FORTIETH DAY - MARCH 9, 2016

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska Wednesday, March 9, 2016

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

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

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Cook, Craighead, Davis, Hansen, B. Harr, Hilkemann, Krist, Larson, McCollister, Morfeld, Murante, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 956. Placed on General File with amendment. AM2216 is available in the Bill Room.

LEGISLATIVE BILL 957. Placed on General File with amendment. AM2217 is available in the Bill Room.

LEGISLATIVE BILL 960. Placed on General File with amendment. AM2418 is available in the Bill Room.

(Signed) Heath Mello, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 960A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 960, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1014. Placed on General File with amendment. AM2192

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

2 sections:

3 Section 1. Section 3-613, Reissue Revised Statutes of Nebraska, is 4 amended to read:

5 3-613 Any authority established under sections 3-601 to 3-622 shall 6 have power:

7 (1) To sue and be sued;

8 (2) To have a seal and alter the same at pleasure;

9 (3) To acquire, hold, and dispose of personal property for its

10 corporate purposes;

11 (4) To acquire in the name of the county, by purchase or

12 condemnation, real property or rights or easements therein necessary or

13 convenient for its corporate purposes and, except as may otherwise be

14 provided in such sections, to use the same so long as its corporate

15 existence continues. Such power shall not be exercised by authorities

16 created after September 2, 1973, without further approval until such time

17 as three or more members of the authority have been elected. If the

18 exercise of such power is necessary while three or more appointed members

19 remain on the authority, the appointing body shall approve all

20 proceedings under this subdivision;

21 (5) To make bylaws for the management and regulation of its affairs

22 and, subject to agreements with bondholders, to make rules and

23 regulations for the use of projects and the establishment and collection

24 of rentals, fees, and all other charges for services or commodities sold,

25 furnished, or supplied by such authority. Any person violating such rules 26 shall be guilty of a Class III misdemeanor;

27 (6) With the consent of the county, to use the services of agents, 1 employees, and facilities of the county, for which the authority may

2 reimburse the county a proper proportion of the compensation or cost

3 thereof, and also to use the services of the county attorney as legal 4 advisor to the authority;

5 (7) To appoint officers, agents, and employees and fix their 6 compensation;

7 (8) To make contracts, leases, and all other instruments necessary

8 or convenient to the corporate purposes of the authority; 9 (9) To design, construct, maintain, operate, improve, and 10 reconstruct, so long as its corporate existence continues, such projects 11 as are necessary and convenient to the maintenance and development of 12 aviation services to and for the county in which such authority is 13 established, including landing fields, heliports, hangars, shops, 14 passenger and freight terminals, control towers, and all facilities 15 necessary or convenient in connection with any such project, to contract 16 for the construction, operation, or maintenance of any parts thereof or 17 for services to be performed thereon, and to rent parts thereof and grant 18 concessions thereon, all on such terms and conditions as the authority 19 may determine. This subdivision shall not be construed to affect the 20 obligation of a lessee to pay taxes if taxes are due under sections 21 77-202, 77-202.11, and 77-202.12;

22 (10) To include in such project, subject to zoning restrictions, 23 space and facilities for any or all of the following: Public recreation; 24 business, trade, or other exhibitions; sporting or athletic events; 25 public meetings; conventions; and all other kinds of assemblages and, in 26 order to obtain additional revenue, space and facilities for business and 27 commercial purposes. Whenever the authority deems it to be in the public 28 interest, the authority may lease any such project or any part or parts 29 thereof or contract for the management and operation thereof or any part 30 or parts thereof. Any such lease or contract may be for such period of 31 years as the authority shall determine. This subdivision shall not be 1 construed to affect the obligation of a lessee to pay taxes if taxes are 2 due under sections 77-202, 77-202.11, and 77-202.12; 3 (11) To charge fees, rentals, and other charges for the use of 4 projects under the jurisdiction of such authority subject to and in 5 accordance with such agreement with bondholders as may be made as 6 hereinafter provided. Subject to contracts with bondholders, all fees, 7 rentals, charges, and other revenue derived from any project shall be 8 applied to the payment of operating, administration, and other necessary 9 expenses of the authority properly chargeable to such project and to the 10 payment of the interest on and principal of bonds or for making sinking-11 fund payments therefor. Subject to contracts with bondholders, the 12 authority may treat one or more projects as a single enterprise with 13 respect to revenue, expenses, the issuance of bonds, maintenance, 14 operation, or other purposes; 15 (12) To annually request of the county board the amount of tax to be 16 levied for airport purposes subject to section 77-3443, not to exceed 17 three and five-tenths cents on each one hundred dollars of taxable 18 valuation of all the taxable property in such county. Property tax levies 19 for bonds issued by the authority pursuant to section 3-617 are not 20 included in the levy limits established by this subdivision. The 21 governing body shall levy and collect the taxes so requested at the same 22 time and in the same manner as other taxes are levied and collected, and

