

**FORTY-SIXTH DAY - MARCH 21, 2016****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 21, 2016

**PRAYER**

The prayer was offered by Pastor Donna Goltry, Westridge United Methodist and Trinity United Churches, Madison.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Krist and McCoy who were excused; and Senators Coash, Craighead, K. Haar, Larson, McCollister, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 467.** Placed on Final Reading.

**LEGISLATIVE BILL 467A.** Placed on Final Reading.

**LEGISLATIVE BILL 754.** Placed on Final Reading.

ST69

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

1. On page 1, the matter beginning with "create" in line 1 through line 3 has been struck and "amend sections 55-401, 55-402, 55-416, 55-418, 55-419, 55-427, 55-428, and 55-452, Reissue Revised Statutes of Nebraska; to create the Commission on Military and Veteran Affairs; to provide for membership, terms, duties, expenses, and staff; to require a report; to authorize summary discipline under the Nebraska Code of Military Justice for minor offenses as prescribed; to change certain references to the code; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 754A.** Placed on Final Reading.

**LEGISLATIVE BILL 794.** Placed on Final Reading.

**LEGISLATIVE BILL 817.** Placed on Final Reading.

**LEGISLATIVE BILL 867.** Placed on Final Reading.

ST68

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

1. In the E & R amendments, ER180:
  - a. On page 3, line 10, "4" has been struck and "5" inserted;
  - b. On page 7, line 7; page 10, line 2; and page 11, line 30; page 12, lines 21 and 31; page 13, line 23; and page 14, line 9, "5" has been struck and "6" inserted;
  - c. On page 14, line 16, "2, 4, and 5" has been struck and "3, 5, and 6" inserted; and
  - d. On page 15, line 15, "section 83-173.03" has been struck and "sections 83-173.03 and 83-1,135" inserted.
2. On page 1, line 4, "section 83-173.03" has been struck and "sections 83-173.03 and 83-1,135" inserted.

**LEGISLATIVE BILL 867A.** Placed on Final Reading.

**LEGISLATIVE BILL 906.** Placed on Final Reading.

**LEGISLATIVE BILL 934.** Placed on Final Reading.

ST67

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

1. In the Coash amendment, AM2544:
  - a. Amendment 5 has been struck; and
  - b. On page 7, line 7, "the second" has been inserted after "through".
2. In the E and R amendments, ER178, on page 22, lines 1 and 8, "and 30-2636" has been struck and "30-2636, and 83-174.02" inserted; in lines 3 and 9 "29-4003, 29-4103," has been inserted after "29-110,"; in line 20 "and" has been struck; and in line 21 "; and to declare an emergency" has been inserted after "sections".

**LEGISLATIVE BILL 934A.** Placed on Final Reading.

**LEGISLATIVE BILL 1082.** Placed on Final Reading.

**LEGISLATIVE BILL 1082A.** Placed on Final Reading.

**LEGISLATIVE BILL 1092.** Placed on Final Reading.

**LEGISLATIVE BILL 1109.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 475 and 476 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 475 and 476.

**SELECT FILE**

**LEGISLATIVE BILL 956.** ER192, found on page 1013, was adopted.

Senator Mello offered his amendment, AM2614, found on page 1088.

The Mello amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Mello offered the following amendment:

AM2657

(Amendments to E & R amendments, ER192)

1 1. On page 10, line 17, strike "CASH" and insert "GENERAL".

**SPEAKER HADLEY PRESIDING**

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

Senator Chambers offered the following motion:

MO216

Recommit to the Appropriations Committee.

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

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

Voting in the affirmative, 0.

Voting in the negative, 42:

|            |          |           |                |            |
|------------|----------|-----------|----------------|------------|
| Baker      | Davis    | Hansen    | Kuehn          | Schumacher |
| Bloomfield | Ebke     | Harr, B.  | Lindstrom      | Seiler     |
| Bolz       | Fox      | Hilkemann | McCollister    | Smith      |
| Brasch     | Friesen  | Howard    | Mello          | Stinner    |
| Campbell   | Garrett  | Hughes    | Morfeld        | Watermeier |
| Coash      | Gloor    | Johnson   | Pansing Brooks | Williams   |
| Cook       | Groene   | Kintner   | Riepe          |            |
| Craighead  | Haar, K. | Kolowski  | Schilz         |            |
| Crawford   | Hadley   | Kolterman | Schnoor        |            |

Present and not voting, 1:

Chambers

Excused and not voting, 6:

|        |         |          |
|--------|---------|----------|
| Krist  | McCoy   | Scheer   |
| Larson | Murante | Sullivan |

The Chambers motion to recommit to committee failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO217

Reconsider the vote to recommit to committee.

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 reconsider.

Voting in the affirmative, 2:

|          |            |
|----------|------------|
| Harr, B. | Schumacher |
|----------|------------|

Voting in the negative, 41:

|            |          |           |                |            |
|------------|----------|-----------|----------------|------------|
| Baker      | Ebke     | Hilkemann | Lindstrom      | Seiler     |
| Bloomfield | Fox      | Howard    | McCollister    | Smith      |
| Bolz       | Friesen  | Hughes    | Mello          | Stinner    |
| Brasch     | Garrett  | Johnson   | Morfeld        | Watermeier |
| Campbell   | Gloor    | Kintner   | Pansing Brooks | Williams   |
| Coash      | Groene   | Kolowski  | Riepe          |            |
| Cook       | Haar, K. | Kolterman | Scheer         |            |
| Crawford   | Hadley   | Kuehn     | Schilz         |            |
| Davis      | Hansen   | Larson    | Schnoor        |            |

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Craighead Krist McCoy Murante Sullivan

The Chambers motion to reconsider failed with 2 ayes, 41 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO218

Bracket until April 20, 2016.

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

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

Voting in the affirmative, 0.

Voting in the negative, 44:

|            |          |           |                |            |
|------------|----------|-----------|----------------|------------|
| Baker      | Ebke     | Hilkemann | Lindstrom      | Schnoor    |
| Bloomfield | Friesen  | Howard    | McCollister    | Schumacher |
| Bolz       | Garrett  | Hughes    | Mello          | Seiler     |
| Campbell   | Gloor    | Johnson   | Morfeld        | Smith      |
| Coash      | Groene   | Kintner   | Murante        | Stinner    |
| Cook       | Haar, K. | Kolowski  | Pansing Brooks | Sullivan   |
| Craighead  | Hadley   | Kolterman | Riepe          | Watermeier |
| Crawford   | Hansen   | Kuehn     | Scheer         | Williams   |
| Davis      | Harr, B. | Larson    | Schilz         |            |

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Brasch Fox Krist McCoy

The Chambers motion to bracket failed with 0 ayes, 44 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO219

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

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

Voting in the affirmative, 3:

Bloomfield    Chambers    Kintner

Voting in the negative, 42:

|           |          |           |                |            |
|-----------|----------|-----------|----------------|------------|
| Baker     | Ebke     | Hilkemann | Mello          | Seiler     |
| Bolz      | Fox      | Howard    | Morfeld        | Smith      |
| Brasch    | Friesen  | Hughes    | Murante        | Stinner    |
| Campbell  | Garrett  | Johnson   | Pansing Brooks | Sullivan   |
| Coash     | Gloor    | Kolowski  | Riepe          | Watermeier |
| Cook      | Groene   | Kolterman | Scheer         | Williams   |
| Craighead | Haar, K. | Kuehn     | Schilz         |            |
| Crawford  | Hadley   | Larson    | Schnoor        |            |
| Davis     | Hansen   | Lindstrom | Schumacher     |            |

Excused and not voting, 4:

Harr, B.    Krist    McCollister    McCoy

The Chambers motion to reconsider failed with 3 ayes, 42 nays, and 4 excused and not voting.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 498.** Introduced by Johnson, 23.

**PURPOSE:** The purpose of this interim study is to examine the Nebraska Right to Farm Act. In examining the act, the study committee should:

- (1) Review the purposes of the act;
- (2) Compile an analysis of the case law interpreting the act and the history of the act's application in Nebraska; and
- (3) Compare the provisions of the act with similar statutes from other states and review the case law interpreting those statutes. In particular, the study committee should examine case law that defines the scope of protections offered by other states' laws and case law addressing the constitutionality of such laws.

The study committee should also examine whether the Nebraska Right to Farm Act should be amended to reflect changes in farming practices that are resulting from changing market conditions, advances in farming technology, and innovations in cropping and livestock husbandry. The study committee should examine whether the act should be amended to address the conflicts and issues arising from these changing farm practices and to afford reasonable protections for such practices.

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

1. That the Agriculture 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 499.** Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Health and Human Services Committee.

