for a minimum of ten years".

25 2. On page 27, line 10, after the period insert "No applicant shall
 26 receive an award amount under a contract under this section of more than
 27 eight million dollars. If more than one applicant meets the requirements
 28 of this section to enter into a contract and provides evidence that
 29 private or other funds have been received by the applicant as matching
 30 funds for such a contract in an amount greater than or equal to sixteen
 31 million dollars, each of such applicants shall receive an award amount
 1 under a contract equal to eight million dollars divided by the number of
 2 such applicants. If one of such applicants qualifies for a contract award
 3 amount of less than four million dollars, any other such applicant may
 4 receive a contract award amount up to eight million dollars minus the
 5 amount awarded to the applicant qualifying for less than four million
 6 dollars. The contract amount shall be awarded first to the applicant
 7 qualifying for the lowest contract award amount.".

8 3. In the Mello amendment, AM1486, strike amendment 2.

Senator Mello filed the following amendment to LB662:
 AM1538

(Amendments to AM1246)

1 1. On page 1, after line 12 insert the following new subsection:
 2 "(14) The State Treasurer shall transfer the following amounts from
 3 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
 4 dates as directed by the budget administrator of the budget division of
 5 the Department of Administrative Services;
 6 (a) Seven million eight hundred four thousand two hundred ninety-two
 7 dollars on or after June 15, 2016, but before June 30, 2016;
 8 (b) Seven million one hundred sixty thousand four hundred twelve
 9 dollars on or after June 15, 2019, but before June 30, 2019;
 10 (c) Nine million four hundred ninety-two thousand five hundred
 11 sixty-eight dollars on or after June 15, 2021, but before June 30, 2021;
 12 and

13 (d) Three million seven hundred eighty-three thousand seven hundred
14 thirty-four dollars after June 15, 2023, but before June 30, 2023."

MOTION - Print in Journal

Senator Chambers filed the following motion:
Suspend the rules, Rule 5, Section 4(c), to permit the introduction of a bill
(Req. 3103) after the tenth legislative day.

MOTION - Print in Journal

Senator Mello filed the following motion:
Reconsider the vote on the confirmation report of the Health and Human
Services Committee found on Journal page 1355 regarding the appointment
of Joseph Acierno, Chief Medical Officer.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kolowski, Williams - LB591

EASE

The Legislature was at ease from 12:06 p.m. until 12:30 p.m.

MOTION(S) - Confirmation Report(s)

Senator Murante renewed his motion to adopt the Government, Military and
Veterans Affairs Committee report for the confirmation of the following
appointment(s) found on page 1356 and considered in this day's Journal:
Nebraska State Patrol
Bradley Rice, Superintendent

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

Voting in the affirmative, 32:

Bloomfield	Garrett	Kintner	Riepe	Stinner
Brasch	Gloor	Kolterman	Scheer	Sullivan
Coash	Groene	Kuehn	Schilz	Watermeier
Craighead	Hadley	Larson	Schnoor	Williams
Davis	Hilkemann	McCollister	Schumacher	
Ebke	Hughes	McCoy	Seiler	
Friesen	Johnson	Murante	Smith	

Voting in the negative, 7:

Bolz	Cook	Haar, K.	Pansing Brooks
Chambers	Crawford	Krist	

Present and not voting, 9:

Baker	Hansen	Howard	Mello	Nordquist
Campbell	Harr, B.	Kolowski	Morfeld	

Excused and not voting, 1:

Lindstrom

The appointment was confirmed with 32 ayes, 7 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 138. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 55. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 334. ER100, found on page 1330, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 257. ER101, found on page 1330, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 342. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 456. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 464. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 104. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 206. ER102, found on page 1338, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 455. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 123. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 246. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 277. ER103, found on page 1339, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 283. ER104, found on page 1339, was adopted.

Senator Baker offered the following amendment:

AM1535

(Amendments to E and R amendments, ER104)

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

2 sections:

3 Section 1. Section 13-511, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 13-511 (1) Unless otherwise provided by law, whenever during the

6 current fiscal year or biennial period it becomes apparent to a governing

7 body that (a) there are circumstances which could not reasonably have

8 been anticipated at the time the budget for the current year or biennial

9 period was adopted, (b) the budget adopted violated sections 13-518 to

10 13-522, such that the revenue of the current fiscal year or biennial

11 period for any fund thereof will be insufficient, additional expenses

12 will be necessarily incurred, or there is a need to reduce the budget

13 requirements to comply with sections 13-518 to 13-522, or (c) the

14 governing body has been notified by the auditor of a mathematical or

15 accounting error or noncompliance with the Nebraska Budget Act, such

16 governing body may propose to revise the previously adopted budget

17 statement and shall conduct a public hearing on such proposal. The public

18 hearing requirement shall not apply to emergency expenditures pursuant to

19 section 81-829.51.

20 (2) Notice of the time and place of the hearing shall be published

21 at least five days prior to the date set for hearing in a newspaper of

22 general circulation within the governing body's jurisdiction. Such

23 published notice shall set forth (a) the time and place of the hearing,

24 (b) the amount in dollars of additional or reduced money required and for

25 what purpose, (c) a statement setting forth the nature of the

26 unanticipated circumstances and, if the budget requirements are to be

1 increased, the reasons why the previously adopted budget of expenditures
2 cannot be reduced during the remainder of the current year or biennial
3 period to meet the need for additional money in that manner, (d) a copy
4 of the summary of the originally adopted budget previously published, and
5 (e) a copy of the summary of the proposed revised budget.

6 (3) At such hearing any taxpayer may appear or file a written
7 statement protesting any application for additional money. A written
8 record shall be kept of all such hearings.

9 (4) Upon conclusion of the public hearing on the proposed revised
10 budget and approval of the proposed revised budget by the governing body,
11 the governing body shall file with the county clerk of the county or
12 counties in which such governing body is located, with the learning
13 community coordinating council for school districts that are members of
14 learning communities, and with the auditor, a copy of the revised budget,
15 as adopted. The governing body may then issue warrants in payment for
16 expenditures authorized by the adopted revised budget. Such warrants
17 shall be referred to as registered warrants and shall be repaid during
18 the next fiscal year or biennial period from funds derived from taxes
19 levied therefor.

20 (5) Within thirty days after the adoption of the budget under
21 section 13-506, a governing body may, or within thirty days after
22 notification of an error by the auditor, a governing body shall, correct
23 an adopted budget which contains a clerical, mathematical, or accounting
24 error which does not affect the total amount budgeted by more than one
25 percent or increase the amount required from property taxes. No public
26 hearing shall be required for such a correction. After correction, the
27 governing body shall file a copy of the corrected budget with the county
28 clerk of the county or counties in which such governing body is located
29 and with the auditor. The governing body may then issue warrants in
30 payment for expenditures authorized by the budget.

31 Sec. 2. Section 73-106, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 73-106 Whenever any public school district in the state expends
3 public funds for the construction, remodeling, or repair of any school-
4 owned building or for site improvements, other than those expenditures
5 authorized by section 81-829.51 for emergency expenditures or section
6 79-10,104 for facilities which are not to be owned by the district
7 following their completion, the school board or its representative shall
8 advertise for bids in the regular manner established by the board and
9 accept or reject bids pursuant to section 73-101, except that nothing in
10 this section applies to such construction, remodeling, repair, or site
11 improvements when the contemplated expenditure for the complete project
12 does not exceed forty thousand dollars. This section does not apply to
13 the acquisition of existing buildings, purchase of new sites, or site
14 expansions by the school district.

15 Sec. 3. Section 79-1023, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 79-1023 (1) On or before April 10, 2014, and on or before March 1 of
18 each year thereafter, the department shall determine and certify to each

19 school district budget authority for the general fund budget of
20 expenditures for the ensuing school fiscal year.
21 (2) Except as provided in sections 79-1028.01, 79-1029, ~~and~~ 79-1030,
22 and 81-829.51, each school district shall have budget authority for the
23 general fund budget of expenditures equal to the greater of (a) the
24 general fund budget of expenditures for the immediately preceding school
25 fiscal year minus exclusions pursuant to subsection (1) of section
26 79-1028.01 for such school fiscal year with the difference increased by
27 the basic allowable growth rate for the school fiscal year for which
28 budget authority is being calculated, (b) the general fund budget of
29 expenditures for the immediately preceding school fiscal year minus
30 exclusions pursuant to subsection (1) of section 79-1028.01 for such
31 school fiscal year with the difference increased by an amount equal to
1 any student growth adjustment calculated for the school fiscal year for
2 which budget authority is being calculated, or (c) one hundred ten
3 percent of formula need for the school fiscal year for which budget
4 authority is being calculated minus the special education budget of
5 expenditures as filed on the school district budget statement on or
6 before September 20 for the immediately preceding school fiscal year,
7 which special education budget of expenditures is increased by the basic
8 allowable growth rate for the school fiscal year for which budget
9 authority is being calculated.