22 time and in the same manner as other taxes are levied and collected, and 23 the proceeds of such taxes when due and as collected shall be set aside 24 and deposited in the special account or accounts in which other revenue 25 of the authority is deposited;

26 (13) To construct and maintain under, along, over, or across a

27 project, telephone, telegraph, or electric wires and cables, fuel lines,

28 gas mains, water mains, and other mechanical equipment not inconsistent

29 with the appropriate use of such project, to contract for such

30 construction and to lease the right to construct and use the same, or to

31 use the same on such terms for such period of time and for such

1 consideration as the authority shall determine;

2 (14) To accept grants, loans, or contributions from the United

3 States, the State of Nebraska, any agency or instrumentality of either of

4 them, or the county in which such authority is established and to expend

5 the proceeds thereof for any corporate purposes;

6(15) To incur debt and issue negotiable bonds and to provide for the 7 rights of the holders thereof;

8 (16) To enter on any lands, waters, and premises for the purposes of 9 making surveys, soundings, and examinations; and

10 (17) To do all things necessary or convenient to carry out the

11 powers expressly conferred on such authorities by sections 3-601 to

12 3-622.

13 Sec. 2. Original section 3-613, Reissue Revised Statutes of

14 Nebraska, is repealed.

(Signed) Mike Gloor, Chairperson

Agriculture

LEGISLATIVE RESOLUTION 378CA. Placed on General File with amendment.

AM2251

1 1. On page 1, line 18, strike "or any other property rights" and

2 insert "applying any waters of the state to beneficial use, water

3 diversion or appropriation, or any other property rights. Nothing in this

4 section shall be construed to modify or affect any statute enacted by the

5 Legislature or any ordinance adopted by any political subdivision on or

6 before December 31, 2015, or any statute enacted by the Legislature to

7 implement or maintain federally delegated environmental protection 8 programs.

9 (3) If adopted by the electors, this section shall be effective on 10 and after January 1, 2017".

(Signed) Jerry Johnson, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 846:

Technical Advisory Committee for Statewide Assessment Pete Goldschmidt

Voting in the affirmative, 27:

Baker	Crawford	Howard	Pansing Brooks	s Smith
Bloomfield	Ebke	Johnson	Riepe	Sullivan
Brasch	Friesen	Kolowski	Scheer	Williams
Campbell	Garrett	Kolterman	Schnoor	
Chambers	Haar, K.	Lindstrom	Schumacher	
Coash	Hadley	Mello	Seiler	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Gloor	Hughes	McCoy
Fox	Groene	Kintner	Stinner

Excused and not voting, 14:

Cook	Hansen	Krist	McCollister	Schilz
Craighead	Harr, B.	Kuehn	Morfeld	Watermeier
Davis	Hilkemann	Larson	Murante	

The appointment was confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 846: Nebraska Educational Telecommunications Commission

Randy Schmailzl

Voting in the affirmative, 28:

Baker	Ebke	Hadley	Mello	Seiler
Bloomfield	Fox	Howard	Pansing Brooks	s Smith
Brasch	Friesen	Johnson	Riepe	Sullivan
Campbell	Garrett	Kolowski	Scheer	Williams
Coash	Groene	Kolterman	Schnoor	
Crawford	Haar, K.	Lindstrom	Schumacher	
Voting in the negative, 0.				

Present and not voting, 7:

Bolz	Gloor	Kintner	Stinner
Chambers	Hughes	McCoy	

Excused and not voting, 14:

Cook	Hansen	Krist	McCollister	Schilz
Craighead	Harr, B.	Kuehn	Morfeld	Watermeier
Davis	Hilkemann	Larson	Murante	

The appointment was confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 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 866:

Commission for the Blind and Visually Impaired Mark M. Bulger

Voting in the affirmative, 28:

Baker	Ebke	Hadley	Mello	Seiler
Bloomfield	Fox	Hilkemann	Pansing Brooks	s Smith
Brasch	Friesen	Johnson	Riepe	Sullivan
Campbell	Garrett	Kolowski	Scheer	Williams
Coash	Gloor	Kolterman	Schnoor	
Crawford	Haar, K.	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Groene	Hughes	McCoy
Chambers	Howard	Kintner	Stinner

Excused and not voting, 13:

Cook	Hansen	Kuehn	Morfeld	Watermeier
Craighead	Harr, B.	Larson	Murante	
Davis	Krist	McCollister	Schilz	

The appointment was confirmed with 28 ayes, 0 nays, 8 present and not voting, and 13 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 866:

