FIRST DAY - JANUARY 7, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 7, 2015

PRAYER

The prayer was offered by Senator Davis.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fourth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 7, 2015, and was called to order by President Nelson.

The roll was called and the following members were present:

Baker, Roy E. Hadley, Galen Morfeld, Adam
Bloomfield, Dave Hansen, Matt Murante, John
Bolz, Kate Harr, Burke J. Nordquist, Jeremy
Brasch, Lydia Hilkemann, Robert Pansing Brooks, Patty
Campbell, Kathy Howard, Sara Riepe, Merv
Chambers, Ernie Hughes, Dan Scheer, Jim
Coash, Colby Johnson, Jerry Schilz, Ken
Cook, Tanya Kintner, Jerry Schnoor, David A.
Craighead, Joni Kolowski, Rick Schumacher, Paul
Crawford, Sue Koltermann, Mark A. Seiler, Les
Davis, Al Krist, Bob Smith, Jim
Ebke, Laura Kuehn, John L. Stinner, John P.
Friesen, Curt Larson, Tyson Sullivan, Kate
Garrett, Tommy L. Lindstrom, Brett Watermeier, Dan
Gloor, Mike McCollister, John S. Williams, Matt
Groene, Mike McCoy, Beau
Haar, Ken Mello, Heath
MOTION - Temporary Clerk and Sergeant at Arms

Senator Krist moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

RESIGNATION

September 9, 2014

Governor Dave Heineman
Office of the Governor
State Capitol, Room 2316
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Heineman:

I hereby resign my position as Lieutenant Governor of Nebraska, effective immediately.

Sincerely,

(Signed) Lavon Heidemann
Lieutenant Governor

cc: Greg Adams
Speaker, Nebraska Legislature

MESSAGE FROM THE GOVERNOR

September 9, 2014

Lavon Heidemann
Lieutenant Governor
State Capitol, Room 2311
P.O. Box 94863
Lincoln, NE 68509-4863

Dear Lieutenant Governor Heidemann:

I hereby accept your resignation as Lieutenant Governor of Nebraska, effective immediately.

Sincerely,

(Signed) Dave Heineman
Governor

cc: Greg Adams
Speaker, Nebraska Legislature

RESIGNATION

September 29, 2014

The Honorable Dave Heineman
Governor, State of Nebraska
State Capitol -- P.O. Box 94848
Lincoln, NE 68509-4848

Re: Resignation from Nebraska State Legislature

Dear Governor Heineman:

It has been my great privilege and blessing to serve nearly two terms in the Nebraska Unicameral, representing constituents in my legislative district and citizens throughout the great state of Nebraska to the best of my ability.

In order to accept appointment to the office of Lieutenant Governor, I hereby resign from the office of Senator for the Sixth Legislative District, State of Nebraska, said resignation to become effective at twelve o'clock noon this date, September 29, 2014.

Respectfully,
(Signed) John E. Nelson

MESSAGE FROM THE GOVERNOR

September 29, 2014

Senator John E. Nelson
6289 Glenwood Road
Omaha, NE 68132

Dear Senator Nelson:

Your resignation as a member of the Nebraska Legislature effective September 29, 2014, at 12:00 PM has been received and is accepted. Your service as a member of the Nebraska Legislature is greatly appreciated.

Best wishes in your future endeavors.

(Signed) Dave Heineman
Governor

cc: Speaker Adams
    Clerk of the Legislature
MESSAGE FROM THE GOVERNOR

September 29, 2014

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

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

I appointed John E. Nelson as Lieutenant Governor effective Monday, September 29, 2014, at 1:30 PM. Attached is a copy of his oath of office.

Sincerely,

(Signed) Dave Heineman
Governor

Enclosure

MESSAGE FROM THE GOVERNOR

September 29, 2014

John E. Nelson
6289 Glenwood Road
Omaha, NE 68132

Dear John:

Enclosed is your certificate for appointment as the Lieutenant Governor effective at 1:30 PM on September 29, 2014. Please know that your willingness to serve in this capacity is greatly appreciated.

Congratulations and best wishes.