10 (3) For any school fiscal year for which the budget authority for
11 the general fund budget of expenditures for a school district is based on
12 a student growth adjustment, the budget authority for the general fund
13 budget of expenditures for such school district shall be adjusted in
14 future years to reflect any student growth adjustment corrections related
15 to such student growth adjustment.

16 Sec. 4. Section 81-829.49, Reissue Revised Statutes of Nebraska, is
17 amended to read:
18 81-829.49 Each local government, school district, or educational
19 service unit shall have the power to make appropriations in the manner
20 provided by law for making appropriations for the ordinary expenses of
21 such local government, school district, or educational service unit for
22 the payment of expenses of its city, village, county, school district,
23 educational service unit, or interjurisdictional emergency management
24 organization and in furthering the purposes of the Emergency Management
25 Act.

26 Sec. 5. Section 81-829.51, Reissue Revised Statutes of Nebraska, is
27 amended to read:
28 81-829.51 (1)(a) In the event of a disaster, emergency, or civil
29 defense emergency, each local government may make emergency expenditures,
30 enter into contracts, and incur obligations for emergency management
31 purposes regardless of existing statutory limitations and requirements
1 pertaining to appropriation, budgeting, levies, or the manner of entering
2 into contracts.

3 (b) In the event of a disaster, emergency, or civil defense
4 emergency, each school district or educational service unit may make
5 emergency expenditures, enter into contracts, and incur obligations for

6 emergency management purposes and to minimize the disruption to education
 7 services regardless of existing statutory limitations and requirements
 8 pertaining to appropriation, budgeting, or the manner of entering into
 9 contracts.

10 (2) If any such expenditure, contract, or obligation will be in
 11 excess of or in violation of existing statutory limitations or
 12 requirements, then before any such expenditure, contract, or obligation
 13 is undertaken it shall be approved by a vote of the governing body of
 14 such local government, school district, or educational service unit. The
 15 ~~and such~~ governing body may not vote its approval unless it has secured a
 16 copy of the proclamation as provided in section 81-829.50 from the
 17 ~~certificate~~ of the city, village, county, or interjurisdictional
 18 emergency management director serving such local government, school
 19 district, or educational service unit. For school districts and
 20 educational service units, the proclamation shall be secured from the
 21 county in which the school district or principal office of the
 22 educational service unit is located that such action is necessary in the
 23 public interest for emergency management purposes.
 24 Sec. 6. Original sections 13-511, 73-106, 79-1023, 81-829.49, and
 25 81-829.51, Reissue Revised Statutes of Nebraska, are repealed.
 26 Sec. 7. Since an emergency exists, this act takes effect when passed
 27 and approved according to law.

The Baker amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 365. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 570. ER105, found on page 1340, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 477. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 423. Senator Nordquist renewed his amendment, AM1498, found on page 1364.

Senator Nordquist asked unanimous consent to withdraw his amendment, AM1525, found on page 1368, and replace it with his substitute amendment, AM1543, to his amendment. No objections. So ordered.
 AM1543

(Amendments to AM1498)

1 1. On page 1, strike beginning with "placed" in line 24 through
 2 "act" in line 25 and insert "that has been approved for construction by

3 the Nebraska Power Review Board on or after the effective date of this
4 act, if subject to the board's jurisdiction, or that is placed into
5 commercial operation on or after the effective date of this act, if not
6 subject to the board's jurisdiction."
7 2. On page 2, strike beginning with "begins" in line 9 through "act"
8 in line 10 and insert "has been approved for construction by the Nebraska
9 Power Review Board on or after the effective date of this act, if subject
10 to the board's jurisdiction, or that is placed into commercial operation
11 on or after the effective date of this act, if not subject to the board's
12 jurisdiction"; strike beginning with "calculated" in line 13 through line
13 28 and insert "equal to 0.75 cent for each kilowatt-hour of electricity
14 generated by the renewable electric generation facility; or"; and strike
15 beginning with "begins" in line 30 through "act" in line 31 and insert
16 "has been approved for construction by the Nebraska Power Review Board on
17 or after the effective date of this act, if subject to the board's
18 jurisdiction, or that is placed into commercial operation on or after the
19 effective date of this act, if not subject to the board's jurisdiction".
20 3. On page 3, line 1, strike "two" and insert "one"; and in line 2
21 after "dollars" insert "and shall be taken over at least two tax years
22 with no more than five hundred thousand dollars taken in any one tax
23 year".
24 4. On page 5, line 2, after the period insert "The Tax Commissioner
25 shall limit the monetary amount of tax credits permitted under this
26 section to a level necessary to limit tax credit utilization at no more
1 than seventy-five million dollars of new tax credits, of which at least
2 five million dollars shall be allocated to the one-time tax credit
3 allowed under subdivision (3)(b) of this section. Such limitation on tax
4 credits shall be based on the anticipated utilization of credits without
5 regard to the potential for taxpayers to carry forward tax credits to
6 later tax years".

SENATOR WATERMEIER PRESIDING

The Nordquist amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Groene offered his amendment, AM1521, found on page 1375, to the Nordquist amendment.

Senator Groene withdrew his amendment.

Senator Groene offered the following amendment to the Nordquist amendment:

AM1550

(Amendments to AM1498)

1 1. On page 1, line 26, after the period insert "To be eligible to
2 claim such credit, such producer must agree to abide by the Guidelines
3 for Wind Energy and Wildlife Resource Management in Nebraska, November
4 2013 version, as established by the Nebraska Wind and Wildlife Working

5 Group, and must submit such agreement to the Department of Revenue.".

Senator Nordquist offered the following motion:

MO102

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 30:

Baker	Crawford	Harr, B.	Mello	Schilz
Bolz	Davis	Hilkemann	Morfeld	Seiler
Brasch	Gloor	Johnson	Nordquist	Smith
Campbell	Haar, K.	Kolowski	Pansing Brooks	Stinner
Chambers	Hadley	Krist	Riepe	Sullivan
Cook	Hansen	McCollister	Scheer	Williams

Voting in the negative, 12:

Bloomfield	Ebke	Kintner	Schnoor
Coash	Garrett	McCoy	Schumacher
Craighead	Groene	Murante	Watermeier

Present and not voting, 3:

Friesen	Hughes	Kolterman
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Excused and not voting, 4:

Howard	Kuehn	Larson	Lindstrom
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The Nordquist motion to invoke cloture failed with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 389. Indefinitely postponed.

(Signed) Jerry Johnson, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

The Health and Human Services 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.

Frank R. Turk - Commission for the Deaf and Hard of Hearing

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Kevin Borcher - State Board of Health
Shane Fleming - State Board of Health
Russell Hopp - State Board of Health
Kevin C. Low - State Board of Health
Travis James Teetor - State Board of Health
Douglas Vander Broek - State Board of Health

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

Agriculture

The Agriculture 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.

R.M. (Matt) Joeckel - Climate Assessment Response Committee

Aye: 7 Bloomfield, Harr, B., Johnson, Kolterman, Larson, Riepe, Schilz. Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB540:

AM1529

1 1. Insert the following new sections:

2 Section 1. Sections 1 to 5 of this act shall be known and may be

3 cited as the Radon Resistant New Construction Act.