Nebraska Rural Health Advisory Commission Mary J. Kent Laeth Nasir Michael A. Sitorius

Voting in the affirmative, 30:

916

FORTIETH DAY - MARCH 9, 2016

917

Baker	Ebke	Hadley	Lindstrom	Schnoor
Bloomfield	Fox	Hilkemann	McCollister	Schumacher
Brasch	Friesen	Hughes	Mello	Seiler
Campbell	Garrett	Johnson	Morfeld	Smith
Coash	Gloor	Kolowski	Pansing Brooks	
Crawford	Haar, K.	Kolterman	Riepe	
Clawfold	mun, K.	ixonorman	nucpe	w munito

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Groene	Kintner	Scheer	Stinner
Chambers	Howard	McCoy	Schilz	

Excused and not voting, 10:

Cook	Davis	Harr, B.	Kuehn	Murante
Craighead	Hansen	Krist	Larson	Watermeier

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 803. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1033. Title read. Considered.

Committee AM2048, found on page 601, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Speaker Hadley.

GENERAL FILE

LEGISLATIVE BILL 467. Committee AM2351, found on page 797 and considered on page 907, was renewed.

The committee amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Kolterman withdrew his amendment, AM1865, found on page 400.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

SPEAKER HADLEY PRESIDING

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 683. Placed on Final Reading.

LEGISLATIVE BILL 746. Placed on Final Reading. ST63

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

1. In the Campbell amendment, AM2381, on page 1, line 24, "<u>Families</u>" has been inserted after "<u>Strengthening</u>".

2. On page 1, the matter beginning with "foster" in line 1 through line 8 has been struck and "children and families; to amend sections 43-532, 43-535, and 43-2502, Reissue Revised Statutes of Nebraska, sections 43-1311.03, 43-1312, 43-2404.01, and 43-4203, Revised Statutes Cumulative Supplement, 2014, and sections 43-272.01, 43-285, and 43-4202, Revised Statutes Supplement, 2015; to adopt the Nebraska Strengthening Families Act; to change reporting requirements for guardians ad litem; to change provisions relating to independent living transition proposals and permanency plans, foster child plans, and comprehensive juvenile services plans; to create the Normalcy Task Force; to change provisions relating to the Nebraska Children's Commission; to state intent to reduce a cash fund appropriation; to eliminate a reporting requirement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-534, Revised Statutes Cumulative Supplement, 2014, and section 50-424, Revised Statutes Supplement, 2015; and to declare an emergency." inserted.

LEGISLATIVE BILL 746A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 471. Introduced by Ebke, 32.

WHEREAS, Nicholas Martozie, a member of Troop 212 of Crete, has 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 his scouting experience, Nicholas has 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his service project, Nicholas designed and supervised the creation of a native prairie garden at Grace United Methodist Church in Crete. The garden honors the first Methodist ministers who traveled by horse from church to church; and

WHEREAS, Nicholas, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Nicholas Martozie on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Nicholas Martozie.

Laid over.

LEGISLATIVE RESOLUTION 472. Introduced by Ebke, 32.

WHEREAS, Riley Owens, a member of Troop 212 of Crete, has 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 his scouting experience, Riley has 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Riley worked on improving his neighborhood park by spreading mulch on the playground, raking leaves, and cleaning the sand volleyball court; and

WHEREAS, Riley, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Riley Owens on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Riley Owens.

Laid over.

LEGISLATIVE RESOLUTION 473. Introduced by Ebke, 32.

WHEREAS, Jack Dinneen, a member of Troop 359 of Cordova, has 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 his scouting experience, Jack has 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Jack replaced the roofs of the picnic shelter and ball shed at Exeter's city park; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jack Dinneen on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jack Dinneen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 910. Title read. Considered.

Committee AM2328, found on page 782, lost with 0 ayes, 26 nays, 16 present and not voting, and 7 excused and not voting.

Senator Bolz offered the following amendment:

AM2477

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

2 sections:

3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is 4 amended to read:

5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be

6 known and may be cited as the Office of Inspector General of the Nebraska 7 Correctional System Act.