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

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

Transportation and Telecommunications

The Transportation and Telecommunications 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.

LeRoy Gerrard - Board of Public Roads Classifications and Standards

Lisa Kramer - Board of Public Roads Classifications and Standards

Darold Tagge - Board of Public Roads Classifications and Standards

Aye: 8 Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler, Smith.  
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

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

Senator B. Harr filed the following amendment to LB889:  
AM2637

(Amendments to Standing Committee amendments, AM2490)

1 1. Insert the following new section:

2 Sec. 13. Section 77-5715, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5 project,

5 qualified business means any business engaged in:

6 (a) The conducting of research, development, or testing for

7 scientific, agricultural, animal husbandry, food product, or industrial  
8 purposes;

9 (b) The performance of data processing, medical data analysis, or  
10 telecommunication, insurance, or financial services. For purposes of this  
11 subdivision, financial services includes only financial services provided  
12 by any financial institution subject to tax under Chapter 77, article 38,  
13 or any person or entity licensed by the Department of Banking and Finance  
14 or the federal Securities and Exchange Commission and telecommunication  
15 services includes community antenna television service, Internet access,  
16 satellite ground station, call center, or telemarketing. For purposes of  
17 this subdivision, medical data analysis includes only medical data  
18 analysis performed by a business which derives at least seventy-five  
19 percent of the sales or revenue attributable to such activities relating  
20 to the project from sales to the United States Government;

21 (c) The assembly, fabrication, manufacture, or processing of  
22 tangible personal property;

23 (d) The administrative management of the taxpayer's activities,  
24 including headquarter facilities relating to such activities or the  
25 administrative management of any of the activities of any business entity  
26 or entities in which the taxpayer or a group of its shareholders holds  
1 any direct or indirect ownership interest of at least ten percent,  
2 including headquarter facilities relating to such activities;

3 (e) The storage, warehousing, distribution, transportation, or sale  
4 of tangible personal property;

5 (f) The sale of tangible personal property if the taxpayer derives  
6 at least seventy-five percent or more of the sales or revenue  
7 attributable to such activities relating to the project from sales to  
8 consumers who are not related persons and are located outside the state;

9 (g) The sale of software development services, computer systems  
10 design, product testing services, or guidance or surveillance systems  
11 design services or the licensing of technology if the taxpayer derives at  
12 least seventy-five percent of the sales or revenue attributable to such  
13 activities relating to the project from sales or licensing either to  
14 customers who are not related persons and located outside the state or to  
15 the United States Government, including sales of such services, systems,  
16 or products delivered by providing the customer with software or access



17 to software over the Internet or by other electronic means, regardless of  
18 whether the software or data accessed by customers is stored on a  
19 computer owned by the applicant, the customer, or a third party and  
20 regardless of whether the computer storing the software or data is  
21 located at the project;

22 (h) The research, development, and maintenance of an Internet web  
23 portal. For purposes of this subdivision, Internet web portal means an  
24 Internet site that allows users to access, search, and navigate the  
25 Internet;

26 (i) The research, development, and maintenance of a data center;

27 (j) The production of electricity by using one or more sources of  
28 renewable energy to produce electricity for sale. For purposes of this  
29 subdivision, sources of renewable energy includes, but is not limited to,  
30 wind, solar, geothermal, hydroelectric, biomass, and transmutation of  
31 elements; or

1 (k) Any combination of the activities listed in this subsection.

2 (2) For a tier 1 project, qualified business means any business  
3 engaged in:

4 (a) The conducting of research, development, or testing for  
5 scientific, agricultural, animal husbandry, food product, or industrial  
6 purposes;

7 (b) The assembly, fabrication, manufacture, or processing of  
8 tangible personal property;

9 (c) The sale of software development services, computer systems  
10 design, product testing services, or guidance or surveillance systems  
11 design services or the licensing of technology if the taxpayer derives at  
12 least seventy-five percent of the sales or revenue attributable to such  
13 activities relating to the project from sales or licensing either to  
14 customers who are not related persons and are located outside the state  
15 or to the United States Government, including sales of such services,  
16 systems, or products delivered by providing the customer with software or  
17 access to software over the Internet or by other electronic means,  
18 regardless of whether the software or data accessed by customers is  
19 stored on a computer owned by the applicant, the customer, or a third  
20 party and regardless of whether the computer storing the software or data  
21 is located at the project; or

22 (d) Any combination of activities listed in this subsection.

23 (3) For a tier 6 project, qualified business means any business  
24 except a business excluded by subsection (4) of this section.

25 (4) Except for business activity described in subdivision (1)(f) of  
26 this section, qualified business does not include any business activity  
27 in which eighty percent or more of the total sales are sales to the  
28 ultimate consumer of (a) food prepared for immediate consumption or (b)  
29 tangible personal property which is not assembled, fabricated,  
30 manufactured, or processed by the taxpayer or used by the purchaser in  
31 any of the activities listed in subsection (1) or (2) of this section.

1 2. Renumber the remaining section and correct the repealer  
2 accordingly.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 975.** Placed on General File with amendment.

AM2667

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

3 Section 1. Sections 1 to 7 of this act shall be known and may be  
4 cited as the Child Placement Services Preservation Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) The State of Nebraska has a critical need to find and retain  
7 safe, loving, and supportive homes for children, especially because the  
8 number of children needing foster care and adoption placement outnumber  
9 the homes available for placement;

10 (2) In order to serve the best interests of the children of this  
11 state, the State of Nebraska has a longstanding public-private  
12 partnership with a diverse group of faith-based and non-faith-based  
13 organizations that work side by side to find and retain safe, loving, and  
14 supportive homes for children. Significantly, faith-based organizations  
15 have a lengthy history of providing child placement services which  
16 predates government involvement;

17 (3) Having as many qualified child-placing agencies in Nebraska as  
18 possible is a substantial benefit to the children of Nebraska who are in  
19 need of these placement services and to all of the citizens of Nebraska  
20 because the more qualified agencies taking part in this process there  
21 are, the greater the likelihood that permanent placement can be achieved  
22 for each child; and

23 (4) In order to preserve the support that child-placing agencies  
24 offer children and families, the government should not take adverse  
25 action against child-placing agencies based on their sincerely held  
26 religious beliefs.

27 Sec. 3. For purposes of the Child Placement Services Preservation  
1 Act:

2 (1) Adverse action includes, but is not limited to, denying a child-  
3 placing agency's application for funding, refusing to renew an agency's  
4 funding, canceling an agency's funding, declining to enter into a  
5 contract with an agency, refusing to renew a contract with an agency,  
6 canceling a contract with an agency, denying issuance of a license to an  
7 agency, refusing to renew an agency's license, canceling an agency's  
8 license, taking an enforcement action against an agency, treating an  
9 agency less favorably than similarly situated agencies in regard to  
10 participation in a government program, or taking any other action that  
11 materially alters the terms or conditions of an agency's funding,  
12 contract, or license;

13 (2) Child placement service means arranging the placement of  
14 children with foster care and adoptive parents, including placement,  
15 promoting foster care and adoption, and recruiting, screening, and  
16 training the foster care and adoptive parents;

17 (3) Child-placing agency or agency has the same meaning as in

18 section 71-1926:  
 19 (4) Department means the Department of Health and Human Services;  
 20 and  
 21 (5) State includes the state, its agencies, and its political  
 22 subdivisions.  
 23 Sec. 4. (1) To the fullest extent permitted by state and federal  
 24 law, a child-placing agency shall not be required to provide or  
 25 facilitate any child placement service if the service conflicts with, or  
 26 provide or facilitate any child placement service under circumstances  
 27 that conflict with, the child-placing agency's sincerely held religious  
 28 beliefs.  
 29 (2) If a child-placing agency declines to provide or facilitate any  
 30 child placement service under subsection (1) of this section, the child-  
 31 placing agency shall promptly provide the person seeking such service  
 1 with at least one of the following:  
 2 (a) Contact information for another child-placing agency that is  
 3 capable of providing the declined service;  
 4 (b) A list of other child-placing agencies capable of providing the  
 5 declined service which includes contact information for such agencies; or  
 6 (c) A link to a web page on the department's web site that includes  
 7 a list of other child-placing agencies capable of providing the declined  
 8 service and contact information for the agencies.  
 9 Sec. 5. To the fullest extent permitted by state and federal law,  
 10 the state shall not take an adverse action against a child-placing agency  
 11 because the agency declines to provide or facilitate a child placement  
 12 service that conflicts with the child-placing agency's sincerely held  
 13 religious beliefs.  
 14 Sec. 6. A child-placing agency aggrieved by a violation of section  
 15 5 of this act may assert that violation as a defense in any  
 16 administrative or judicial proceeding.  
 17 Sec. 7. The Child Placement Services Preservation Act shall be  
 18 construed liberally so as to effectuate its purposes.  
 19 Sec. 8. If any section in this act or any part of any section is  
 20 declared invalid or unconstitutional, the declaration shall not affect  
 21 the validity or constitutionality of the remaining portions.