4 Sec. 2. The Legislature finds that:

5 (1) Radon is a radioactive element that is part of the radioactive
6 decay chain of naturally occurring uranium in soil;
7 (2) Radon is the leading cause of lung cancer among nonsmokers and
8 the number one risk in homes according to the Harvard School of Public
9 Health, Harvard Center for Risk Analysis;
10 (3) The World Health Organization Handbook on Indoor Radon includes
11 key messages which state:
12 (a) "There is no known threshold concentration below which radon
13 exposure presents no risk."; and
14 (b) "The majority of radon-induced lung cancers are caused by low
15 and moderate radon concentrations rather than by high radon
16 concentrations, because in general less people are exposed to high indoor
17 radon concentrations.";
18 (4) The Surgeon General of the United States urged Americans to test
19 their homes to find out how much radon they might be breathing;
20 (5) The United States Environmental Protection Agency estimates that
21 more than twenty thousand Americans die of radon-related lung cancer each
22 year; and
23 (6) The United States Environmental Protection Agency has identified
24 radon levels in Nebraska as the third highest in the United States
25 because of the high concentration of uranium in the soil.
26 Sec. 3. For purposes of the Radon Resistant New Construction Act:
27 (1) Active radon mitigation system means a family of radon
1 mitigation systems involving mechanically driven soil depressurization,
2 including subslab depressurization, drain tile depressurization, block
3 wall depressurization, and submembrane depressurization. Active radon
4 mitigation system is also known as active soil depressurization;
5 (2) Building code means an ordinance, resolution, or law that
6 establishes standards applicable to new construction;
7 (3) Building contractor means any individual, corporation,
8 partnership, limited liability company, or other business entity that
9 engages in new construction;
10 (4) Department means the Department of Health and Human Services;
11 (5) New construction means any original construction of a single-
12 family home or a multifamily dwelling, including apartments, group homes,
13 condominiums, and townhouses, or any original construction of a building
14 used for commercial, industrial, educational, or medical purposes. New
15 construction does not include additions to existing structures or
16 remodeling of existing structures;
17 (6) Passive new construction pipe means a pipe installed in new
18 construction that relies solely on the convective flow of air upward for
19 soil gas depressurization and may consist of multiple pipes routed
20 through conditioned space from below the foundation to above the roof;
21 and
22 (7) Radon mitigation specialist means an individual who is licensed
23 by the department as a radon mitigation specialist in accordance with the
24 Radiation Control Act.
25 Sec. 4. (1) The Radon Resistant New Construction Task Force is
26 created. The task force shall consist of the chief medical officer of the

27 Division of Public Health of the Department of Health and Human Services
28 as designated in section 81-3115 or his or her designee, who shall serve
29 as the chairperson of the task force, and the following additional
30 members to be appointed by the Governor:
31 (a) Three representatives of home builders' associations in
1 Nebraska, each from a different congressional district;
2 (b) A representative of a home inspectors' association in Nebraska;
3 (c) Two representatives of commercial construction associations, one
4 of whom must have experience related to large-scale projects and one of
5 whom must have experience related to medium-scale to small-scale
6 projects;
7 (d) A representative of a Nebraska realtors' organization;
8 (e) A representative of a respiratory disease organization;
9 (f) A representative of a cancer research and prevention
10 organization;
11 (g) A representative of the League of Nebraska Municipalities;
12 (h) Three community public health representatives, each from a
13 different congressional district;
14 (i) A professional engineer as defined in section 81-3422;
15 (j) An architect as defined in section 81-3404; and
16 (k) A representative with expertise in residential or commercial
17 building codes.
18 (2) The task force shall meet at the call of the chairperson. The
19 appointed members of the task force shall serve without compensation but
20 shall be reimbursed for their actual and necessary expenses as provided
21 in sections 81-1174 to 81-1177. The department shall provide staff and
22 support for the operation of the task force.
23 (3) The task force shall develop minimum standards for radon
24 resistant new construction and shall recommend such minimum standards to
25 the Governor, to the Health and Human Services Committee of the
26 Legislature, and to the Urban Affairs Committee of the Legislature. In
27 developing such minimum standards, the task force shall:
28 (a) Design the minimum standards so that they may be enforced by a
29 county, city, or village as part of its local building code;
30 (b) Consider Appendix F of the International Residential Code for
31 One- and Two-Family Dwellings, 2012 edition, published by the
1 International Code Council; and
2 (c) Consider including the following provisions in such minimum
3 standards:
4 (i) A requirement that the installation of an active radon
5 mitigation system only be performed by a building contractor or his or
6 her subcontractors or by a radon mitigation specialist;
7 (ii) A requirement that the installation of radon resistant new
8 construction only be performed by a building contractor or his or her
9 subcontractors or by a radon mitigation specialist; and
10 (iii) A requirement that only a building contractor or his or her
11 subcontractors or a radon mitigation specialist be allowed to install a
12 radon vent fan or upgrade a passive new construction pipe to an active
13 radon mitigation system.

14 (4) The task force shall provide its recommendations by December 15,
15 2015. The task force and this section terminate on January 1, 2016.
16 Sec. 5. It is the intent of the Legislature that the recommendations
17 provided by the Radon Resistant New Construction Task Force under section
18 4 of this act be used by the Legislature during the 2016 legislative
19 session to establish, in statute, minimum standards for radon resistant
20 new construction.
21 2. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB607:
AM1551

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 43-512, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 43-512 (1) Any dependent child as defined in section 43-504 or any
6 relative or eligible caretaker of such a dependent child may file with
7 the Department of Health and Human Services a written application for
8 financial assistance for such child on forms furnished by the department.
9 (2) The department, through its agents and employees, shall make
10 such investigation pursuant to the application as it deems necessary or
11 as may be required by the county attorney or authorized attorney. If the
12 investigation or the application for financial assistance discloses that
13 such child has a parent or stepparent who is able to contribute to the
14 support of such child and has failed to do so, a copy of the finding of
15 such investigation and a copy of the application shall immediately be
16 filed with the county attorney or authorized attorney.
17 (3) The department shall make a finding as to whether the
18 application referred to in subsection (1) of this section should be
19 allowed or denied. If the department finds that the application should be
20 allowed, the department shall further find the amount of monthly
21 assistance which should be paid with reference to such dependent child.
22 Except as may be otherwise provided, payments shall be made by unit size
23 and shall be consistent with subdivision (1)(p) of section 68-1713.
24 Beginning on the operative date of this section, the maximum payment
25 level for monthly assistance shall be fifty-five percent of the standard
26 of need described in section 43-513 state warrant, and the amount of
27 payments shall not exceed three hundred dollars per month when there is
1 but one dependent child and one eligible caretaker in any home, plus an
2 additional seventy five dollars per month on behalf of each additional
3 eligible person.
4 No payments shall be made for amounts totaling less than ten dollars
5 per month except in the recovery of overpayments.
6 (4) The amount which shall be paid as assistance with respect to a
7 dependent child shall be based in each case upon the conditions disclosed
8 by the investigation made by the department. An appeal shall lie from the
9 finding made in each case to the chief executive officer of the
10 department or his or her designated representative. Such appeal may be
11 taken by any taxpayer or by any relative of such child. Proceedings for

12 and upon appeal shall be conducted in the same manner as provided for in
13 section 68-1016.

14 (5)(a) For the purpose of preventing dependency, the department
15 shall adopt and promulgate rules and regulations providing for services
16 to former and potential recipients of aid to dependent children and
17 medical assistance benefits. The department shall adopt and promulgate
18 rules and regulations establishing programs and cooperating with programs
19 of work incentive, work experience, job training, and education. The
20 provisions of this section with regard to determination of need, amount
21 of payment, maximum payment, and method of payment shall not be
22 applicable to families or children included in such programs. Income and
23 assets described in section 68-1201 shall not be included in
24 determination of need under this section.