8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is 9 amended to read:

10 47-903 For purposes of the Office of Inspector General of the

11 Nebraska Correctional System Act, the following definitions apply:

12 (1) Administrator means a person charged with administration of a

13 program, an office, or a division of the department or administration of 14 a private agency;

15 (2) Department means the Department of Correctional Services;

16 (3) Director means the Director of Correctional Services;

17 (4) Inspector General means the Inspector General of the Nebraska

18 Correctional System appointed under section 47-904;

19 (5) Malfeasance means a wrongful act that the actor has no legal

20 right to do or any wrongful conduct that affects, interrupts, or

21 interferes with performance of an official duty;

22 (6) Management means supervision of subordinate employees;

23 (7) Misfeasance means the improper performance of some act that a 24 person may lawfully do;

25 (8) Obstruction means hindering an investigation, preventing an

26 investigation from progressing, stopping or delaying the progress of an 27 investigation, or making the progress of an investigation difficult or 1 slow;

2 (9) Office means the office of Inspector General of the Nebraska

3 Correctional System and includes the Inspector General and other 4 employees of the office;

5(10) Private agency means an entity that contracts with the

6 department or contracts to provide services to another entity that 7 contracts with the department; and

8 (11) Record means any recording in written, audio, electronic

9 transmission, or computer storage form, including, but not limited to, a

10 draft, memorandum, note, report, computer printout, notation, or message,

11 and includes, but is not limited to, medical records, mental health

12 records, case files, clinical records, financial records, and

13 administrative records; and -

14 (12) Office of Parole Administration means the office created

15 pursuant to section 83-1,100.

16 Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is 17 amended to read:

18 47-908 All employees of the department, all employees of the Office

19 of Parole Administration, and all owners, operators, managers,

20 supervisors, and employees of private agencies shall cooperate with the

21 office. Cooperation includes, but is not limited to, the following:

22 (1) Provision of full access to and production of records and

23 information. Providing access to and producing records and information

24 for the office is not a violation of confidentiality provisions under any

25 statute, rule, or regulation if done in good faith for purposes of an

26 investigation under the Office of Inspector General of the Nebraska 27 Correctional System Act;

28 (2) Fair and honest disclosure of records and information reasonably

29 requested by the office in the course of an investigation under the act; 30 (3) Encouraging employees to fully comply with reasonable requests

31 of the office in the course of an investigation under the act;

1 (4) Prohibition of retaliation by owners, operators, or managers 2 against employees for providing records or information or filing or

3 otherwise making a complaint to the office;

4 (5) Not requiring employees to gain supervisory approval prior to

5 filing a complaint with or providing records or information to the

6 office;

7 (6) Provision of complete and truthful answers to questions posed by

8 the office in the course of an investigation; and

9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 4. The Office of Parole Administration shall provide the

11 Public Counsel and the Inspector General with direct computer access to

12 all computerized records, reports, and documents maintained by the office

13 in connection with administration of the Nebraska parole system, except

14 that access for the Public Counsel and the Inspector General to a 15 parolee's medical or mental health records shall be subject to the

16 parolee's consent.

17 Sec. 5. Section 83-1,101, Reissue Revised Statutes of Nebraska, is 18 amended to read:

19 83-1,101 The Director of Correctional Services with the consent of

20 the Board of Parole shall appoint a Parole Administrator. The Parole

21 <u>Administrator</u>, who shall be a person with appropriate experience and

22 training, including, but not limited to, familiarity with the

23 implementation of evidence-based processes for utilizing risk and needs

24 assessments to measure criminal risk factors and specific individual

25 needs in the field of corrections, or with training in relevant

26 disciplines at a recognized university.

27 Sec. 6. Section 83-4,114, Revised Statutes Supplement, 2015, is

28 amended to read:

29 83-4,114 (1) There shall be no corporal punishment or disciplinary 30 restrictions on diet.

31 (2) Disciplinary restrictions on clothing, bedding, mail,

1 visitations, use of toilets, washbowls, or scheduled showers shall be

2 imposed only for abuse of such privilege or facility and only as

3 authorized by written directives, guidance documents, and operational 4 manuals.

5 (3) No person shall be placed in solitary confinement.

6 (4) The director shall issue an annual report <u>on or before September</u>

7 $\underline{15}$ to the Governor and the Clerk of the Legislature. The report to the

8 Clerk of the Legislature shall be issued electronically. For all inmates 9 who were held in restrictive housing during the prior year, the report

10 shall contain the race, gender, age, and length of time each inmate has

11 continuously been held in restrictive housing. The report shall also 12 contain:

13 (a) The number of inmates held in restrictive housing;

14 (b) The reason or reasons each inmate was held in restrictive 15 housing:

16 (c) The number of inmates held in restrictive housing who have been

17 diagnosed with a mental illness or behavioral disorder as defined in

18 section 71-907 and the type of mental illness or behavioral disorder by 19 inmate;

20 (d) The number of inmates who were released from restrictive housing 21 directly to parole or into the general public and the reason for such 22 release;

23 (e) The number of inmates who were placed in restrictive housing for

24 his or her own safety and the underlying circumstances for each 25 placement;

26 (f) To the extent reasonably ascertainable, comparable statistics

27 for the nation and each of the states that border Nebraska pertaining to

28 subdivisions (4)(a) through (e) of this section; and

29 (g) The mean and median length of time for all inmates held in 30 restrictive housing.