(Signed) Les Seiler, Chairperson

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

**LEGISLATIVE BILL 1105A.** Placed on Select File with amendment.  
 ER198

1 1. On page 2, line 2, after "the" insert "Nebraska".

**LEGISLATIVE BILL 790.** Placed on Select File with amendment.  
 ER209

1 1. On page 2, line 21, strike "and".

**LEGISLATIVE BILL 909.** Placed on Select File with amendment.

ER199

- 1 1. On page 1, strike beginning with the first "change" in line 5
- 2 through "number" in line 9 and insert "eliminate provisions relating to
- 3 penalties; to provide for administrative fees; to state intent; to
- 4 provide for remittance of certain fees; to eliminate requirements for
- 5 social security numbers on applications as prescribed".
- 6 2. On page 9, line 29; and page 10, lines 10 and 11 and 14 and 15,
- 7 strike "sections 54-1701 to 54-1711", show as stricken, and insert "the
- 8 Nebraska Livestock Dealer Licensing Act".

**LEGISLATIVE BILL 731.** Placed on Select File with amendment.

ER208

- 1 1. On page 14, line 27, after "and" insert "subdivision".
- 2 2. On page 15, lines 8 and 20, strike "subdivision", show as
- 3 stricken, and insert "subdivisions".

**LEGISLATIVE BILL 814.** Placed on Select File.**LEGISLATIVE BILL 814A.** Placed on Select File.**LEGISLATIVE BILL 784.** Placed on Select File.**LEGISLATIVE BILL 942.** Placed on Select File with amendment.

ER196

- 1 1. On page 4, line 7, after the first comma insert "a".
- 2 2. On page 4, line 15; and page 5, line 6, strike "sections 87-401
- 3 to 87-410", show as stricken, and insert "the Franchise Practices Act".
- 4 3. On page 5, line 4, after "cancellation" insert an underscored
- 5 comma; in line 7 after "cancel" insert an underscored comma; in line 16
- 6 after the first comma insert "the"; and in line 22 strike "subsection"
- 7 and insert "act".

**LEGISLATIVE BILL 726.** Placed on Select File with amendment.

ER197

- 1 1. Strike the original section and all amendments thereto and insert
- 2 the following new section:
- 3 Section 1. (1) For purposes of this section, eligible institution
- 4 means a publicly funded postsecondary educational institution located in
- 5 Nebraska.
- 6 (2) Beginning with school year 2017-18, an eligible institution that
- 7 receives federal education loan information for a student enrolled in the
- 8 eligible institution shall provide the following to such student annually
- 9 prior to the student accepting a federal education loan:
- 10 (a) An estimate of the total dollar amount of federal education
- 11 loans taken out by the student at the time the information is provided;
- 12 (b) For the dollar amount of federal education loans that the
- 13 student has taken out at the time the information is provided, an
- 14 estimate of (i) the potential total payoff amount, including principal
- 15 and interest, or a range within which the total payoff amount may fall,
- 16 (ii) the monthly repayment amounts, including principal and interest,

17 that a typical borrower may incur, and (iii) the number of years used in  
18 determining the potential total payoff amount, and information on how the  
19 student can access online repayment calculators. Such information may  
20 include a statement that the estimates and ranges are general in nature  
21 and not meant as a guarantee or promise of the actual amounts; and  
22 (c) The percentage of the aggregate borrowing limit the student has  
23 reached at the time the information is provided.  
24 (3) An eligible institution does not incur liability for any  
25 information provided pursuant to subsection (2) of this section.

**LEGISLATIVE BILL 813.** Placed on Select File.

**LEGISLATIVE BILL 924.** Placed on Select File with amendment.  
ER202

- 1 1. On page 2, line 8, strike the comma.
- 2 2. On page 3, line 6, after the first comma insert "the".

**LEGISLATIVE BILL 770.** Placed on Select File.

**LEGISLATIVE BILL 770A.** Placed on Select File.

**LEGISLATIVE BILL 875.** Placed on Select File.

**LEGISLATIVE BILL 948.** Placed on Select File.

**LEGISLATIVE BILL 725.** Placed on Select File.

**LEGISLATIVE BILL 680.** Placed on Select File.

**LEGISLATIVE BILL 680A.** Placed on Select File.

**LEGISLATIVE BILL 823.** Placed on Select File with amendment.  
ER201

- 1 1. On page 3, line 2, strike "fifteen" and insert "one thousand
- 2 five".

**LEGISLATIVE BILL 865.** Placed on Select File.

**LEGISLATIVE BILL 1002.** Placed on Select File with amendment.  
ER200

- 1 1. On page 1, strike beginning with "change" in line 2 through
- 2 "mission" in line 3 and insert "authorize educational service unit boards
- 3 to pay membership dues in associations of school boards as prescribed".

**LEGISLATIVE BILL 1086.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

The Chair declared the call raised.

**VISITOR(S)**

Visitors to the Chamber were 20 fourth-grade students from Cornerstone Christian School, Bellevue; and 50 fourth-grade students from Wilber-Clatonia.

**EASE**

The Legislature was at ease from 12:12 p.m. until 12:40 p.m.

**MOTION - Adjournment**

Senator Chambers moved to adjourn until 9:00 a.m., March 22, 2016.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

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

Voting in the affirmative, 3:

Chambers      Howard      Kintner

Voting in the negative, 40:

|           |         |           |                |            |
|-----------|---------|-----------|----------------|------------|
| Baker     | Davis   | Hansen    | Lindstrom      | Schnoor    |
| Bolz      | Ebke    | Hilkemann | Mello          | Schumacher |
| Brasch    | Fox     | Hughes    | Morfeld        | Seiler     |
| Campbell  | Friesen | Johnson   | Murante        | Smith      |
| Coash     | Garrett | Kolowski  | Pansing Brooks | Stinner    |
| Cook      | Gloor   | Kolterman | Riepe          | Sullivan   |
| Craighead | Groene  | Kuehn     | Scheer         | Watermeier |
| Crawford  | Hadley  | Larson    | Schilz         | Williams   |

Present and not voting, 1:

Bloomfield

Absent and not voting, 1:

Haar, K.

Excused and not voting, 4:

Harr, B.      Krist      McCollister      McCoy

The Chambers motion to adjourn failed with 3 ayes, 40 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**SELECT FILE**

**LEGISLATIVE BILL 956.** Senator Chambers offered the following amendment:

FA97

Strike section 1.

**SENATOR COASH PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 42:

|            |           |           |                |            |
|------------|-----------|-----------|----------------|------------|
| Baker      | Ebke      | Howard    | Mello          | Seiler     |
| Bloomfield | Fox       | Hughes    | Morfeld        | Smith      |
| Bolz       | Friesen   | Johnson   | Murante        | Stinner    |
| Brasch     | Garrett   | Kintner   | Pansing Brooks | Sullivan   |
| Campbell   | Gloor     | Kolowski  | Riepe          | Watermeier |
| Coash      | Haar, K.  | Kolterman | Scheer         | Williams   |
| Cook       | Hadley    | Kuehn     | Schilz         |            |
| Crawford   | Hansen    | Larson    | Schnoor        |            |
| Davis      | Hilkemann | Lindstrom | Schumacher     |            |

Excused and not voting, 6:

|           |          |             |
|-----------|----------|-------------|
| Craighead | Harr, B. | McCollister |
| Groene    | Krist    | McCoy       |

The Chambers amendment lost with 1 aye, 42 nays, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA98

Strike section 2.

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 957.** ER191, found on page 1013, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 981.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 960.** ER193, found on page 1013, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 960A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 843.** ER195, found on page 1043, was adopted.

Senator B. Harr offered the following amendment:  
AM2670

(Amendments to Standing Committee amendments, AM2335)

1 1. On page 2, strike beginning with "law" in line 5 though the comma  
2 in line 6, show as stricken, and insert "court determines".

**SPEAKER HADLEY PRESIDING**

Senator B. Harr withdrew his amendment.