25 (b) If a recipient of aid to dependent children becomes ineligible
26 for aid to dependent children as a result of increased hours of
27 employment or increased income from employment after having participated
28 in any of the programs established pursuant to subdivision (a) of this
29 subsection, the recipient may be eligible for the following benefits, as
30 provided in rules and regulations of the department in accordance with
31 sections 402, 417, and 1925 of the federal Social Security Act, as
1 amended, Public Law 100-485, in order to help the family during the
2 transition from public assistance to independence:

3 (i) An ongoing transitional payment that is intended to meet the
4 family's ongoing basic needs which may include food, clothing, shelter,
5 utilities, household goods, personal care items, and general incidental
6 expenses during the five months following the time the family becomes
7 ineligible for assistance under the aid to dependent children program, if
8 the family's earned income is at or below one hundred eighty-five percent
9 of the federal poverty level at the time the family becomes ineligible
10 for the aid to dependent children program. Payments shall be made in five
11 monthly payments, each equal to one-fifth of the aid to dependent
12 children payment standard for the family's size at the time the family
13 becomes ineligible for the aid to dependent children program. If during
14 the five-month period, (A) the family's earnings exceed one hundred
15 eighty-five percent of the federal poverty level, (B) the family members
16 are no longer working, (C) the family ceases to be Nebraska residents,
17 (D) there is no longer a minor child in the family's household, or (E)
18 the family again becomes eligible for the aid to dependent children
19 program, the family shall become ineligible for any remaining
20 transitional benefits under this subdivision;

21 (ii) Child care as provided in subdivision (1)(c) of section
22 68-1724; and

23 (iii) Except as may be provided in accordance with subsection (2) of
24 section 68-1713 and subdivision (1)(c) of section 68-1724, medical
25 assistance for up to twelve months after the month the recipient becomes
26 employed and is no longer eligible for aid to dependent children.

27 (6) For purposes of sections 43-512 to 43-512.18:

28 (a) Authorized attorney shall mean an attorney, employed by the
29 county subject to the approval of the county board, employed by the

30 department, or appointed by the court, who is authorized to investigate
31 and prosecute child, spousal, and medical support cases. An authorized
1 attorney shall represent the state as provided in section 43-512.03;
2 (b) Child support shall be defined as provided in section 43-1705;
3 (c) Medical support shall include all expenses associated with the
4 birth of a child, cash medical support as defined in section 42-369,
5 health care coverage as defined in section 44-3,144, and medical and
6 hospital insurance coverage or membership in a health maintenance
7 organization or preferred provider organization;
8 (d) Spousal support shall be defined as provided in section 43-1715;
9 (e) State Disbursement Unit shall be defined as provided in section
10 43-3341; and
11 (f) Support shall be defined as provided in section 43-3313.
12 Sec. 2. Section 68-1713, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:
14 68-1713 (1) The Department of Health and Human Services shall
15 implement the following policies:
16 (a) Permit Work Experience in Private for-Profit Enterprises;
17 (b) Permit Job Search;
18 (c) Permit Employment to be Considered a Program Component;
19 (d) Make Sanctions More Stringent to Emphasize Participant
20 Obligations;
21 (e) Alternative Hearing Process;
22 (f) Permit Adults in Two-Parent Households to Participate in
23 Activities Based on Their Self-Sufficiency Needs;
24 (g) Eliminate Exemptions for Individuals with Children Between the
25 Ages of 12 Weeks and Age Six;
26 (h) Providing Poor Working Families with Transitional Child Care to
27 Ease the Transition from Welfare to Self-Sufficiency;
28 (i) Provide Transitional Health Care for 12 Months After Termination
29 of ADC if funding for such transitional medical assistance is available
30 under Title XIX of the federal Social Security Act, as amended, as
31 described in section 68-906;
1 (j) Require Adults to Ensure that Children in the Family Unit Attend
2 School;
3 (k) Encourage Minor Parents to Live with Their Parents;
4 (l) Establish a Resource Limit of \$4,000 for a single individual and
5 \$6,000 for two or more individuals for ADC;
6 (m) Exclude the Value of One Vehicle Per Family When Determining ADC
7 Eligibility;
8 (n) Exclude the Cash Value of Life Insurance Policies in Calculating
9 Resources for ADC;
10 (o) Establish the Supplemental Nutrition Assistance Program as a
11 Continuous Benefit with Eligibility Reevaluated with Yearly
12 Redeterminations;
13 (p) Establish a Budget the Gap Methodology Whereby Countable Earned
14 Income is Subtracted from the Standard of the Need and Payment is Based
15 on the Difference or Maximum Payment Level, Whichever is Less. That this
16 Gap be Established at a Level that Encourages Work but at Least at a

17 Level that Ensures that Those Currently Eligible for ADC do not Lose
18 Eligibility Because of the Adoption of this Methodology;
19 (q) Adopt an Earned Income Disregard described in section 68-1726 of
20 ~~Twenty Percent of Gross Earnings~~ in the ADC Program, One Hundred Dollars
21 in the Related Medical Assistance Program, and Income and Assets
22 Described in section 68-1201;
23 (r) Disregard Financial Assistance Described in section 68-1201 and
24 Other Financial Assistance Intended for Books, Tuition, or Other Self-
25 Sufficiency Related Use;
26 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of Work
27 Requirement, and The 30-Day Unemployed/Underemployed Period for ADC-UP
28 Eligibility; and
29 (t) Make ADC a Time-Limited Program.
30 (2) The Department of Health and Human Services shall (a) apply for
31 a waiver to allow for a sliding-fee schedule for the population served by
1 the caretaker relative program or (b) pursue other public or private
2 mechanisms, to provide for transitional health care benefits to
3 individuals and families who do not qualify for cash assistance. It is
4 the intent of the Legislature that transitional health care coverage be
5 made available on a sliding-scale basis to individuals and families with
6 incomes up to one hundred eighty-five percent of the federal poverty
7 level if other health care coverage is not available.
8 Sec. 3. Section 68-1726, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:
10 68-1726 Based on the comprehensive assets assessment, each
11 individual and family receiving assistance under the Welfare Reform Act
12 shall reach for his or her highest level of economic self-sufficiency or
13 the family's highest level of economic self-sufficiency. The following
14 eligibility factors shall apply:
15 (1) Financial resources, excluding the primary home and furnishings
16 and the primary automobile, shall not exceed four thousand dollars in
17 value for a single individual and six thousand dollars in value for two
18 or more individuals;
19 (2) Available resources, including, but not limited to, savings
20 accounts and real estate, shall be used in determining financial
21 resources, except that income and assets described in section 68-1201
22 shall not be included in determination of available resources under this
23 section;
24 (3) Income received by family members, except income earned by
25 children attending school and except as provided in section 68-1201,
26 shall be considered in determining total family income. Income earned by
27 an individual or a family by working shall be treated differently than
28 unearned income in determining the amount of cash assistance as follows:
29 (a) Earned income shall be counted in determining the level of cash
30 assistance after disregarding an amount of earned income as follows:
31 ~~equal to twenty percent of earned income or other incentives to work;~~
1 (i) Twenty percent of gross earned income shall be disregarded to
2 test for eligibility during the application process for aid to dependent
3 children assistance; and

4 (ii) For aid to dependent children program participants and for
5 applicants after eligibility has been established, fifty percent of the
6 gross earned income shall be disregarded;
7 (b) Financial assistance provided by other programs that support the
8 transition to economic self-sufficiency shall be considered to the extent
9 the payments are intended to provide for life's necessities; and
10 (c) Financial assistance or those portions of it intended for books,
11 tuition, or other self-sufficiency-related expenses shall not be counted
12 in determining financial resources. Such assistance shall include, but
13 not be limited to, school grants, scholarships, vocational rehabilitation
14 payments, Job Training Partnership Act payments, income or assets
15 described in section 68-1201, and education-related loans or other loans
16 that are expected to be repaid; and
17 (4) Individuals and families shall pursue potential sources of
18 economic support, including, but not limited to, unemployment
19 compensation and child support.
20 Sec. 4. (1) The Intergenerational Poverty Task Force is created,
21 The executive committee of the task force shall consist of the following
22 voting members:
23 (a) The chairperson of the Health and Human Services Committee of
24 the Legislature;
25 (b) The chairperson of the Appropriations Committee of the
26 Legislature; and
27 (c) Three at-large members appointed by the Executive Board of the
28 Legislative Council.
29 The voting members of the executive committee shall choose a
30 chairperson and vice-chairperson from among the voting members.
31 The chief executive officer of the Department of Health and Human
1 Services or his or her designee, the Commissioner of Labor, and the
2 Commissioner of Education shall be nonvoting, ex officio members of the
3 executive committee of the task force.
4 (2) The remaining members of the task force shall be nonvoting
5 members appointed by the executive committee of the task force through an
6 application and selection process, representing (a) advocacy groups that
7 focus on childhood poverty issues and education issues, (b) academic
8 experts in childhood poverty or education, (c) service providers, (d)
9 educational institutions, (e) workforce development agencies, and (f)
10 experts in early childhood education. The members appointed pursuant to
11 this subsection shall constitute the advisory committee to the task
12 force.
13 Sec. 5. The Intergenerational Poverty Task Force shall, with
14 respect to programs, including, but not limited to, the aid to dependent
15 children program described in section 43-513, the federal Supplemental
16 Nutrition Assistance Program established pursuant to 7 U.S.C. 2011 et
17 seq., as such sections existed on January 1, 2015, the child care
18 assistance program described in section 68-1206, and the Employment First
19 program developed pursuant to the self-sufficiency contract described in
20 sections 68-1719 to 68-1724 and rules and regulations of the Department
21 of Health and Human Services:

22 (1) Share, examine, and analyze data and information regarding
23 intergenerational poverty in the state with a primary focus on data and
24 information regarding children who are at risk of continuing the cycle of
25 poverty unless outside intervention is made and develop effective and
26 efficient plans, programs, and recommendations to help such children
27 escape the cycle of poverty;
28 (2) Encourage participation and input from academic experts,
29 advocacy groups, nonprofit corporations, local governments, and faith-
30 based institutions in exploring strategies and solutions to help children
31 who are victims of intergenerational poverty escape the cycle of poverty;
1 (3) Study, evaluate, and report on the status and effectiveness of
2 policies, procedures, and programs implemented by other states and by
3 nongovernmental entities that address the needs of and that provide
4 services to children affected by intergenerational poverty;
5 (4) Identify policies, procedures, and programs, including any lack
6 of interagency data sharing, lack of policy coordination, or current
7 federal requirements, that are impeding efforts to help children in the
8 state affected by intergenerational poverty escape the cycle of poverty
9 and recommend changes to those policies and procedures;
10 (5) Create a long-range strategic plan containing:
11 (a) Measurable goals and benchmarks, including future action needed
12 to attain those goals and benchmarks, for decreasing the incidence of
13 intergenerational poverty among the state's children and increasing the
14 number of the state's children who escape the cycle of poverty; and
15 (b) Recommended data-supported changes to policies, procedures, and
16 programs to address the needs of children affected by intergenerational
17 poverty and to help those children escape the cycle of poverty, including
18 the steps that will be required to make the recommended changes and
19 whether further action is required by the Legislature or the federal
20 government; and
21 (6) Protect the privacy of individuals living in poverty by using
22 and distributing the data it collects or examines in compliance with
23 federal requirements and with sections 84-712 to 84-712.09.
24 Sec. 6. To accomplish its duties, the Intergenerational Poverty
25 Task Force may:
26 (1) Request and receive from any state or local governmental entity
27 or institution information relating to poverty in the state, including
28 reports, audits, data, projections, and statistics; and
29 (2) Appoint special committees to advise and assist the task force.
30 Members of any such special committee shall be appointed by the
31 chairperson of the task force and may be members of the task force or
1 individuals from the private or public sector. A special committee shall
2 report to the task force on the progress of the special committee.
3 Members of a special committee appointed under this section may not
4 receive reimbursement or pay for work done in relation to the special
5 committee.
6 Sec. 7. (1) On or before December 15, 2015, the Intergenerational
7 Poverty Task Force shall submit a preliminary report and on or before
8 December 15, 2016, the task force shall submit a final report (a) to the

9 Governor and (b) electronically to the Executive Board of the Legislative
10 Council.

11 (2) The preliminary report and the final report shall:

12 (a) Include the long-range strategic plan required pursuant to
13 section 5 of this act;

14 (b) Describe how the task force fulfilled its statutory purposes and
15 duties during the time period covered by the report;

16 (c) Describe policies, procedures, and programs that have been
17 implemented or modified to help break the cycle of poverty for children
18 affected or at risk of being affected by intergenerational poverty; and

19 (d) Contain recommendations on how the state should act to address
20 issues relating to breaking the cycle of poverty for children affected or
21 at risk of being affected by intergenerational poverty.

22 Sec. 8. The Intergenerational Poverty Task Force terminates on
23 December 31, 2016.

24 Sec. 9. Sections 1, 2, 3, and 10 of this act become operative three
25 calendar months after the adjournment of this legislative session. The
26 other sections of this act become operative on their effective date.

27 Sec. 10. Original sections 43-512, 68-1713, and 68-1726, Revised
28 Statutes Cumulative Supplement, 2014, are repealed.

29 Sec. 11. Since an emergency exists, this act takes effect when
30 passed and approved according to law.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 236. Introduced by McCoy, 39.

WHEREAS, Julie Classen-Cruscuolo won her age division in the Midwest Children's and Young Adult Authors' Network writing contest; and

WHEREAS, Julie is a 7th grader at Elkhorn Middle School and won the grades 6-8 competition with her entry entitled "Turning Point"; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Julie Classen-Cruscuolo on winning her age division in the Midwest Children's and Young Adult Authors' Network writing contest.

2. That a copy of this resolution be sent to Julie Classen-Cruscuolo.

Laid over.

LEGISLATIVE RESOLUTION 237. Introduced by McCoy, 39.

WHEREAS, Ben Cross, David Connolly, Connor Krecklow, CJ Monahan, Kyle Tompkins, Dylan Stamm, Ryan Soderquist, John-Mark Connolly, and Matthew Meacham of Troop 429 have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these scouts have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. The following Eagle Scout community service projects were completed: Ben Cross led a team to build and place 6 park benches and plant 20 trees at the Elkhorn Crossing Recreation Area; David Connolly and volunteers built wooden stairs and cleared forested areas to promote growth of endangered bladdernut trees at Fontanelle Forest; Connor Krecklow designed and built bat houses at the National Guard Camp Ashland Training Site; CJ Monahan changed the land use at Heron Haven Nature Center; Kyle Tompkins restored bulletin boards in the children's classroom at Christ Community Church; Dylan Stamm refurbished an unsafe playground at the Stephen Center Emergency Shelter; Ryan Soderquist distributed mulch, installed a new sand box, and built wooden step stools for the drinking fountains at St. Luke United Methodist Church; John-Mark Connolly created an outdoor rest and recreation area for teachers and staff and built, painted, and framed 3 wall-size cork boards for the youth group at Westside Church; and Matthew Meacham designed and constructed a kiosk to display information and created a fire break at Neale Woods Nature Center; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Ben, David, Connor, CJ, Kyle, Dylan, Ryan, John-Mark, and Matthew, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Ben Cross, David Connolly, Connor Krecklow, CJ Monahan, Kyle Tompkins, Dylan Stamm, Ryan Soderquist, John-Mark Connolly, and Matthew Meacham on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ben Cross, David Connolly, Connor Krecklow, CJ Monahan, Kyle Tompkins, Dylan Stamm, Ryan Soderquist, John-Mark Connolly, and Matthew Meacham.

Laid over.

LEGISLATIVE RESOLUTION 238. Introduced by McCoy, 39.

WHEREAS, Celia McCaslin won her age division in the Midwest Children's and Young Adult Authors' Network writing contest; and

WHEREAS, Celia is a 5th grader at Westridge Elementary School in Elkhorn and won the grades K-5 competition with her entry entitled "Arizona"; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Celia McCaslin on winning her age division in the Midwest Children's and Young Adult Authors' Network writing contest.
2. That a copy of this resolution be sent to Celia McCaslin.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion 15-006

SUBJECT: Parole eligibility for sentence to life in prison

REQUESTED BY: Senator Colby Coash
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
James D. Smith, Solicitor General

You have asked whether, *apart from a Pardons Board commutation*, does the absence of the words "without the possibility of parole" open the possibility of parole for an inmate sentenced to "life in prison?"

The answer to your question is, "No."

Under current Nebraska law, a sentence of life imprisonment is effectively life imprisonment without parole. See, *State v. Castaneda*, 287 Neb. 289, 313 (2014). Nebraska's current parole system does not apply unless and until executive clemency is granted in the form of sentence commutation by the Board of Pardons. *State v. Castaneda, supra*.

We caution that our opinion answers only the limited question that you asked. We emphasize that our opinion is limited only to amending the penalty for a person who commits the crime of first degree murder in the future from death to a penalty of life imprisonment under Nebraska's current statutes. Broader or additional legislative amendments are beyond the scope of this opinion. We have not attempted to analyze a myriad of potential legislative amendments.