31 (5)(a) There is hereby established within the department a long-term

1 restrictive housing work group. The work group shall consist of:

2 (i) The director and all deputy directors. The director shall serve

3 as the chairperson of the work group;

4 (ii) The director of health services within the department;

5 (ii iii) The behavioral health administrator within the department;

6 (iii iv) Two employees of the department who currently work with

7 inmates held in restrictive housing;

8 (iv \neq) Additional department staff as designated by the director; 9 and

10 (\underline{v} vi) Four members as follows appointed by the Governor:

11 (A) Two representatives from a nonprofit prisoners' rights advocacy

12 group, including at least one former inmate; and

13 (B) Two mental health professionals independent from the department

14 with particular knowledge of prisons and conditions of confinement.

15 (b) The work group shall advise the department on policies and

16 procedures related to the proper treatment and care of offenders in long-17 term restrictive housing.

18 (c) The director shall convene the work group's first meeting no

19 later than September 15, 2015, and the work group shall meet at least

20 semiannually thereafter. The chairperson shall schedule and convene the 21 work group's meetings.

22 (d) The director shall provide the work group with quarterly updates

23 on the department's policies related to the work group's subject matter.

24 Sec. 7. Original section 83-1,101, Reissue Revised Statutes of

25 Nebraska, and sections 47-901, 47-903, 47-908, and 83-4,114, Revised

26 Statutes Supplement, 2015, are repealed.

27 Sec. 8. Since an emergency exists, this act takes effect when

28 passed and approved according to law.

The Bolz amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Morfeld offered the following amendment: AM2469

1 1. Insert the following new section:

2 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,

3 2014, is amended to read:

4 68-1017.02 (1)(a) The Department of Health and Human Services shall 5 apply for and utilize to the maximum extent possible, within limits 6 actablished by the Lagislature, any and all appropriate actions available

6 established by the Legislature, any and all appropriate options available 7 to the state under the federal Supplemental Nutrition Assistance Program

8 and regulations adopted under such program to maximize the number of 9 Nebraska residents being served under such program within such limits. 10 The department shall seek to maximize federal funding for such program 11 and minimize the utilization of General Funds for such program and shall 12 employ the personnel necessary to determine the options available to the 13 state and issue the report to the Legislature required by subdivision (b) 14 of this subsection.

15 (b) The department shall submit electronically an annual report to
16 the Health and Human Services Committee of the Legislature by December 1
17 on efforts by the department to carry out the provisions of this
18 subsection. Such report shall provide the committee with all necessary
19 and appropriate information to enable the committee to conduct a
20 meaningful evaluation of such efforts. Such information shall include,
21 but not be limited to, a clear description of various options available
22 to the state under the federal Supplemental Nutrition Assistance Program,
23 the department's evaluation of and any action taken by the department
24 with respect to such options, the number of persons being served under
25 such program, and any and all costs and expenditures associated with such
26 program.

27 (c) The Health and Human Services Committee of the Legislature, 1 after receipt and evaluation of the report required in subdivision (b) of 2 this subsection, shall issue recommendations to the department on any 3 further action necessary by the department to meet the requirements of 4 this section.

5 (2)(a) The department shall develop a state outreach plan to promote 6 access by eligible persons to benefits of the Supplemental Nutrition 7 Assistance Program. The plan shall meet the criteria established by the 8 Food and Nutrition Service of the United States Department of Agriculture 9 for approval of state outreach plans. The Department of Health and Human 10 Services may apply for and accept gifts, grants, and donations to develop 11 and implement the state outreach plan.

12 (b) For purposes of developing and implementing the state outreach
13 plan, the department shall partner with one or more counties or nonprofit
14 organizations. If the department enters into a contract with a nonprofit
15 organization relating to the state outreach plan, the contract may
16 specify that the nonprofit organization is responsible for seeking
17 sufficient gifts, grants, or donations necessary for the development and
18 implementation of the state outreach plan and may additionally specify
19 that any costs to the department associated with the award and management
20 of the contract or the implementation or administration of the state
21 outreach plan shall be paid out of private or federal funds received for
22 development and implementation of the state outreach plan.
23 (c) The department shall submit the state outreach plan to the Food
24 and Nutrition Service of the United States Department of Agriculture for
25 approval on or before August 1, 2011, and shall request any federal

26 matching funds that may be available upon approval of the state outreach 27 plan. It is the intent of the Legislature that the State of Nebraska and 28 the Department of Health and Human Services use any additional public or

29 private funds to offset costs associated with increased caseload

30 resulting from the implementation of the state outreach plan. 31 (d) The department shall be exempt from implementing or 1 administering a state outreach plan under this subsection, but not from 2 developing such a plan, if it does not receive private or federal funds 3 sufficient to cover the department's costs associated with the 4 implementation and administration of the plan, including any costs 5 associated with increased caseload resulting from the implementation of 6 the plan. 7 (3)(a)(i) On or before October 1, 2011, the department shall create 8 a TANF-funded program or policy that, in compliance with federal law, 9 establishes categorical eligibility for federal food assistance benefits 10 pursuant to the Supplemental Nutrition Assistance Program to maximize the

11 number of Nebraska residents being served under such program in a manner

12 that does not increase the current gross income eligibility limit.