Senator B. Harr offered the following amendment:  
AM2665

(Amendments to Standing Committee amendments, AM2335)

1 1. On page 2, after line 18, insert the following new subsection:  
2 "(6)(a) A person charged with a violation of this section may file a  
3 motion to dismiss the charge if the charge was the result of the person  
4 having been a trafficking victim as defined in section 28-830. The motion  
5 shall be in writing, describe the supporting evidence with particularity,  
6 and include copies of any documents showing that the moving party is  
7 entitled to relief under this subsection.  
8 (b) The court shall hold a hearing on the motion, except that the  
9 court may dismiss a motion without a hearing if the court finds that the  
10 motion fails to assert a claim for which relief may be granted.  
11 (c) The court shall grant the motion if it finds by a preponderance  
12 of the evidence that:  
13 (i) The moving party was charged with prostitution in violation of  
14 this section; and  
15 (ii) The charge was obtained as a result of the moving party's  
16 having been a trafficking victim as defined in section 28-830.  
17 (d) If the motion is granted, the court shall dismiss the charge."

**SENATOR SCHEER PRESIDING**



The B. Harr amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Senator Coash offered the following amendment:

FA100

Amend AM2335

On page 2, line 5, insert after "officer" the words "or judge".

Senator Coash withdrew his amendment.

Senator Coash offered the following amendment:

FA101

Amend AM2335

Page 2, line 9, after "person" add "shall be released by the arresting officer"  
 Line 10 after "for"; strike "a" and add "the" and on line 9 strike from "shall" to line 10 through "prosecution".

**SPEAKER HADLEY PRESIDING**

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

Senator B. Harr requested a roll call vote on the Coash amendment.

Voting in the affirmative, 22:

|            |           |             |            |            |
|------------|-----------|-------------|------------|------------|
| Bloomfield | Groene    | Johnson     | Riepe      | Watermeier |
| Chambers   | Hadley    | Kintner     | Scheer     | Williams   |
| Coash      | Harr, B.  | Kolowski    | Schumacher |            |
| Ebke       | Hilkemann | Lindstrom   | Seiler     |            |
| Gloor      | Hughes    | McCollister | Stinner    |            |

Voting in the negative, 8:

|          |          |                |          |
|----------|----------|----------------|----------|
| Crawford | Garrett  | Morfeld        | Schnoor  |
| Fox      | Haar, K. | Pansing Brooks | Sullivan |

Present and not voting, 15:

|        |           |         |        |         |
|--------|-----------|---------|--------|---------|
| Baker  | Campbell  | Friesen | Kuehn  | Murante |
| Bolz   | Cook      | Hansen  | Larson | Schilz  |
| Brasch | Craighead | Howard  | Mello  | Smith   |

Excused and not voting, 4:

|       |           |       |       |
|-------|-----------|-------|-------|
| Davis | Kolterman | Krist | McCoy |
|-------|-----------|-------|-------|

The Coash amendment lost with 22 ayes, 8 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

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

Senator Kolowski filed the following amendment to LB902:  
AM2671

(Amendments to Standing Committee amendments, AM2287)

- 1 1. On page 1, line 25, strike the two commas.
- 2 2. On page 3, strike beginning with "Up" in line 17 through the
- 3 period in line 19; and in line 22 after the period insert "The State
- 4 Energy Office may use the fund for necessary costs in the administration
- 5 of the act up to an amount not exceeding ten percent of the fund
- 6 annually.".

Senator Larson filed the following amendment to LB83:  
AM2672

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Section 1. Sections 1 to 11 of this act shall be known and may be
- 3 cited as the Workplace Privacy Act.
- 4 Sec. 2. For purposes of the Workplace Privacy Act:
- 5 (1) Adverse action means the discharge of an employee, a threat
- 6 against an employee, or any other form of discrimination against an
- 7 employee that negatively affects the employee's employment, including
- 8 actions that affect the employee's compensation, work location, rights,
- 9 immunities, promotions, privileges, or other terms and conditions of
- 10 employment;
- 11 (2) Applicant means a prospective employee applying for employment;
- 12 (3) Electronic communication device means a cellular telephone,
- 13 personal digital assistant, electronic device with mobile data access,
- 14 laptop computer, pager, broadband personal communication device, two-way
- 15 messaging device, electronic game, or portable computing device;
- 16 (4) Employee means an individual employed by an employer;
- 17 (5) Employer means a public or nonpublic entity or an individual
- 18 engaged in a business, an industry, a profession, a trade, or other
- 19 enterprise in the state, including any agent, representative, or designee
- 20 acting directly or indirectly in the interest of such an employer; and
- 21 (6)(a) Personal Internet account means an individual's online
- 22 account that requires login information in order to access or control the
- 23 account.
- 24 (b) Personal Internet account does not include:
- 25 (i) An online account that an employer or educational institution
- 26 supplies or pays for, except when the employer or educational institution
- 1 pays only for additional features or enhancements to the online account;
- 2 or
- 3 (ii) An online account that is used exclusively for a business
- 4 purpose of the employer.

5 Sec. 3. No employer shall:

6 (1) Require or request that an employee or applicant provide or  
7 disclose any user name or password or any other related account  
8 information in order to gain access to the employee's or applicant's  
9 personal Internet account by way of an electronic communication device;

10 (2) Require or request that an employee or applicant log into a  
11 personal Internet account by way of an electronic communication device in  
12 the presence of the employer in a manner that enables the employer to  
13 observe the contents of the employee's or applicant's personal Internet  
14 account or provides the employer access to the employee's or applicant's  
15 personal Internet account;

16 (3) Require an employee or applicant to add anyone, including the  
17 employer, to the list of contacts associated with the employee's or  
18 applicant's personal Internet account or require or otherwise coerce an  
19 employee or applicant to change the settings on the employee's or  
20 applicant's personal Internet account which affects the ability of others  
21 to view the content of such account; or

22 (4) Take adverse action against, fail to hire, or otherwise penalize  
23 an employee or applicant for failure to provide or disclose any of the  
24 information or to take any of the actions specified in subdivisions (1)  
25 through (3) of this section.

26 Sec. 4. An employer shall not require an employee or applicant to  
27 wave or limit any protection granted under the Workplace Privacy Act as  
28 a condition of continued employment or of applying for or receiving an  
29 offer of employment. Any agreement to waive any right or protection under  
30 the act is against the public policy of this state and is void and  
31 unenforceable.

1 Sec. 5. An employer shall not retaliate or discriminate against an  
2 employee or applicant because the employee or applicant:

3 (1) Files a complaint under the Workplace Privacy Act; or

4 (2) Testifies, assists, or participates in an investigation,

5 proceeding, or action concerning a violation of the act.

6 Sec. 6. An employee shall not download or transfer an employer's  
7 private proprietary information or private financial data to a personal  
8 Internet account without authorization from the employer. This section  
9 shall not apply if the proprietary information or the financial data is  
10 otherwise disclosed by the employer to the public pursuant to other  
11 provisions of law or practice.

12 Sec. 7. Nothing in the Workplace Privacy Act limits an employer's  
13 right to:

14 (1) Promulgate and maintain lawful workplace policies governing the  
15 use of the employer's electronic equipment, including policies regarding  
16 Internet use and personal Internet account use;

17 (2) Request or require an employee or applicant to disclose access  
18 information to the employer to gain access to or operate:

19 (a) An electronic communication device supplied by or paid for in  
20 whole or in part by the employer; or

21 (b) An account or service provided by the employer, obtained by  
22 virtue of the employee's employment relationship with the employer, or

23 used for the employer's business purposes;  
24 (3) Restrict or prohibit an employee's access to certain web sites  
25 while using an electronic communication device supplied by or paid for in  
26 whole or in part by the employer or while using an employer's network or  
27 resources, to the extent permissible under applicable laws;  
28 (4) Monitor, review, access, or block electronic data stored on an  
29 electronic communication device supplied by or paid for in whole or in  
30 part by the employer or stored on an employer's network, to the extent  
31 permissible under applicable laws;  
1 (5) Access information about an employee or applicant that is in the  
2 public domain or is otherwise obtained in compliance with the Workplace  
3 Privacy Act;  
4 (6) Conduct an investigation or require an employee to cooperate in  
5 an investigation under any of the following circumstances:  
6 (a) If the employer has specific information about potentially  
7 wrongful activity taking place on the employee's personal Internet  
8 account, for the purpose of ensuring compliance with applicable laws,  
9 regulatory requirements, or prohibitions against work-related employee  
10 misconduct; or  
11 (b) If the employer has specific information about an unauthorized  
12 download or transfer of the employer's private proprietary information,  
13 private financial data, or other confidential information to an  
14 employee's personal Internet account;  
15 (7) Take adverse action against an employee for downloading or  
16 transferring an employer's private proprietary information or private  
17 financial data to a personal Internet account without the employer's  
18 authorization;  
19 (8) Comply with requirements to screen employees or applicants  
20 before hiring or to monitor or retain employee communications that are  
21 established by state or federal law or by a self-regulatory organization  
22 as defined in 15 U.S.C. 78c(a)(26), as such section existed on January 1,  
23 2016; or  
24 (9) Comply with a law enforcement investigation conducted by a law  
25 enforcement agency.  
26 Sec. 8. Nothing in the Workplace Privacy Act limits a law  
27 enforcement agency's right to screen employees or applicants in  
28 connection with a law enforcement employment application or a law  
29 enforcement officer conduct investigation.  
30 Sec. 9. (1) The Workplace Privacy Act does not create a duty for an  
31 employer to search or monitor the activity of a personal Internet  
1 account.  
2 (2) An employer is not liable under the act for failure to request  
3 or require that an employee or applicant grant access to, allow  
4 observation of, or disclose information that allows access to or  
5 observation of the employee's or applicant's personal Internet account.  
6 Sec. 10. If an employer inadvertently learns the user name,  
7 password, or other means of access to an employee's or applicant's  
8 personal Internet account through the use of otherwise lawful technology  
9 that monitors the employer's computer network or employer-provided