Douglas J. Peterson
Attorney General
(Signed) James D. Smith
Solicitor General

pc: Patrick J. O'Donnell
Clerk of the Nebraska Legislature
07-944-29

SELECT FILE

LEGISLATIVE BILL 294. ER96, found on page 1287, was adopted.

Senator Scheer withdrew his amendment, AM1349, found on page 1249.

Senator Scheer offered his amendment, AM1454, found on page 1370.

The Scheer amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 566. ER98, found on page 1309, was adopted.

Senator Coash offered his amendment, AM1456, found on page 1374.

The Coash amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 566A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 575. ER99, found on page 1309, was adopted.

Senator Morfeld offered the following motion:
MO105
Bracket until June 5, 2015.

Senator Morfeld withdrew his motion to bracket.

Senator Schumacher offered his amendment, AM1424, found on page 1370.

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

Senator Schumacher requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 10:

Bloomfield	Chambers	Cook	Haar, K.	Pansing Brooks
Bolz	Coash	Davis	Morfeld	Schumacher

Voting in the negative, 30:

Baker	Friesen	Johnson	McCoy	Seiler
Brasch	Gloor	Kintner	Mello	Smith
Campbell	Hadley	Kolterman	Murante	Stinner
Craighead	Hansen	Kuehn	Riepe	Sullivan
Crawford	Hilkemann	Larson	Scheer	Watermeier
Ebke	Hughes	McCollister	Schilz	Williams

Present and not voting, 6:

Garrett	Harr, B.	Krist
Groene	Kolowski	Schnoor

Excused and not voting, 3:

Howard	Lindstrom	Nordquist
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The Schumacher amendment lost with 10 ayes, 30 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Murante offered his amendment, AM1510, found on page 1370.

SENATOR KRIST PRESIDING

The Murante amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 629. ER91, found on page 1239, was adopted.

Senator Mello withdrew his amendments, AM1344 and AM1448, found on pages 1267 and 1310.

Senator Mello offered his amendment, AM1528, found on page 1389.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 360. ER90, found on page 1271, was adopted.

Senator Johnson withdrew his amendment, AM1478, found on page 1358.

Senator Johnson offered his amendment, AM1520, found on page 1375.

The Johnson amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Davis offered his amendment, AM1518, found on page 1379.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 259A. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 239. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine the issues surrounding the implementation of the federal Workforce Innovation and Opportunity Act (WIOA) in Nebraska. The WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. WIOA takes effect on July 1, 2015, with the United States Department of Labor issuing guidance on the timeframes for implementation and proposed regulations reflecting the changes in WIOA.

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

- (1) Increasing the focus on serving the most vulnerable workers;
- (2) Expanding education and training options;
- (3) Helping disadvantaged and unemployed adults and youth earn income while they learn;
- (4) Aligning planning and accountability policies across core programs;
- (5) Improving opportunities to the existing workforce development and adult education systems;

(6) Implementing recommendations from the United States Department of Labor on both required and optional programs; and

(7) Increasing the effectiveness of WIOA programs as an economic development tool.

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

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

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine state law governing cities of the first class in Chapter 16 of Nebraska statutes. The goal of the study is to update and modernize the statutes governing cities of the first class through the elimination of obsolete, antiquated, and duplicate statutory language.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

MOTION(S) - Print in Journal

Senator Nordquist filed the following motion to LB67:

MO103

Bracket until June 5, 2015.

Senator Nordquist filed the following motion to LB67:

MO104

Recommit to the Banking, Commerce and Insurance Committee.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB330:
AM1479

(Amendments to E and R amendments, ER92)

- 1 1. Insert the following new sections:
- 2 Sec. 27. Sections 3, 4, 11, and 29 of this act become operative on
- 3 July 1, 2015. The other sections of this act become operative on their
- 4 effective date.
- 5 Sec. 28. If any section in this act or any part of any section is
- 6 declared invalid or unconstitutional, the declaration shall not affect
- 7 the validity or constitutionality of the remaining portions.
- 8 Sec. 29. Original section 53-123.11, Reissue Revised Statutes of
- 9 Nebraska, and section 53-103.03, Revised Statutes Cumulative Supplement,
- 10 2014, are repealed.
- 11 2. On page 2, line 13, strike "possess," and "or"; and in line 14
- 12 after "use" insert ", or possess with intent to sell".
- 13 3. On page 27, line 27, strike "53-123.11,"; and in line 29 strike
- 14 "53-103.03,".
- 15 4. Renumber the remaining sections accordingly.

Senator Schilz filed the following amendment to LB329:
AM1533

(Amendments to Standing Committee amendments, AM1042)

- 1 1. Strike amendments 1 to 5 and all amendments thereto and insert
- 2 the following new amendment:
- 3 1. Strike the original sections and insert the following new
- 4 sections:
- 5 Section 1. Sections 1 to 7 of this act shall be known and may be
- 6 cited as the Nebraska Agritourism Promotion Act.
- 7 Sec. 2. The purposes of the Nebraska Agritourism Promotion Act are
- 8 to:
- 9 (1) Promote tourism and rural economic development by encouraging
- 10 owners of farms, ranches, and other rural land, including agricultural,
- 11 historical, ecological, cultural, and natural attractions, to allow
- 12 access to members of the public for educational, entertainment, and
- 13 recreational purposes;
- 14 (2) Promote a better understanding by visitors of agricultural
- 15 operations and features, including the production of livestock and
- 16 agricultural products, the land and other natural attributes, and
- 17 wildlife; and
- 18 (3) Encourage agritourism activities by limiting civil liability of
- 19 owners of farms, ranches, and other rural land.
- 20 Sec. 3. For purposes of the Nebraska Agritourism Promotion Act:
- 21 (1) Agritourism activities include any one or any combination of the
- 22 following: Hunting, fishing, swimming, boating, canoeing, kayaking,
- 23 tubing, water sports, camping, picnicking, hiking, backpacking,
- 24 bicycling, horseback riding, nature study, birding, farm, ranch, and
- 25 vineyard tours and activities, harvest-your-own activities, waterskiing,

26 snow-shoeing, cross-country skiing, visiting and viewing historical,
1 ecological, archaeological, scenic, or scientific sites, and similar
2 activities;
3 (2) Fee means the amount of money asked in return for an invitation
4 or permission to enter the premises;
5 (3) Inherent risks means those conditions, dangers, or hazards that
6 are an integral part of land or waters used for agritourism activities,
7 including the following:
8 (a) Surface and subsurface conditions and natural conditions of
9 land, vegetation, and waters;
10 (b) The behavior of wild or domestic animals;
11 (c) The ordinary dangers of structures or equipment ordinarily used
12 in farming or ranching operations when such structures or equipment are
13 used for farming or ranching purposes; and
14 (d) The potential of a participant to act in a negligent way that
15 may contribute to injury to the participant or others whether by failing
16 to follow safety procedures or failing to act with reasonable caution
17 while engaging in an agritourism activity.
18 Inherent risks does not include any act or omission occurring while
19 the actor was under the influence of alcohol or illegal drugs or any
20 action, activity, process, or condition that would otherwise be a
21 violation of any other statute or rule or regulation of the State of
22 Nebraska, a state regulatory body, or a political subdivision;
23 (4) Owner includes any person who is a tenant, lessee, occupant, or
24 person in control of the premises or any agent of such a person whose
25 gross annual income from agritourism activities does not exceed five
26 hundred thousand dollars;
27 (5) Participant means an individual who engages in agritourism
28 activities on premises owned by another but does not include an owner of
29 the premises or any agent, employee, or contractor of the owner;
30 (6) Person means an individual, corporation, limited liability
31 company, partnership, unincorporated association, or other legal or
1 commercial entity and does not include a governmental entity or political
2 subdivision; and
3 (7) Premises includes land, roads, pathways, trails, water,
4 watercourses, private ways, and buildings and structures attached to the
5 land outside of cities and villages and does not include land zoned
6 commercial, industrial, or residential.
7 Sec. 4. (1) Except as provided in section 5 of this act, an owner
8 who allows a participant on the owner's premises for agritourism
9 activities shall not be liable for injury to or death of the participant
10 or damage to the participant's property resulting solely from an inherent
11 risk on the owner's premises.
12 (2) Except as provided in section 5 of this act, no participant or
13 participant's representative shall maintain an action against or recover
14 for injury to or death of the participant or damage to the participant's
15 property resulting solely from an inherent risk on the owner's premises
16 when such owner allows the participant on the owner's premises for
17 agritourism activities.