13 (ii) Such TANF-funded program or policy shall eliminate all asset

14 limits for eligibility for federal food assistance benefits, except that 15 the total of liquid assets which includes cash on hand and funds in

16 personal checking and savings accounts, money market accounts, and share

17 accounts shall not exceed twenty-five thousand dollars pursuant to the

18 Supplemental Nutrition Assistance Program, as allowed under federal law 10 and under 7 C F P $_{272}$ 2(i)(2)

19 and under 7 C.F.R. 273.2(j)(2).

20 (iii) This subsection becomes effective only if the department

21 receives funds pursuant to federal participation that may be used to

22 implement this subsection.

23 (b) For purposes of this subsection:

24 (i) Federal law means the federal Food and Nutrition Act of 2008, 7

25 U.S.C. 2011 et seq., and regulations adopted under the act; and

26 (ii) TANF means the federal Temporary Assistance for Needy Families 27 program established in 42 U.S.C. 601 et seq.

28 (4) The (4)(a) Within the limits specified in this subsection, the

29 State of Nebraska opts out of the provision of the federal Personal

30 Responsibility and Work Opportunity Reconciliation Act of 1996, as such

31 act existed on January 1, 2009, that eliminates eligibility for the

1 Supplemental Nutrition Assistance Program for any person convicted of a 2 felony involving the possession, use, or distribution of a controlled 3 substance.

4 (b) A person shall be ineligible for Supplemental Nutrition

5 Assistance Program benefits under this subsection if he or she (i) has

6 had three or more felony convictions for the possession or use of a

7 controlled substance or (ii) has been convicted of a felony involving the 8 sale or distribution of a controlled substance or the intent to sell or

o sure of distribution of a controlled substance of the intent to sell of

9 distribute a controlled substance. A person with one or two felony

10 convictions for the possession or use of a controlled substance shall 11 only be eligible to receive Supplemental Nutrition Assistance Program

12 benefits under this subsection if he or she is participating in or has

13 completed a state licensed or nationally accredited substance abuse

14 treatment program since the date of conviction. The determination of such

15 participation or completion shall be made by the treatment provider

16 administering the program.

17 Sec. 2. Original section 68-1017.02, Revised Statutes Cumulative

18 Supplement, 2014, is repealed.

19 Sec. 3. Since an emergency exists, this act takes effect when

20 passed and approved according to law.

Senator Kintner requested a ruling of the Chair on whether the Morfeld amendment is germane to the bill.

The Chair ruled the Morfeld amendment is germane to the bill.

Senator Kintner challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 7 ayes, 26 nays, 11 present and not voting, and 5 excused and not voting.

The Chair was sustained.

PRESIDENT FOLEY PRESIDING

The Morfeld amendment, AM2469, found in this day's Journal, was renewed.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Morfeld moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 35:

Baker	Fox	Harr, B.	Krist	Scheer
Bolz	Friesen	Hilkemann	Larson	Schumacher
Campbell	Garrett	Howard	Lindstrom	Smith
Chambers	Gloor	Hughes	McCollister	Stinner
Coash	Haar, K.	Johnson	Mello	Sullivan
Crawford	Hadley	Kolowski	Morfeld	Watermeier
Davis	Hansen	Kolterman	Pansing Brooks	s Williams
Voting in the negative, 5:				
Groene	Kintner	McCoy	Riepe	Schnoor
Present and not voting, 5:				
Bloomfield	Brasch	Craighead	Murante	Schilz

926

Excused and not voting, 4:

Cook Ebke Kuehn Seiler

The Morfeld amendment was adopted with 35 ayes, 5 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 910A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1093. Title read. Considered.

Committee AM2391, found on page 832, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR458 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR458.

MESSAGE(S) FROM THE GOVERNOR

March 9, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 676e, 700, 703, 718, 729e, 734, 735, 753, 758, 776, 778, 786, 798, 807, 811, 840, 859e, 864, 898, 921, 929e, and 1035 were received in my office on March 3, 2016.

These bills were signed and delivered to the Secretary of State on March 9, 2016.

(Signed) Sincerely, Pete Ricketts Governor

RESOLUTION(S)

LEGISLATIVE RESOLUTION 474. Introduced by Ebke, 32.