Sincerely,

(Signed) Dave Heineman
Governor

Enclosure

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint John E. Nelson as the Lieutenant Governor of the State of Nebraska.
Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law:
This appointment shall take effect on September 29, 2014, and continue until January 7, 2015, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman
Governor

(Signed) John A Gale
Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA )
                         ) ss.
County of Lancaster     )

"I, John E. Nelson, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of Lieutenant Governor according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any bill, resolution, or appropriation)."

(Signed) John E. Nelson

Subscribed in my presence and sworn to before me this 29th day of September 2014.

(SEAL) (Signed) John A. Gale
Secretary of State

*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

RESIGNATION

November 6, 2014

Governor Dave Heineman
Nebraska State Capitol
1445 K St, Lincoln, NE 68508
Dear Governor Heineman:

I have decided to resign from my position as state senator for legislative district 18 effective at 5:00 PM on November 6, 2014. It has been an honor to serve the state of Nebraska these last 7 years.

Sincerely,
(Signed) Scott Lautenbaugh

RESIGNATION

December 11, 2014

The Honorable Dave Heineman
Governor of Nebraska
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Heineman,

With my election to the office of Auditor of Public Accounts this past November, and the ongoing transition to that office, I am submitting my resignation as the member of the Legislature from the fifteenth legislative district effective December 11, 2014.

It has been my sincere pleasure to serve my state and community in this capacity for the past six years with you as our Governor.

I look forward to continuing my service to our state in the role of Auditor of Public Accounts and working with Governor-elect Pete Ricketts.

I wish you all the best in the future and ask that you accept my resignation.

Sincerely,
(Signed) Charlie Janssen

cc: Patrick O'Donnell, Clerk of the Legislature
    Senator Greg Adams, Speaker of the Legislature

MESSAGE FROM THE GOVERNOR

December 11, 2014

Senator Charlie Janssen
1234 Bristolwood Drive
Fremont, NE 68025

Dear Senator Janssen:
Your resignation as a member of the Nebraska Legislature has been received and is accepted effective December 11, 2014. The time and effort you shared during your term in the Legislature is greatly appreciated.

Sincerely,
(Signed) Dave Heineman
Governor

cc: Patrick O'Donnell, Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

December 12, 2014

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

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

I hereby appoint David A. Schnoor to fill the vacancy in the 15th Legislative District created by the resignation of Senator Charlie Janssen. This appointment takes effect on December 12, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I Dave Heineman, on behalf of the State of Nebraska and as Governor, do hereby appoint David A. Schnoor as a member of the Nebraska Legislature representing District 15.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law:
This appointment shall take effect on December 12, 2014, and continue until January 3, 2017, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Dave Heineman
Governor

(Signed) John. A Gale
Secretary of State
OFFICIAL OATH

STATE OF NEBRASKA )
County of Lancaster ) ss.

"I, David A. Schnoor, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 15 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any bill, resolution, or appropriation)."

(Signed) David A. Schnoor

Subscribed in my presence and sworn to before me this 12th day of December 2014.

(SEAL) (Signed) John A. Gale
Secretary of State

*Motion of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

MOTION - Committee on Credentials

Senator Seiler moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 2014.

The motion prevailed.

Senator Smith moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Chambers, Coash, Hadley, Schilz, and Nordquist.

The motion prevailed.

REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska

United States of America, )
) ss. Secretary of State
STATE OF NEBRASKA

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Fourth Legislature, First Session, 2015.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Fourth Legislature, First Session, 2015.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Seventh day of January in the year of our Lord, two thousand and Fifteen.