10 electronic communication devices for service quality or security  
 11 purposes, the employer is not liable for obtaining the information, but  
 12 the employer shall not use the information to access the employee's or  
 13 applicant's personal Internet account or share the information with  
 14 anyone. The employer shall delete such information as soon as  
 15 practicable.  
 16 Sec. 11. Upon violation of the Workplace Privacy Act, an aggrieved  
 17 employee or applicant may, in addition to any other available remedy,  
 18 institute a civil action within one year after the date of the alleged  
 19 violation or the discovery of the alleged violation, whichever is later.  
 20 The employee or applicant shall file an action directly in the district  
 21 court of the county where such alleged violation occurred. The district  
 22 court shall docket and try such case as any other civil action, and any  
 23 successful complainant shall be entitled to appropriate relief, including  
 24 temporary or permanent injunctive relief, general and special damages,  
 25 reasonable attorney's fees, and costs.  
 26 Sec. 13. If any section in this act or any part of any section is  
 27 declared invalid or unconstitutional, the declaration shall not affect  
 28 the validity or constitutionality of the remaining portions.  
 29 2. On page 1, strike beginning with "wages" in line 1 through line 3  
 30 and insert "employment; to amend section 48-1220, Reissue Revised  
 31 Statutes of Nebraska; to adopt the Workplace Privacy Act; to redefine a  
 1 term relating to wages and sex discrimination; to provide severability;  
 2 and to repeal the original section."  
 3 3. Renumber the remaining sections accordingly.

#### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR497 was referred to the Reference Committee.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

| <b>LB/LR</b> | <b>Committee</b>  |
|--------------|-------------------|
| LR497        | Natural Resources |

(Signed) Bob Krist, Chairperson  
 Executive Board

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

Enrollment and Review

**LEGISLATIVE BILL 567.** Placed on Select File with amendment.  
 ER207

1 1. On page 1, strike beginning with "sections" in line 1 through  
 2 line 5 and insert "section 38-2871, Revised Statutes Cumulative  
 3 Supplement, 2014; to change provisions relating to transfer of

4 prescription refill information; to provide for forwarding original  
5 prescriptions as prescribed; and to repeal the original section."

**LEGISLATIVE BILL 684.** Placed on Select File with amendment.  
ER206

- 1 1. On page 1, line 3, after "studies" insert "and medical
- 2 histories".
- 3 2. On page 4, line 23, after "child" insert an underscored comma.

**LEGISLATIVE BILL 887.** Placed on Select File.

**LEGISLATIVE BILL 736.** Placed on Select File with amendment.  
ER215

- 1 1. On page 1, strike beginning with "define" in line 5 through line
- 2 8 and insert "provide, change, and eliminate definitions; to change
- 3 provisions relating to power purchase agreements and community-based
- 4 energy development projects; to eliminate annual statements as
- 5 prescribed; to harmonize provisions; and to repeal the original
- 6 sections."
- 7 2. On page 3, line 31, after "under" insert "the Business
- 8 Corporation Act or".

**LEGISLATIVE BILL 679.** Placed on Select File.

**LEGISLATIVE BILL 891.** Placed on Select File.

**LEGISLATIVE BILL 881.** Placed on Select File.

**LEGISLATIVE BILL 1101.** Placed on Select File with amendment.  
ER203

- 1 1. On page 2, line 9, strike "(1)" and insert "(a)"; in line 11
- 2 strike "(2)" and insert "(b)"; in line 15 strike "(3)" and insert "(c)";
- 3 in line 18 strike "(4)" and insert "(d)"; and in line 20 strike "(5)" and
- 4 insert "(e)".

**LEGISLATIVE BILL 1080.** Placed on Select File with amendment.  
ER204

- 1 1. On page 3, line 11, strike the comma.

**LEGISLATIVE BILL 899.** Placed on Select File with amendment.  
ER205

- 1 1. On page 1, line 5, strike "; to harmonize provisions" and insert
- 2 "and eliminate requirements relating to public water systems".
- 3 2. On page 5, line 22, strike "sections" and insert "section".

**LEGISLATIVE BILL 895.** Placed on Select File.

**LEGISLATIVE BILL 1039.** Placed on Select File.

**LEGISLATIVE BILL 677.** Placed on Select File with amendment.

ER216

1 1. On page 1, line 3, strike "veterans".

**LEGISLATIVE BILL 978.** Placed on Select File.

**LEGISLATIVE BILL 877.** Placed on Select File with amendment.

ER211

1 1. On page 1, strike beginning with "a" in line 2 through

2 "commissions" in line 4 and insert "provisions relating to reviewing and

3 commenting on proposed subdivision plats in certain counties as

4 prescribed".

**LEGISLATIVE BILL 1050.** Placed on Select File.

**LEGISLATIVE BILL 1075.** Placed on Select File.

**LEGISLATIVE BILL 973.** Placed on Select File with amendment.

ER214

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

2 insert the following new sections:

3 Section 1. Section 48-437, Revised Statutes Cumulative Supplement,

4 2014, is amended to read:

5 48-437 (1) No person, firm, or corporation, or agent of such person,

6 firm, or corporation, shall require or permit any employee, except an

7 authorized and qualified person, to perform and no person, except an

8 authorized and qualified person, shall perform any function within the

9 distances from overhead high voltage conductors prohibited by sections

10 48-436 to 48-442; or enter upon any land, building, or other premises,

11 and there to engage in any excavation, demolition, construction, repair,

12 or other operations, or to erect, install, operate, or store in or upon

13 such premises any tools, machinery, equipment, materials, or structures,

14 including house-moving, well-drilling, pile-driving, or hoisting

15 equipment, within the distances from overhead high voltage conductors

16 prohibited by sections 48-436 to 48-442, unless and until danger from

17 accidental contact with such high voltage conductors has been effectively

18 guarded against in the manner prescribed in sections 48-436 to 48-442.

19 (2)(a) No person except an authorized and qualified person shall

20 manipulate overhead high voltage conductors or other components,

21 including the poles and other structures, of an electric utility. Under

22 no circumstances shall an authorized and qualified person work on the

23 electrical system of an electric utility that he or she is not employed

24 by unless written authorization has been obtained from such electric

25 utility. This subsection shall not be construed to apply to activities

26 performed by an authorized and qualified person employed by an electric

27 utility on the electrical system of another electric utility when the

1 nonowning or nonoperating electric utility has a written agreement with

2 the owning and operating electric utility (i) ~~(a)~~ providing for the joint

3 use of or interconnection of the electrical systems of both the electric

4 utilities or (ii) ~~(b)~~ approving authorized and qualified persons employed

5 by the nonowning or nonoperating electric utility to work on the  
6 electrical system of the owning or operating electric utility on an  
7 ongoing basis.

8 (b) Any person, firm, or corporation, or any employee thereof,  
9 violating any provisions of this subsection shall be guilty of a Class II  
10 misdemeanor.

11 Sec. 2. Section 48-442, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 48-442 Except as provided in subdivision (2)(b) of section 48-437,  
14 any ~~Any~~ person, firm, or corporation, or any employee thereof, violating  
15 any provisions of sections 48-436 to 48-442 shall be guilty of a Class V  
16 misdemeanor. Each day's failure to comply with any of the provisions of  
17 sections 48-436 to 48-442 shall constitute a separate violation.