WHEREAS, Michael Coffey, a member of Troop 212 of Crete, has 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 his scouting experience, Michael has 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council. Michael's service project was the beautification of the Sacred Heart Catholic Cemetery in Crete. Michael cleaned, repaired, and repainted a large Calvary statue, cleaned and painted a statue of Jesus at the main entrance to the cemetery, and scraped and painted two garages at the cemetery; and

WHEREAS, Michael, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Michael Coffey on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Michael Coffey.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 886A. Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 886, One Hundred Fourth Legislature, Second Session, 2016.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Baker, Krist, Mello, Scheer, Schilz, Seiler, Stinner, Williams - LB886 Brasch, Friesen, Groene, Howard, Smith, Sullivan - LB886 Hansen, Harr, B., Hughes, Kolowski, Larson - LB886 Gloor - LB768

VISITOR(S)

Visitors to the Chamber were David Clements from Omaha; Avery and Jordan Farahbod from Lincoln, and Gholamhosein Farahbod from Iran; Shannon Muhs from Omaha, Amber Pankonin from Lincoln, and Rita Grandgenett from Omaha; volunteer firefighters and EMS from across the state; and Senator Ebke's daughter, Jennifer Craven.

RECESS

At 12:00 p.m., on a motion by Senator Schilz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

ROLL CALL

The roll was called and all members were present except Senators Howard and Kuehn who were excused; and Senators Campbell, Davis, Hughes, McCollister, Mello, Seiler, and Watermeier who were excused until they arrive.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 1103. Placed on General File with amendment. AM2394 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 977. Title read. Considered.

Committee AM2318, found on page 797, was offered.

Senator Smith offered his amendment, AM2478, found on page 908, to the committee amendment.

Senator Smith withdrew and refiled his amendment, AM2478.

Senator Pansing Brooks offered the following amendment to the committee amendment: AM2489

(Amendments to Standing Committee amendments, AM2318) 1 1. On page 9, line 26, after "<u>60-3,118</u>" insert "<u>, except that a</u> 2 <u>maximum of five characters may be used</u>".

The Pansing Brooks amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SENATOR KRIST PRESIDING

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Smith withdrew his amendment, AM1895, found on page 425.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1105. Title read. Considered.

Committee AM2029, found on page 557, was offered.

Senator Larson offered his amendment, AM2384, found on page 907, to the committee amendment.

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

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

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 754. Title read. Considered.

Committee AM2103, found on page 662, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

930

LEGISLATIVE BILL 1082. Title read. Considered.

Committee AM2292, found on page 766, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1082A. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1082, One Hundred Fourth Legislature, Second Session, 2016.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL	133. Indefinitely postponed.
LEGISLATIVE BILL	134. Indefinitely postponed.
LEGISLATIVE BILL	158. Indefinitely postponed.
LEGISLATIVE BILL	251. Indefinitely postponed.
LEGISLATIVE BILL	288. Indefinitely postponed.
LEGISLATIVE BILL	363. Indefinitely postponed.
LEGISLATIVE BILL LEGISLATIVE BILL	
	388. Indefinitely postponed.
LEGISLATIVE BILL	429. Indefinitely postponed.
LEGISLATIVE BILL	493. Indefinitely postponed.
LEGISLATIVE BILL	555. Indefinitely postponed.
LEGISLATIVE BILL	556. Indefinitely postponed.
LEGISLATIVE BILL	600. Indefinitely postponed.
LEGISLATIVE BILL	611. Indefinitely postponed.
LEGISLATIVE BILL	743. Indefinitely postponed.
LEGISLATIVE BILL	836. Indefinitely postponed.
LEGISLATIVE BILL	850. Indefinitely postponed.
LEGISLATIVE BILL	896. Indefinitely postponed.
LEGISLATIVE BILL	928. Indefinitely postponed.
LEGISLATIVE BILL	933. Indefinitely postponed.
LEGISLATIVE BILL	972. Indefinitely postponed.
LEGISLATIVE BILL	982. Indefinitely postponed.
	1001. Indefinitely postponed.
	1005. Indefinitely postponed.
	1044. Indefinitely postponed.
	1045. Indefinitely postponed.
LEGISLATIVE BILL	1089. Indefinitely postponed.

(Signed) Burke Harr, Chairperson

GENERAL FILE

LEGISLATIVE BILL 906. Title read. Considered.

Committee AM2118, found on page 597, was offered.

Senator Sullivan offered the following amendment to the committee amendment: AM2487

(Amendments to Standing Committee amendments, AM2118) 1 1. On page 1, line 1, before "<u>degree</u>" insert "the first".

The Sullivan amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 730. Placed on Final Reading.

LEGISLATIVE BILL 772. Placed on Final Reading.