(SEAL) (Signed) John A. Gale
Secretary of State

<table>
<thead>
<tr>
<th>DISTRICT/NAME</th>
<th>ELECTED</th>
</tr>
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<tbody>
<tr>
<td>1 Dan Watermeier</td>
<td>November 6, 2012</td>
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<tr>
<td>2 Bill Kintner</td>
<td>November 4, 2014</td>
</tr>
<tr>
<td>3 Tommy Garrett</td>
<td>November 4, 2014</td>
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<tr>
<td>4 Robert Bob Hilkemann</td>
<td>November 4, 2014</td>
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<tr>
<td>5 Heath Mello</td>
<td>November 6, 2012</td>
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<tr>
<td>6 Joni Craighead</td>
<td>November 4, 2014</td>
</tr>
<tr>
<td>7 Jeremiah Nordquist</td>
<td>November 6, 2012</td>
</tr>
<tr>
<td>8 Burke J. Harr</td>
<td>November 4, 2014</td>
</tr>
<tr>
<td>9 Sara Howard</td>
<td>November 6, 2012</td>
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<tr>
<td>10 Bob Krist</td>
<td>November 4, 2014</td>
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<tr>
<td>11 Ernie Chambers</td>
<td>November 6, 2012</td>
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<td>12 Merv Riepe</td>
<td>November 4, 2014</td>
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<tr>
<td>13 Tanya Cook</td>
<td>November 6, 2012</td>
</tr>
<tr>
<td>14 Jim Smith</td>
<td>November 4, 2014</td>
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<tr>
<td>15 David A. Schnoor - Appointed</td>
<td>December 12, 2014</td>
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<tr>
<td>16 Lydia Brasch</td>
<td>November 4, 2014</td>
</tr>
<tr>
<td>17 Dave Bloomfield</td>
<td>November 6, 2012</td>
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<tr>
<td>18 Brett Lindstrom</td>
<td>November 4, 2014</td>
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<tr>
<td>19 Jim Scheer</td>
<td>November 6, 2012</td>
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<tr>
<td>20 John S. McCollister</td>
<td>November 4, 2014</td>
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<tr>
<td>21 Ken Haar</td>
<td>November 6, 2012</td>
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<tr>
<td>22 Paul Schumacher</td>
<td>November 4, 2014</td>
</tr>
<tr>
<td>23 Jerry Johnson</td>
<td>November 6, 2012</td>
</tr>
</tbody>
</table>
MOTION - Credentials Committee Report

Senator Coash moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

MOTION - Escort Chief Justice

Senator Scheer moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Senators Seiler, Davis, Johnson, Crawford, and Schumacher to serve on said committee.

MEMBERS’ OATH OF OFFICE

STATE OF NEBRASKA  

LANCASTER COUNTY

Do you and each of you solemnly swear (or affirm) that you will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of members of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

Baker, Roy  
Brasch, Lydia  
Craighead, Joni  
Ebke, Laura  
Friesen, Curt  
Garrett, Tommy  
Groene, Michael  
Hansen, Matt  
Harr, Burke J.

Hilkemann, Robert  
Hughes, Dan  
Kintner, Bill  
Koltermann, Mark A.  
Krist, Bob  
Kuehn, John L.  
Larson, Tyson  
Lindstrom, Brett  
McCullister, John S.

Morfeld, Adam  
Pansing Brooks, Patty  
Riepe, Merv  
Schumacher, Paul  
Smith, Jim  
Stinner, John P.  
Williams, Matt  

The committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Senator Garrett moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 7, 2015.

The motion prevailed.

MOTION - Election of Officers

Senator Krist moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred Fourth Legislature:

Clerk of the Legislature  
Assistant Clerk of the Legislature  
Sergeant at Arms  

Patrick J. O'Donnell  
Richard K. Brown  
Ron Witkowski  

The motion prevailed.

MOTION - Election of Speaker

Senator Mello moved to proceed to the election of the Speaker of the Legislature.
The motion prevailed.

Senator Coash placed his name in nomination.

Senator Hadley placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators McCoy, Sullivan, and Schumacher as tellers.

Senator Coash 19
Senator Hadley 30
49

Senator Hadley was duly elected Speaker of the Legislature.

**MOTION - Escort Chief Justice**

Senator Bloomfield moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Seiler, Davis, Schumacher, Johnson, and Crawford to serve on said committee.

**OFFICERS' OATH OF OFFICE**

STATE OF NEBRASKA )
LANCASTER COUNTY ) ss.

We, and each of us, do solemnly swear (or affirm) that we will support the constitution of the United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

Speaker    Galen Hadley
Clerk of the Legislature   Patrick J. O’Donnell
Assistant Clerk of the Legislature  Richard K. Brown
Sergeant at Arms    Ron Witkowski

The committee escorted the Chief Justice from the Chamber.