18 Sec. 3. Section 60-6,288.01, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 60-6,288.01 (1) Any person moving a building or an object that, in  
21 combination with the transporting vehicle, is over fifteen feet, six  
22 inches high or wider than the roadway on a county or township road shall  
23 notify the local authority and the electric utility responsible for the  
24 infrastructure, including poles, wires, substations, and underground  
25 residential distribution cable boxes adjacent to or crossing the roadway  
26 along the route over which such building or object is being transported.  
27 Notification shall be made at least ten days prior to the move.

28 Notification shall specifically describe the transporting vehicle, the  
29 width, length, height, and weight of the building or object to be moved,  
30 the route to be used, and the date and hours during which the building or  
31 object will be transported. Complying with the notification requirement  
1 of this section does not exempt the person from complying with any other  
2 federal, state, or local authority permit or notification requirements.

3 (2) Proof of the notification required under subsection (1) of this  
4 section must be carried by any person moving a building or an object as  
5 described in this section.

6 (3) Any person who fails to comply with the notification  
7 requirements of this section shall be guilty of a Class II misdemeanor.

8 Sec. 4. Section 60-6,291, Revised Statutes Cumulative Supplement,  
9 2014, is amended to read:

10 60-6,291 Except as provided in subsection (3) of section  
11 60-6,288.01, any ~~Any~~ person who violates any provision of sections  
12 60-6,288 to 60-6,290 or who drives, moves, causes, or knowingly permits  
13 to be moved on any highway any vehicle or vehicles which exceed the  
14 limitations as to width, length, or height as provided in such sections  
15 for which a penalty is not elsewhere provided shall be guilty of a Class  
16 III misdemeanor.

17 Sec. 5. Section 60-6,299, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 60-6,299 (1) The Department of Roads may issue permits for vehicles  
20 moving a building or objects requiring specialized moving dollies. Such  
21 permits shall allow the vehicles transporting buildings or objects  
22 requiring specialized dollies to operate on highways under the



23 jurisdiction of the department, excluding any portion of the National  
24 System of Interstate and Defense Highways. Such permit shall specify the  
25 maximum allowable width, length, height, and weight of the building to be  
26 transported, the route to be used, and the hours during which such  
27 building or object may be transported. Such permit shall clearly state  
28 that the applicant is not authorized to manipulate overhead high voltage  
29 lines or conductors or other such components, including electric utility  
30 poles, and that the applicant shall be guilty of a Class II misdemeanor  
31 for any violation of this section or of the notification requirements of  
1 section 60-6,288.01. Any vehicle moving a building or object requiring  
2 specialized moving dollies shall be escorted by another vehicle or  
3 vehicles in the manner determined by the department. Such vehicles shall  
4 travel at a speed which is not in excess of five miles per hour when  
5 carrying loads which are in excess of the maximum gross weight specified  
6 by law by more than twenty-five percent. The permit shall not be issued  
7 for travel on a state highway containing a bridge or structure which is  
8 structurally inadequate to carry such building or object as determined by  
9 the department. The department may prescribe conditions of operation of  
10 such vehicle when necessary to assure against damage to the road  
11 foundations, surfaces, or structures and require such security as may be  
12 deemed necessary to compensate for any injury to any roadway or road  
13 structure.

14 (2) The application for any such permit shall (a) specifically  
15 describe the vehicle, (b) specifically describe the load to be moved, (c)  
16 include a signed affirmation under oath that, for any load sixteen feet  
17 high or higher, the applicant has contacted any and all electric  
18 utilities that have high voltage conductors and infrastructure that cross  
19 over the roadway affected by the move and made arrangements with such  
20 electric utilities for the safe movement of the load under any high  
21 voltage conductors owned by such electric utilities, and (d) whenever  
22 possible, describe the particular highways for which the permit is  
23 requested. The company or individual shall maintain a copy of the permit  
24 in each vehicle moving a building or object requiring specialized moving  
25 dollies which shall be open to inspection by any peace officer, carrier  
26 enforcement officer, or authorized agent of any authority granting such  
27 permit. The fee for such permit shall be ten dollars.

28 (3) The department shall adopt and promulgate rules and regulations  
29 governing the issuance of the permits. Such rules and regulations shall  
30 include, but not be limited to, driver qualifications, equipment  
31 selection, hours of operation, weather conditions, road conditions,  
1 determination of any damage caused to highways or bridges, cutting or  
2 trimming of trees, removal or relocation of signs or other property of  
3 the state, raising or lowering of electric supply and communication  
4 lines, and such other safety considerations as the department deems  
5 necessary.

6 (4) Any person who violates the terms of a permit issued pursuant to  
7 this section or otherwise violates this section shall be guilty of a  
8 Class II ~~III~~ misdemeanor.

9 Sec. 6. Original section 48-442, Reissue Revised Statutes of

10 Nebraska, and sections 48-437, 60-6,288.01, 60-6,291, and 60-6,299,  
11 Revised Statutes Cumulative Supplement, 2014, are repealed.  
12 2. On page 1, line 3, before "and" insert "60-6,291,"; in line 5  
13 after "permits" insert "and notification requirements"; and in line 7  
14 after the semicolon insert "to harmonize provisions;".

**LEGISLATIVE BILL 712.** Placed on Select File.  
**LEGISLATIVE BILL 902.** Placed on Select File.  
**LEGISLATIVE BILL 694.** Placed on Select File.  
**LEGISLATIVE BILL 908.** Placed on Select File.  
**LEGISLATIVE BILL 908A.** Placed on Select File.  
**LEGISLATIVE BILL 1010.** Placed on Select File.  
**LEGISLATIVE BILL 913.** Placed on Select File.  
**LEGISLATIVE BILL 1011.** Placed on Select File.

**LEGISLATIVE RESOLUTION 381.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
Health and Human Services

Room 2102

Wednesday, March 30, 2016 12:00 p.m.

Michael Hansen - State Board of Health

(Signed) Kathy Campbell, Chairperson

General Affairs

Room 1510

Thursday, March 31, 2016 8:30 a.m.

James D. Patterson - Nebraska Commission on Problem Gambling  
Mark Canada - Nebraska Commission on Problem Gambling  
Susan Lutz - Nebraska Commission on Problem Gambling

(Signed) Tyson Larson, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 500.** Introduced by Mello, 5; Cook, 13; Craighead, 6; Crawford, 45; Gloor, 35; Haar, K., 21; Lindstrom, 18; McCollister, 20; Scheer, 19; Williams, 36.

WHEREAS, Earth Day is April 22, 2016; and

WHEREAS, Earth Day was founded by United States Senator Gaylord Nelson as an environmental teach-in held on April 22, 1970; and

WHEREAS, Earth Day has evolved into the largest civic observance in the world with more than one billion people participating in Earth Day activities; and

WHEREAS, Earth Day is a reminder that everyone can play a part in improving their environment and maintaining responsible stewardship over the only planet we have; and

WHEREAS, the Earth Day Network works with over 50,000 partners in 196 countries to broaden, diversify, and mobilize the global environmental movement to encourage citizens to remember the importance of protecting and conserving our natural resources and environment; and

WHEREAS, the Earth Day Network provides civic engagement opportunities at the local, state, national, and global levels.

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

1. That the Legislature designates April 22, 2016, as Earth Day in the State of Nebraska.

2. That on this day, Nebraskans are encouraged to join the millions of other Earth Day participants in recycling, volunteering, and taking part in minimum-waste and sustainable initiatives.

3. That Nebraskans are also encouraged to continue to take part in activities that promote ecological sustainability in their communities year-round to ensure healthy environments for future generations.

Laid over.

**SELECT FILE**

**LEGISLATIVE BILL 1081.** ER194, found on page 1044, was adopted.

Senator Mello offered his amendment, AM2606, found on page 1098.

The Mello amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 894.** Senator Schumacher offered his amendment, AM2629, found on page 1076.

**SENATOR WATERMEIER PRESIDING**

Senator Pansing Brooks offered the following amendment to the Schumacher amendment:

AM2654

(AMENDMENTS TO AM2629)

- 1 1. Strike amendments 3 and 5 and insert the following new amendment:
- 2 "3. On page 18, line 10, insert an underscored period after
- 3 'juvenile'; and reinstate the stricken matter beginning with 'The' in
- 4 line 14 through line 29."
- 5 2. Renumber the remaining amendment accordingly.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Pansing Brooks amendment was adopted with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Pending.

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

Senator Chambers filed the following amendment to LB975:

AM2658

(Amendments to Standing Committee amendments, AM2667)

- 1 1. Insert the following new section:
- 2 Section 1. It is the policy of the State of Nebraska to recognize,
- 3 protect, and hold inviolate the sacred, god-given right of any person to
- 4 discriminate in any and every manner against any person or persons based
- 5 on sincerely held religious beliefs. The assertion of such sincerely held
- 6 religious beliefs, standing alone, is sufficient to entitle such believer
- 7 to invoke the protection and immunity granted by this section and the
- 8 sincerity of such beliefs may not be challenged in any judicial or other
- 9 proceeding whatsoever. This religion-based immunity is absolute.
- 10 God Bless America!
- 11 2. Renumber the remaining sections and correct internal references
- 12 accordingly.