18 Sec. 5. Nothing in the Nebraska Agritourism Promotion Act limits
19 any liability of an owner:
20 (1) Who has actual knowledge of a particular dangerous condition on
21 the owner's premises and does not make the particular danger known to the
22 participant if the particular danger is a proximate cause of injury to or
23 death of the participant or damage to the participant's property;
24 (2) Who reasonably should have known of a particular dangerous
25 condition of equipment used or kept on the owner's premises and does not
26 make the particular danger known to the participant if the particular
27 danger is a proximate cause of injury to or death of the participant or
28 damage to the participant's property;
29 (3) Who fails to properly train or supervise or improperly or
30 inadequately trains or supervises employees who are actively involved in
31 agritourism activities and an act or omission of the employee resulting
1 from improper or inadequate training or supervision is a proximate cause
2 of injury to or death of the participant or damage to the participant's
3 property; or
4 (4) Who commits an act or omission that is a proximate cause of
5 injury to or the death of the participant or damage to the participant's
6 property if the act or omission:
7 (a) Constitutes willful or wanton disregard for the safety of the
8 participant;
9 (b) Constitutes gross negligence; or
10 (c) Was intentional.
11 Sec. 6. (1) Nothing in section 4 of this act limits any liability
12 of an owner who receives a fee for allowing a participant on the premises
13 if the owner fails to do at least one of the following:
14 (a) Post and maintain signage containing the warning as described in
15 subsection (2) of this section in a clearly visible and conspicuous
16 location at or near the entrance to the property used for agritourism
17 activities; or
18 (b) Include the warning as described in subsection (2) of this
19 section in any written contract between the owner of the property and
20 each participant allowed on the premises for a fee. Such warning shall be
21 in a conspicuous location within the contract and be written in not less
22 than twelve-point, boldface type.
23 (2) The warning notice shall read as follows: WARNING - Under
24 Nebraska law, an owner of property, including lands and waters, is not
25 liable for the injury to or death of the participant in agritourism
26 activities or damage to the participant's property resulting solely from
27 the inherent risks of such activities. Inherent risks include, without
28 limitation, the risk of animals and land and water conditions and the
29 potential for you or another participant to act in a negligent manner
30 that may contribute to your own injury or death. You are assuming the
31 risk of participating in the agritourism activities for which you are
1 entering the owner's premises.
2 Sec. 7. Nothing in the Nebraska Agritourism Promotion Act limits
3 the obligation of a participant entering upon or using premises of
4 another for agritourism activities to exercise due care in his or her use

5 of such premises and in his or her agritourism activities on the
6 premises.

Senator Davis filed the following amendment to LB330:
AM1546

(Amendments to E and R amendments, ER92)

- 1 1. Strike sections 3, 4, and 11.
- 2 2. Renumber the remaining sections and correct the internal
- 3 references and the repealer accordingly.

Senator Kolterman filed the following amendment to LB330:
AM1558

Amendments to AM1479

- 1 1. On page 1, line 12, after "sell" insert "or use".

Senator Gloor filed the following amendment to LB643:
AM1564

(Amendments to Standing Committee amendments, AM1254)

- 1 1. On page 21, strike beginning with "Unless" in line 5 through
- 2 "(4)" in line 17.

Senator Mello filed the following amendment to LB657:
AM1566

(Amendments to E and R amendments, ER114)

- 1 1. Purpose: Increase salary limit to accommodate normal salary
- 2 policy increases for the two new positions added in the Office of the
- 3 Governor.
- 4 Amendment:
- 5 1. On page 10, strike line 28 and insert:
- 6 "SALARY LIMIT 926,781 947,633"
- 7 2. Purpose: To correct a fund amount.
- 8 Amendment:
- 9 1. On page 30, line 8, strike "24,721,328" and insert "24,721,538".
- 10 3. Purpose: To increase the property tax credit by \$4,000,000 each
- 11 year.
- 12 Amendment:
- 13 1. On page 31, lines 21 and 22, strike each occurrence of
- 14 "200,000,000" and insert "204,000,000"; and in lines 24 and 26 strike
- 15 "\$200,000,000" and insert "\$204,000,000".
- 16 4. Purpose: To add a reporting requirement and correct a reporting
- 17 requirement.
- 18 Amendment:
- 19 1. On page 45, after line 6 insert:
- 20 "It is the intent of the Legislature that the Department of Health
- 21 and Human Services shall provide quarterly status reports electronically
- 22 on the replacement of the Medicaid Medical Information System (MMIS).";
- 23 and in line 27 strike "contracting entity" and insert "department" and
- 24 strike "its" and insert "the".
- 25 5. Purpose: To add an earmark.

26 Amendment:

1 1. On page 47, after line 8, insert the following new language:
2 "There is included in the appropriation to this program for
3 FY2015-16 \$1,000,000 General Funds for the electronic records initiative,
4 to be used only for that purpose. There is included in the appropriation
5 to this program for FY2016-17 \$1,000,000 General Funds for the electronic
6 records initiative, to be used only for this purpose."
7 6. Purpose: To allow for the reappropriation of the unexpended cash
8 fund balance.

9 Amendment:

10 1. On page 53, line 15, after the first "Fund" insert ", Cash
11 Fund,".
12 7. Purpose: To correct a name and earmark an appropriation.

13 Amendment:

14 1. On page 58, line 24, after the second comma insert "East Central
15 District Health Department —"; and in line 26 strike "Norfolk" and insert
16 "Midtown".
17 2. On page 59, line 4, after the first comma insert "East Central
18 District Health Department —"; in lines 5 and 20 strike "Norfolk" and
19 insert "Midtown"; in line 17 strike "Inc.,"; in line 18 after
20 "Department" insert a dash; in line 20 strike "Care Clinic, Inc." and
21 insert "Center"; and in line 27 after the period insert "The additional
22 \$200,000 Cash Funds included in this appropriation is to be distributed
23 equally among the eighteen public health departments."
24 8. Purpose: To correct appropriations amounts and provide for
25 earmarks.

26 Amendment:

27 1. On page 61, line 1, strike "6,937,612" and insert "7,077,612" and
28 strike "6,837,612" and insert "6,917,612"; in line 4 strike "72,475,654"
29 and insert "72,615,654" and strike "72,375,654" and insert "72,455,654";
30 in line 9 strike "\$6,937,612" and insert "\$7,077,612"; and in line 12
31 strike "\$6,837,612" and insert "\$6,917,612".

1 2. On page 62, after line 9 insert:

2 "There is included in the appropriation to this program for
3 FY2015-16 \$100,000 General Funds to contract with the University of
4 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
5 Collaborative. There is included in the appropriation to this program for
6 FY2016-17 \$100,000 General Funds to contract with the University of
7 Nebraska Medical Center for the Nebraska Perinatal Quality Improvement
8 Collaborative.

9 There is included in the appropriation to this program for FY2015-16
10 \$300,000 General Funds to contract for services for implementation of a
11 statewide drug disposal project. There is included in the appropriation
12 to this program for FY2016-17 \$300,000 General Funds to contract for
13 services for implementation of a statewide drug disposal project.

14 There is included in the appropriation to this program for FY2015-16
15 \$292,000 General Funds for state aid for tuition reimbursement for
16 emergency medical services responders' initial and ongoing training.