**MOTION - Chairperson of Committee on Committees**

Senator Hadley moved to proceed to the election of the Chairperson of the
Committee on Committees.

The motion prevailed.

Senator McCoy placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McCoy.

The motion prevailed.

Senator McCoy was duly elected Chairperson of the Committee on Committees.

**MOTION - Committee on Committees Members**

Senator Sullivan moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Campbell, Coash, Garrett, and Schumacher were nominated from District 1.

Senators Krist, Mello, Smith, and B. Harr were nominated from District 2.

Senators Bloomfield, Schilz, Hadley, and Watermeier were nominated from District 3.

Senator Campbell moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator K. Haar moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Krist placed his name in nomination.

Senator Bloomfield placed his name in nomination.
The Chair declared the nominations closed.

The Chair appointed Senators Schilz, Seiler, and Crawford as tellers.

Senator Krist 32
Senator Bloomfield 17
49

Senator Krist was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator Schumacher moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Kolowski placed his name in nomination.

Senator Watermeier placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Gloor, Murante, and Cook as tellers.

Senator Kolowski 16
Senator Watermeier 33
49

Senator Watermeier was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Larson moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Campbell and Coash were nominated from District 1.

Senators Chambers and Murante were nominated from District 2.

Senators Larson and Hughes were nominated from District 3.

Senator Bolz moved the approval of the nominees to the Executive Board of the Legislative Council.
The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Watermeier moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 8(a).

The motion prevailed.

**CHAIRPERSON - Agriculture**

Senator Brasch placed her name in nomination.

Senator Johnson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Bolz, Smith, and K. Haar as tellers.

| Senator Brasch | 24 |
| Senator Johnson | 25 |
|                | 49 |

Senator Johnson was duly elected Chairperson of the Agriculture Committee.

**CHAIRPERSON - Appropriations**

Senator Mello placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Mello.

The motion prevailed.

Senator Mello was duly elected Chairperson of the Appropriations Committee.

**CHAIRPERSON - Banking, Commerce and Insurance**

Senator Scheer placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Scheer.

The motion prevailed.
Senator Scheer was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

**CHAIRPERSON - Business and Labor**

Senator B. Harr placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator B. Harr.

The motion prevailed.

Senator B. Harr was duly elected Chairperson of the Business and Labor Committee.

**CHAIRPERSON - Education**

Senator Sullivan placed her name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Sullivan.

The motion prevailed.

Senator Sullivan was duly elected Chairperson of the Education Committee.

**CHAIRPERSON - General Affairs**

Senator Larson placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Larson.

The motion prevailed.

Senator Larson was duly elected Chairperson of the General Affairs Committee.

**CHAIRPERSON - Government, Military and Veterans Affairs**

Senator Murante placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Murante.

The motion prevailed.

Senator Murante was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.
CHAIRPERSON - Health and Human Services

Senator Campbell placed her name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Campbell.

The motion prevailed.

Senator Campbell was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Seiler placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Seiler.

The motion prevailed.

Senator Seiler was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Schilz placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Schilz.

The motion prevailed.

Senator Schilz was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Lindstrom placed his name in nomination.

Senator Nordquist placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Bloomfield, Garrett, and Mello as tellers.

Senator Lindstrom 24
Senator Nordquist 25
49
Senator Nordquist was duly elected Chairperson of the Nebraska Retirement Systems Committee.

**CHAIRPERSON - Revenue**

Senator Gloor placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Gloor.

The motion prevailed.

Senator Gloor was duly elected Chairperson of the Revenue Committee.

**CHAIRPERSON - Transportation and Telecommunications**

Senator Smith placed his name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Smith.

The motion prevailed.

Senator Smith was duly elected Chairperson of the Transportation and Telecommunications Committee.

**CHAIRPERSON - Urban Affairs**

Senator Crawford placed her name in nomination.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Crawford.

The motion prevailed.

Senator Crawford was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator Howard moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.
SENATOR GARRETT PLACED HIS NAME IN NOMINATION.