Senator Chambers filed the following amendment to LB975:

AM2659

(Amendments to Standing Committee amendments, AM2667)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. The Legislature hereby asserts, declares, proclaims, and
- 4 avows that each, every, and all members of the so-called LGBT Community
- 5 (lesbian, gay, bisexual, and transgender) are, for purposes of law,
- 6 neither "persons," "residents," nor "citizens" in the same manner and to
- 7 the same extent as are any and all others who are not members of such

8 Community.

- 9 Sec. 2. Being beyond the pale for purposes of law, members of such  
 10 LGBT Community have no rights under law which any nonmember of such  
 11 Community is bound to respect. (See Dred Scott decision written by  
 12 Supreme Court Chief Justice Roger B. Taney.)  
 13 Sec. 3. Members of such LGBT Community have two privileges:  
 14 (a) To return to the closet and stay out of sight; and  
 15 (b) To remain silent.  
 16 Sec. 4. God is Love!  
 17 Sec. 5. God Bless America!

Senator Chambers filed the following amendment to LB975:  
 AM2660

(Amendments to Standing Committee amendments, AM2667)

- 1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA,  
 4 SECOND SESSION, RESOLVE THAT:  
 5 Section 1. At the general election in November 2016 the following  
 6 proposed amendment to the Constitution of Nebraska shall be submitted to  
 7 the electors of the State of Nebraska for approval or rejection:  
 8 To add a new section 31 to Article I:  
 9 I-31 (1) America is a Christian Nation.  
 10 (2) It being true that Christianity is synonymous with intolerance  
 11 and discrimination based on sincerely held religious beliefs and that  
 12 freedom of religion is guaranteed by the First Amendment to the  
 13 Constitution of the United States, the Legislature shall enact no law  
 14 that in any manner impedes or prohibits any person, group, or  
 15 organization from discriminating in any form, fashion, or manner  
 16 whatsoever against any person, group, or organization when such  
 17 discrimination is based on sincerely held religious beliefs. The  
 18 assertion of such beliefs, standing alone, is sufficient to satisfy the  
 19 requirements of this section and may not be challenged in any judicial or  
 20 other proceedings of any kind whatsoever. This guarantee is absolute.  
 21 (3) Any purported law enacted by the Legislature in contravention of  
 22 subsection (2) of this section is void ab initio. Any person in any  
 23 manner aggrieved as a result of any such void enactment shall be entitled  
 24 to lawyer fees and octuple damages.  
 25 (4) Any member of the Legislature who votes to enact such a void  
 26 proposal shall be amenable to impeachment.  
 1 (5) Appropriate articles of impeachment shall be drafted by twelve  
 2 judges of the district court selected at random by the Chief Justice of  
 3 the Supreme Court and shall be tried by the Supreme Court in the manner  
 4 set forth in this Constitution for impeachment of all civil officers.  
 5 (6) If a majority of the members of the Legislature shall be  
 6 impeached, convicted, and removed from office, the Legislature if in  
 7 session shall be immediately adjourned sine die and shall remain out of  
 8 session until after the Secretary of State shall provide for the election  
 9 of new members in districts represented by members who have been removed

10 from office. Such election shall be held on the first Tuesday following  
 11 the ninetieth day from the date of removal of the last affected member.  
 12 No primary election shall be held but only a general election shall be  
 13 held, at which the person receiving the highest number of votes in each  
 14 district shall be declared the winner by the Secretary of State who shall  
 15 certify the election results and notify each person who was elected.  
 16 (7) The Secretary of State shall notify the remaining members of the  
 17 Legislature who were not removed and the newly elected members of the  
 18 date when the Legislature shall convene for the purpose of organizing  
 19 itself in the manner of prior Legislatures and proceeding to function as  
 20 the duly constituted Legislature of the state as set forth in this  
 21 Constitution.  
 22 (8) The date of the convening of the Legislature shall be the first  
 23 Tuesday after the thirtieth day following the notification of the members  
 24 by the Secretary of State as required by subsection (7) of this section.  
 25 Sec. 2. The proposed amendment shall be submitted to the electors  
 26 in the manner prescribed by the Constitution of Nebraska, Article XVI,  
 27 section 1, with the following ballot language:  
 28 A constitutional amendment to guarantee the right to discriminate on  
 29 the basis of sincerely held religious beliefs, provide for impeachment of  
 30 members of the Legislature who vote to enact a proposal violating such  
 31 right, and provide procedures for replacing impeached members in certain  
 1 cases.  
 2 For  
 3 Against.

Senator Chambers filed the following amendment to LB975:  
 AM2661

(Amendments to Standing Committee amendments, AM2667)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. A person, group, or organization shall be immune from any  
 4 action by the state or any political subdivision for any act or acts of  
 5 discrimination of any type or kind whatsoever against any person, group,  
 6 or organization if such discrimination is based on sincerely held  
 7 religious beliefs. The assertion of such beliefs, standing alone, is  
 8 sufficient to satisfy the requirements of this section and may not be  
 9 challenged in any judicial or other proceedings of any kind whatsoever.  
 10 This immunity is absolute.  
 11 Sec. 2. Any person, group, or organization shall be granted absolute  
 12 immunity from any action by the state or any political subdivision for  
 13 any act or acts of discrimination of any type or kind whatsoever against  
 14 any other person, group, or organization if such person, group, or  
 15 organization prior to committing any act or acts of discrimination  
 16 against any other person, group, or organization has obtained from the  
 17 Secretary of State a license denominated LICENSE TO DISCRIMINATE bearing  
 18 the official Seal of the State of Nebraska and valid for one year from  
 19 the date of purchase.  
 20 Sec. 3. The cost of such license shall be determined by the

21 Secretary of State based on reasonable administrative costs of the  
 22 program but in no case shall the cost exceed thirty-three dollars. If the  
 23 maximum cost of thirty-three dollars fails to cover reasonable  
 24 administrative costs as determined by the Secretary of State, the  
 25 Legislature shall make a deficit appropriation to the Office of Secretary  
 26 of State earmarked to erase such deficit and denominated "Deficit  
 1 Appropriation to the LICENSE TO DISCRIMINATE PROGRAM" which is hereby  
 2 created and into which shall be deposited all revenue derived from sale  
 3 of licenses herein described.  
 4 Sec. 4. Any person holding a valid LICENSE TO DISCRIMINATE who  
 5 develops sincerely held religious beliefs which lead to the necessity to  
 6 discriminate against any person, group, or organization in order to  
 7 conform to such newly acquired sincerely held religious beliefs shall be  
 8 entitled to claim from the Office of Secretary of State a prorated refund  
 9 of the cost paid for such license calculated on the basis of how much  
 10 time remained for such license to be valid on the date such license  
 11 holder came into possession of such sincerely held religious beliefs on  
 12 which said discrimination is grounded. Such prorated refund shall be  
 13 made, no questions asked. Such person holding such newly acquired  
 14 sincerely held religious beliefs shall thenceforth be entitled to the  
 15 immunity granted by section 1 of this act.

Senator Schumacher filed the following amendment to LB910:  
 AM2651

(Amendments to E and R amendments, ER182)

1 1. Insert the following new section:  
 2 Sec. 6. Section 83-173.03, Revised Statutes Supplement, 2015, is  
 3 amended to read:  
 4 83-173.03 (1) Beginning July 1, 2016, no inmate shall be held in  
 5 restrictive housing unless done in the least restrictive manner  
 6 consistent with maintaining order in the facility and pursuant to rules  
 7 and regulations adopted and promulgated by the department pursuant to the  
 8 Administrative Procedure Act.  
 9 (2) Any inmate placed in restrictive housing may, on or after the  
 10 ninetieth day of his or her confinement, seek a review of the decision to  
 11 place him or her in restrictive housing. The review shall be conducted by  
 12 the district court of the county in which the correctional facility in  
 13 which the inmate is confined is located. A district judge may appoint a  
 14 magistrate to conduct the review. The district judge may hold further  
 15 proceedings with respect to the review or enter an order based upon  
 16 recommendations of the magistrate.  
 17 (~~3~~ 2) The department shall adopt and promulgate rules and  
 18 regulations pursuant to the Administrative Procedure Act establishing  
 19 levels of restrictive housing as may be necessary to administer the  
 20 correctional system. Rules and regulations shall establish behavior,  
 21 conditions, and mental health status under which an inmate may be placed  
 22 in each confinement level as well as procedures for making such  
 23 determinations. Rules and regulations shall also provide for  
 24 individualized transition plans, developed with the active participation

25 of the committed offender, for each confinement level back to the general  
26 population or to society.