ST66

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

1. In the Lindstrom amendment, AM2196, on page 15, line 15, "to" has been struck and ", 2, 3, 4, 5, 6, 7, 8," inserted.

2. On page 1, the matter beginning "the" in line 1 through line 6 has been struck and "insurance; to amend section 44-4404, Reissue Revised Statutes of Nebraska, and sections 44-2120, 44-2121, 44-2138, and 44-9004, Revised Statutes Cumulative Supplement, 2014; to adopt the Corporate Governance Annual Disclosure Act; to change provisions of the Insurance Holding Company System Act; to define terms; to provide for group-wide supervisors and international insurance groups as prescribed; to change provisions relating to risk retention groups; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

3. On page 2, line 3, "<u>3 and 4</u>" has been struck and "<u>12 and 13</u>" inserted.

4. On page 3, line 13, " $\underline{4}$ " has been struck and " $\underline{13}$ " inserted; and in line 24 " $\underline{3}$ " has been struck and " $\underline{12}$ " inserted.

5. On page 10, line 25, "4" has been struck and "13" inserted.

LEGISLATIVE BILL 1059. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 1106. Placed on General File with amendment. AM2389 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB900: AM2343

(Amendments to Standing Committee amendments, AM1957) 1 1. On page 8, line 27, after the period insert "<u>The Department of</u> 2 <u>Health and Human Services shall provide administrative support and</u>

3 <u>oversight to the board.</u>". 4 2. On page 12, line 29, strike "<u>Director of Motor Vehicles</u>" and

5 insert "chief executive officer for the Department of Health and Human 6 Services".

7 3. On page 13, line 14, strike both occurrences of "Motor Vehicles" 8 and insert "Health and Human Services"; and in line 30 strike "Department 9 of Motor Vehicles".

GENERAL FILE

LEGISLATIVE BILL 745. Title read. Considered.

Senator Chambers offered the following motion: MO201 Bracket until April 20, 2016.

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

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

Voting in the affirmative, 3:

Bloomfield Chambers Kintner

Voting in the negative, 29:

Baker	Fox	Harr, B.	Lindstrom	Schnoor
Brasch	Gloor	Hilkemann	McCollister	Seiler
Campbell	Groene	Hughes	Morfeld	Stinner
Cook	Haar, K.	Johnson	Pansing Brooks	Sullivan
Crawford	Hadley	Kolowski	Riepe	Williams
Davis	Hansen	Kolterman	Schilz	

Present and not voting, 5:

Friesen	Krist	McCoy	Schumacher	Smith

Excused and not voting, 12:

Bolz	Ebke	Kuehn	Murante
Coash	Garrett	Larson	Scheer
Craighead	Howard	Mello	Watermeier

The Chambers motion to bracket failed with 3 ayes, 29 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 698A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 698, One Hundred Fourth Legislature, Second Session, 2016.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to <u>LB745</u>: AM2498

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

3 Section 1. Section 37-452, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:

5 37-452 (1) No person shall hunt antelope, elk, or mountain sheep, or

6 mountain lions unless such person is at least twelve years of age, and 7 any person who is twelve through fifteen years of age shall only hunt 8 antelope, elk, <u>or</u> mountain sheep, <u>or mountain lions</u> when supervised by a 9 person nineteen years of age or older having a valid hunting permit.

10 (2) No person shall hunt deer unless such person is at least ten

11 years of age, and any person who is ten through fifteen years of age

934

12 shall only hunt deer when supervised by a person nineteen years of age or 13 older having a valid hunting permit.

14 (3) A person nineteen years of age or older having a valid hunting
15 permit shall not supervise more than two persons while hunting deer,
16 antelope, elk, or mountain sheep, or mountain lions at the same time.
17 Sec. 2. Original section 37-452, Revised Statutes Cumulative
18 Supplement, 2014, is repealed.
19 Sec. 3. The following section is outright repealed: Section 37-473,

20 Revised Statutes Cumulative Supplement, 2014.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kintner - LB975 Ebke, Garrett, Gloor, Haar, K., Morfeld - LB886

VISITOR(S)

Visitors to the Chamber were 52 fourth-grade students from Bryan Elementary, Lexington; 33 fourth- and fifth-grade students and sponsors from St. Bernard, Omaha; Larry and Renee Carstenson from Kearney; Evan and Colton Spatz; Judith Wright from Omaha, Suzanne Nelson from Lawrence, KS, and Mackenzie Nelson from Washington, D.C.; and Forster Lee and Jerry Chang of the Taipei Economic and Cultural Office, Denver, CO.

The Doctor of the Day was Dr. Michelle Sell from Central City.

ADJOURNMENT

At 5:05 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Thursday, March 10, 2016.

Patrick J. O'Donnell Clerk of the Legislature

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