17 There is included in the appropriation to this program for FY2016-17

18 \$292,000 General Funds for state aid for tuition reimbursement for
19 emergency medical services responders' initial and ongoing training.
20 There is included in this appropriation a one-time appropriation for
21 FY2015-16 of \$160,000 General Funds for cardiac monitors."
22 9. Purpose: To reappropriate the unexpended General Fund balance in
23 order to continue the temporary and permanent fix for the television
24 antenna at KTNE (Alliance).
25 Amendment:
26 1. On page 87, after line 20 insert:
27 "The unexpended General Fund appropriation balance existing on June
28 30, 2015, is hereby reappropriated for the television antennae and
29 related costs at KTNE (Alliance)."
30 10. Purpose: To eliminate the blanket reappropriation authority for
31 Agency No. 51 — University of Nebraska, Program No. 781 - University -
1 Administration.
2 Amendment:
3 1. On page 92, strike lines 17 and 18.
4 11. Purpose: To assure private funds have been received prior to the
5 expenditure of General Funds for the Yeutter Institute for International
6 Trade and Finance.
7 Amendment:
8 1. Strike beginning with "It" on page 93, line 29, through the
9 period on page 94, line 1.
10 2. On page 94, line 7, after the period insert "The budget
11 administrator of the budget division of the Department of Administrative
12 Services shall allot \$1,250,000 General Funds for FY2015-16 and
13 \$1,250,000 General Funds for FY2016-17 to the Board of Regents of the
14 University of Nebraska for the Yeutter Institute for International Trade
15 and Finance upon evidence provided by the board that \$1,250,000 for
16 FY2015-16 and \$1,250,000 for FY2016-17 in private funds have been
17 received by the board for this institute."
18 12. Purpose: To add \$100,000 each year to fund the Mainstreet
19 Program. Funding was originally intended to be included but was left out
20 of the bill.
21 Amendment:
22 1. On page 98, line 7, strike "4,916,695" and insert "5,016,695" and
23 strike "4,458,409" and insert "4,558,409"; and in line 10 strike
24 "8,275,223" and insert "8,375,223" and strike "7,872,682" and insert
25 "7,972,682".
26 13. Purpose: To revise the funding of state aid to development
27 districts from the Civic and Community Center Financing Fund in Program
28 No. 655 to General Funds in Program No. 601 and to revise the Civic and
29 Community Center Financing Fund expenditure authority.
30 Amendment:
31 1. On page 117, strike line 4 and insert:
1 "GENERAL FUND 796,059 799,877"; strike line 7 and insert "PROGRAM
2 TOTAL 38,777,213 38,519,293"; and in line 9 after "FY2015-16" insert
3 "\$500,000 General Funds,"; in line 10 after the first "Funds" insert a
4 comma; in line 12 after "FY2016-17" insert "\$500,000 General Funds," and

5 before "and" insert a comma; and after line 14 insert:

6 "There is included in the appropriation to this program for

7 FY2015-16 \$500,000 General Funds to provide funding to development

8 districts formed under sections 13-1901 to 13-1907. There is included in

9 the appropriation to this program for FY2016-17 \$500,000 General Funds to

10 provide funding to development districts formed under sections 13-1901 to

11 13-1907."

12 2. On page 118, strike lines 9 and 10 and insert:

13 "CASH FUND 2,100,586 2,101,222

14 PROGRAM TOTAL 2,100,586 2,101,222"; and in lines 13 and 15 strike

15 "\$2,515,000" and insert "\$2,065,000".

16 14. Purpose: To provide funding for the Nebraska Developing Youth

17 Talent Initiative in the Department of Economic Development.

18 Amendment:

19 1. On page 117, strike line 18 and insert "GENERAL FUND 11,836,200

20 11,911,451"; and strike line 21 and insert "PROGRAM TOTAL 27,218,854

21 27,304,627".

22 2. On page 118, after line 5 insert:

23 "There is included in the appropriation to this program for

24 FY2015-16 \$250,000 General Funds for the Nebraska Developing Youth Talent

25 Initiative, which shall only be used for such purpose. There is included

26 in the appropriation to this program for FY2016-17 \$250,000 General Funds

27 for the Nebraska Developing Youth Talent Initiative, which shall only be

28 used for such purpose. The department shall establish a separate budget

29 subprogram to account for the expenditure of funds appropriated for the

30 Nebraska Developing Youth Talent Initiative. It is the intent of the

31 Legislature that the Department of Economic Development shall select up

1 to two industry partners or industry consortiums each fiscal year from

2 the manufacturing and information technology sectors to participate in

3 the initiative, which shall be in collaboration with public schools. The

4 initiative shall be designed to reach students beginning in the seventh

5 and eighth grades. At least one industry partner selected to participate

6 in the initiative shall be from a county that has a population of less

7 than one hundred thousand inhabitants. An initial evaluation report

8 regarding the results of the initiative shall be provided to the

9 Legislature electronically and to the Governor upon completion of the

10 first year of the initiative, not later than September 15, 2016. A final

11 evaluation report detailing the outcomes of the initiative shall be

12 provided to the Legislature electronically and to the Governor upon

13 completion of the initiative, not later than September 15, 2017. The

14 department shall include in the final evaluation report its

15 recommendation regarding the future funding of the initiative."

16 15. Purpose: To reappropriate a cash fund balance.

17 Amendment:

18 1. On page 131, line 27, after the period insert "The unexpended

19 Cash Fund appropriation balance existing on June 30, 2015, is hereby

20 reappropriated."

21 16. Purpose: To add a fund to a listing of cash funds.

22 Amendment:

23 1. On page 135, line 4, before the semicolon insert ", Public
24 Guardianship Cash Fund".

Senator Krist filed the following amendment to LB347:
AM1547

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 14. Section 43-4319, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 43-4319 (1) The office shall have access to all information and
- 5 personnel necessary to perform the duties of the office.
- 6 (2) A full investigation conducted by the office shall consist of
- 7 retrieval of relevant records through subpoena, request, or voluntary
- 8 production, review of all relevant records, and interviews of all
- 9 relevant persons.
- 10 (3) For a request for records pursuant to subsection (5) of section
- 11 43-2,108 involving death or serious injury, the office may submit a
- 12 written request to the probation administrator. The record information
- 13 shall be provided to the office within five days after approval of the
- 14 request by the Supreme Court.
- 15 2. On page 1, line 4, after the first comma insert "43-4319,".
- 16 3. On page 7, strike lines 11 through 20 and insert:
- 17 "(5) In all cases under sections 43-246.01 and 43-247 involving
- 18 death or serious injury, the office of Inspector General of Nebraska
- 19 Child Welfare may submit a written request to the probation administrator
- 20 for access to the records of juvenile probation officers. Upon approval
- 21 of the Supreme Court, the records shall be provided within five days to
- 22 the Inspector General for the exclusive use in an investigation pursuant
- 23 to subdivisions (1)(b) and (c) of section 43-4318. Nothing in this
- 24 subsection shall prevent the notification of death or serious injury of a
- 25 child to the Inspector General of Nebraska Child Welfare pursuant to
- 26 section 43-4318 as soon as reasonably possible after the Office of
- 1 Probation Administration learns of such death or serious injury.
- 2 (6) In all cases under sections 43-246.01 and 43-247, the court may
- 3 disseminate confidential record information to the Foster Care Review
- 4 Office pursuant to the Foster Care Review Act.;" in line 21 strike "6"
- 5 and insert "7" and strike "and (5)" and insert ", (5), and (6)"; and in
- 6 line 29 strike "(7)" and insert "(8)".
- 7 4. On page 23, line 16, after the third comma insert "43-4319,".
- 8 5. Renumber the remaining sections accordingly.

AMENDMENT - Refile in Journal

Senator Hansen refiled his amendment, AM1085, found on page 1145 and withdrawn on page 1265, to LB67.

VISITORS

Visitors to the Chamber were 65 fourth-grade students, teachers, and sponsors from Cardinal Elementary, South Sioux City; 45 fourth-grade students and teachers from Plattsmouth; 88 fourth-grade students, teachers, and sponsors from Aurora; 44 fourth-grade students, teachers, and sponsor from Alcott School, Hastings; 56 fourth-grade students and teachers from Joslyn Elementary, Omaha; 50 fourth-grade students, teachers, and sponsors from West Bay Elementary, Elkhorn; 48 fourth-grade students and teachers from Arbor Park Elementary, Blair; 40 third- and fourth-grade students, teachers, and sponsors from Twin River School, Genoa and Silver Creek; 18 sixth- through eighth-grade student and teacher from Trinity Lutheran School, Madison; and 40 sixth-grade students and teachers from Valentine Middle School.

ADJOURNMENT

At 7:02 p.m., on a motion by Senator K. Haar, the Legislature adjourned until 9:00 a.m., Wednesday, May 6, 2015.

Patrick J. O'Donnell
Clerk of the Legislature