1 (4 ~~3~~) Rules and regulations may authorize the director to issue  
2 written directives, guidance documents, and operational manuals not  
3 inconsistent with law and rules and regulations. Such directives,  
4 guidance documents, and operational manuals shall be made available to  
5 the public in the same manner that rules and regulations are made  
6 available unless the safety and security of a correctional facility  
7 ~~institution~~ would be placed at imminent and substantial risk by such  
8 publication. If any directive, guidance document, or operational manual  
9 is not made available to the public, notice shall be given to the deputy  
10 public counsel for corrections and to the Inspector General of the  
11 Nebraska Correctional System. The notice shall identify all documents not  
12 publicly available by title, number of pages, and date adopted. All  
13 directives, guidance documents, and operational manuals shall be made  
14 available to any member of the Legislature upon request. Security manuals  
15 shall be made available to the Legislature for inspection upon request,  
16 but shall not be copied or removed from secure locations as designated by  
17 the director.

18 2. On page 8, after line 2, insert the following new subdivision:

19 "(e) The number of inmates who were released from restrictive  
20 housing based upon an order of a district judge under subsection (2) of  
21 section 83-173.03"; in line 3 strike "(e)", show as stricken, and insert  
22 "(f)"; in line 6 strike "(f)", show as stricken, and insert "(g)"; and in  
23 line 9 strike "(g)", show as stricken, and insert "(h)".

24 3. Renumber the remaining sections and correct the repealer  
25 accordingly.

Senator Larson filed the following amendment to LB1105:  
AM2634

(Amendments to Standing Committee amendments, AM2029)

1 1. On page 17, line 30; page 20, line 6; and page 30, line 24,  
2 strike "Class G" and insert "Class J".

Senator Hughes filed the following amendment to LB894:  
AM2666

(Amendments to E&R amendments, ER181)

1 1. On page 18, line 10, after "juvenile" insert ", after his or her  
2 first appearance if the matter leading to such appearance has not been  
3 resolved pursuant to a juvenile pretrial diversion program established  
4 pursuant to section 43-260.02".

#### **MOTION - Print in Journal**

Senator Watermeier filed the following motion to LR497:  
MO220

Withdraw resolution.



**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 861.** Placed on General File.

(Signed) Les Seiler, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 16, 2016

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Harry Hoch, 2417 Cottonwood Road, Grand Island, NE 68801

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

(Signed) Sincerely,  
Pete Ricketts  
Governor

Enclosures

March 18, 2016

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Natural Resources Commission:

Joel Christensen, 5909 South 119 Street, Omaha, NE 68137  
Scott Smathers, 6140 South Richland Cr., Lincoln, NE 68516  
Brian Barels, 6375 Country Club Drive, Columbus, NE 68601  
Thomas Knutson, 102 Custer, St. Paul, NE 66873  
Stanley A. Clouse, 4907 Linden Drive Place, Kearney, NE 68847

Contingent upon your approval, the following individuals are being appointed to the Nebraska Natural Resources Commission:

Chad Wright, 451 Glenhaven Drive, Lincoln, NE 68505  
Brad B. Dunbar, 16131 Bedford Avenue, Omaha, NE 68116

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

Sincerely,  
(Signed) Pete Ricketts  
Governor

Enclosures

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 501.** Introduced by Mello, 5; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, the Council of State Governments, founded in 1933, is the nation's only organization serving all three branches of state government; and

WHEREAS, the Council of State Governments is a region-based forum that fosters the exchange of insights and ideas to help state officials shape public policy; and

WHEREAS, the Council offers unparalleled regional, national, and international opportunities to network, develop leaders, collaborate, and create problem-solving partnerships; and

WHEREAS, the Council champions excellence in state governments to advance the common good; and

WHEREAS, the values of the Council of State Governments are to pursue the priorities of its member states; be nonpartisan and inclusive; engage leaders from all three branches of state government; have a regional focus, a national presence, and a global reach; be a respected and trusted source for best practices and policy expertise; convene leader to leader interactions and foster leadership development; facilitate multistate solutions; zealously advocate for the states in our federal system of government; adhere to the highest ethical standards; respect diversity and act with civility; and partner and collaborate with others; and

WHEREAS, Senator Beau McCoy is the first Nebraska state senator to serve as national chair of the Council of State Governments since Senator C. Petrus Peterson in 1945; and

WHEREAS, Senator McCoy serves as co-chair of the Council's National Conference Committee and has previously served as chair of the 21st Century Foundation and co-chair of the Associates Advisory Committee; and

WHEREAS, Senator McCoy serves as a member of the Council's Governing Board, Executive Committee, Leadership Council, Finance Committee, International Committee, and Interbranch Affairs Committee.

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

1. That the Legislature recognizes Senator Beau McCoy for his service as the 2014 Midwestern Legislative Conference Chair, and the 2016 National Chair of the Council of State Governments.

2. That a copy of this resolution be given to Senator Beau McCoy.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 1083.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 742.** Title read. Considered.

Senator Hansen offered the following amendment:

AM2649

1 1. Strike original sections 9 and 10 and insert the following new  
2 sections:

3 Sec. 9. Section 23-2503, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 23-2503 In any county having a population of three hundred thousand  
6 inhabitants or more as determined by the most recent federal decennial  
7 census, there shall be a Civil Service Commission which shall be formed  
8 as provided in sections 23-2501 to 23-2516. A county shall comply with  
9 this section within six months after a determination that the population  
10 has reached three hundred thousand inhabitants or more as determined by  
11 the most recent federal decennial census within ninety days of May 21,  
12 1974.

13 Sec. 10. Section 23-2518, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 23-2518 For purposes of the County Civil Service Act:

16 (1) Appointing authority means elected officials and appointed

17 department directors authorized to make appointments in the county

18 service;

19 (2) Board of county commissioners means the board of commissioners  
 20 of any county with a population of one hundred fifty thousand to three  
 21 hundred thousand inhabitants as determined by the most recent federal  
 22 decennial census;

23 (3) Classified service means the positions in the county service to  
 24 which the act applies;

25 (4) County personnel officer means the employee designated by the  
 26 board of county commissioners to administer the act;

27 (5) Department means a functional unit of the county government  
 1 headed by an elected official or established by the board of county  
 2 commissioners;

3 (6) Deputy means an individual who serves as the first assistant to  
 4 and at the pleasure of an elected official;

5 (7) Elected official means an officer elected by the popular vote of  
 6 the people and known as the county attorney, public defender, county  
 7 sheriff, county treasurer, clerk of the district court, register of  
 8 deeds, county clerk, county assessor, and county surveyor;

9 (8) Internal Revenue Code means the Internal Revenue Code as defined  
 10 in section 49-801.01;

11 (9) Political subdivision means a village, city of the second class,  
 12 city of the first class, city of the primary class, city of the  
 13 metropolitan class, county, school district, public power district, or  
 14 any other unit of local government including entities created pursuant to  
 15 the Interlocal Cooperation Act or the Joint Public Agency Act. Political  
 16 subdivision does not include a contractor with the county;

17 (10) State means the State of Nebraska;

18 (11) Straight-time rate of pay means the rate of pay in effect on  
 19 the date of transfer of employees stated in the resolution by the county  
 20 board requesting the transfer; and

21 (12) Transferred employee means an employee of the state or a  
 22 political subdivision transferred to the county pursuant to a request for  
 23 such transfer made by the county under section 23-2518.01.

The Hansen amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 837.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 465.** Title read. Considered.

Committee AM802, found on page 807, First Session, 2015, was offered.

Senator B. Harr offered his amendment, AM2628, found on page 1046, to the committee amendment.

The B. Harr amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 465A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

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

Senator Garrett filed the following amendment to LB1038:  
AM2688 is available in the Bill Room.

**VISITOR(S)**

Visitors to the Chamber were 54 fourth-grade students from Skinner Magnet Center, Omaha; and 55 fourth-grade students from Jefferson Elementary, Norfolk.

The Doctor of the Day was Dr. Karina Chiari from Omaha.

**MOTION - Adjournment**

Senator Craighead moved to adjourn until 9:00 a.m., Tuesday, March 22, 2016.

Senator Hughes requested a machine vote on the motion to adjourn.

The Craighead motion to adjourn prevailed with 21 ayes, 16 nays, 6 present and not voting, and 6 excused and not voting, and at 6:56 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