Senator Howard moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Garrett.

The motion prevailed.

Senator Garrett was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - ENROLLMENT AND REVIEW

SENATOR MURANTE NOMINATED SENATOR HANSEN.

Senator Garrett moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hansen.

The motion prevailed.

Senator Hansen was duly elected Chairperson of the Enrollment and Review Committee.

MOTION - ELECTION RETURNS

Senator Nordquist moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2014.

The motion prevailed.

The Chair appointed Senators Murante, Watermeier, and Bloomfield to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 7, 2015

Speaker of the Legislature
One Hundred Fourth Legislature, First Session 2014
State Capitol
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the constitution of the State of
Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 4, 2014, for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judges, Court of Appeals Judges and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 2008 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to an Initiative Measure that is on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,
(Signed) John A. Gale
Secretary of State

CERTIFICATE

State of Nebraska

United States of America, )
) ss. Secretary of State

State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judge, Court of Appeals Judges and Nebraska Workers Compensation Judges receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 4, 2014.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Seventh day of January in the year of our Lord, two thousand and Fifteen.
CERTIFICATE

State of Nebraska

United States of America, )
) ss. Secretary of State
State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the Statutory Measure proposed by the Initiative Process showing the number of votes cast for and against at the General Election held on November 4, 2014.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Seventh day of January in the year of our Lord, two thousand and Fifteen.

(SEAL) (Signed) John A. Gale
Secretary of State
Initiative Measure 425

An initiative measure to amend Nebraska statute to increase the minimum wage.

For 311,401
Against 212,215

Senator Kolowski moved pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

**MOTION - Inaugural Ceremonies**

Senator Gloor moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 8, 2015, at 1:30 p.m.

The motion prevailed.

**ADJOURNMENT**

At 12:59 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Thursday, January 8, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
SECOND DAY - JANUARY 8, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 8, 2015

PRAYER

The prayer was offered by Pastor Todd Hilkemann, Cragmor Christian Reformed Church, Colorado Springs, Colorado.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCoy, Mello, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Garrett moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twelfth legislative day.

The motion prevailed.

MESSAGES FROM THE GOVERNOR

April 24, 2014

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

Dear Mr. President, Speaker Adams and Members of the Legislature:
Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Patricia M. Kircher, 15715 California Street, Omaha, NE 68118

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

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

May 15, 2014

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

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

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

Brian Barels, 6375 Country Club Drive, Columbus, NE 68601
Donald P. Batie, 43590 Road 761, Lexington, NE 68850
Joel G. Christensen, 5909 South 115th Street, Omaha, NE 68137
Steven Huggenberger, 2286 S. 120 Street, Walton, NE 68461
Henry H. (Hod) Kosman, 190498 County Road G, Scottsbluff, NE 69361
Don Kraus, 2019 Spalding Drive, Holdrege, NE 68949
Owen A. Palm, 2975 Country Club Road, Gering, NE 69341
Tom Palmertree, 1114 Jefferson Avenue, Hebron, NE 68370
Scott Smathers, 6140 South Richland Circle, Lincoln, NE 68516
Lindsey Smith, 941 North 10th Street, Broken Bow, NE 68822
Walter Dennis Strauch, 50189 Hilyard Drive, Mitchell, NE 69357

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

Stan Clouse, 4907 Linden Drive Place, Kearney, NE 68847
Richard Mercer, 5815 4th Avenue, Kearney, NE 68845
Thomas Knutson, 102 Custer, St. Paul, NE 68873

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.
June 18, 2014

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

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Frank R. Turk, 1833 N. 132 Avenue Circle, Omaha, NE 68154

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

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

June 23, 2014

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

Contingent upon your approval, the following individual is being reappointed to the Crime Victim's Reparations Committee:

Michelle Schindler, 4630 Sugar Creek Court, Lincoln, NE 68516

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparations Committee:

Gerard A. (Fred) Ruiz, 3203 Kennedy Way, Grand Island, NE 68803

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

June 23, 2014

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

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

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

Christopher Waddle, 735 N. Derby Avenue, Giltner, NE 68841

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 21, 2014

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

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

Contingent upon your approval, the following individual is being reappointed to the State Personnel Board:

Samuel Seever, 6425 Lone Tree Drive, Lincoln, NE 68512

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.
Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 31, 2014

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

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

Contingent upon your approval, the following individuals are being reappointed to the State Electrical Board:

James S. Brummer, 1823 Imperial Road, Norfolk, NE 68701
Tom Ourada, 1130 East 13 Street, Crete, NE 68333

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

Sincerely,
(Signed) Dave Heineman
Governor

August 5, 2014

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

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

This letter is to inform you that the request for confirmation of the appointment of Richard Mercer as a member of the Nebraska Natural Resources Commission is respectfully withdrawn.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures
August 6, 2014

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

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

Contingent upon your approval, the following individuals are being reappointed to the State Board of Health:

Dr. Russell Hopp, 5610 Farnam, Omaha, NE 68132
Shane Fleming, RN, 3363 Prairie Lane, Columbus, NE 68601

Contingent upon your approval, the following individuals are being appointed to the State Board of Health:

Dr. Travis James Teetor, 19309 Briggs Street, Omaha, NE 68130
Dr. Kevin Borcher, 15204 Summerwood Drive, Omaha, NE 68137
Dr. Heidi J. Stark, 2108 The Knolls, Lincoln, NE 68512

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

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

August 19, 2014

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

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

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

John Bernthal, 5251 Troon Drive, Lincoln, NE 68526

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.
Sincerely,
(Signed)
Dave Heineman
Governor

Enclosures

August 19, 2014

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

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

Contingent upon your approval, the following individual is being appointed
to the Technical Advisory Committee for Statewide Assessment:

Dr. Richard Sawyer, ACT, P.O. Box 168, Iowa City, IA 52243

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

Sincerely,
(Signed)
Dave Heineman
Governor

Enclosures

September 8, 2014

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

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

Contingent upon your approval, the following individual is being appointed
to the Nebraska Natural Resources Commission:

Loren Taylor, 1119 S. 3rd Avenue, Broken Bow, NE 68822

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

Sincerely,
(Signed)
Dave Heineman
Governor
September 8, 2014

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

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

Contingent upon your approval, the following individuals are being appointed to the Technical Advisory Committee for Statewide Assessment:

Dr. Brian Gong, National Center of Improvement in Education Assessment,
P.O. Box 351, Dover, NH 03821
Linda Poole, 5054 South 171 Avenue, Omaha, NE 68135

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 8, 2014

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

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

Contingent upon your approval, the following individual is being appointed to the Child Abuse Prevention Fund Board:

Mary Fran Flood, 4312 Waterbury Lane, Lincoln, NE 68516

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures
September 8, 2014

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

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

Contingent upon your approval, the following individual is being appointed
to the Oil and Gas Conservation Commission:

Thomas D. Oliver, 618 "O" Street, Bridgeport, NE 69336

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 24, 2014

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

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

Contingent upon your approval, the following individual is being
reappointed to the Board of Educational Lands and Funds:

Glenn R. Wilson Jr., 3103 Brentwood Circle, Grand Island, NE 68802

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures
October 14, 2014

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

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

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Tim Hofbauer, 2328 34 Street, Columbus, NE 68601
Dana Miller, 110 21 Street, Gering, NE 69341
Keith Hansen, 10700 Dawn Avenue, Lincoln, NE 68516

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 27, 2014

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

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

Contingent upon your approval, the following individual is being appointed to the Child Abuse Prevention Fund Board:

Todd Bartee, 5715 Avenue Q, Kearney, NE 68847

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

Sincerely,
(Signed) Dave Heineman
Governor

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

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

Contingent upon your approval, the following individual is being reappointed to the Nebraska Investment Council:

John Dinkel, 2206 Koenigstein Avenue, Norfolk, NE 68701

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 14, 2014

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

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

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Teresa Konda, 6211 N. 131 Street, Omaha, NE 68164

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

Sincerely,
(Signed) Dave Heineman
Governor

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

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

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

William Marshall III, 712 Grand Avenue, 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.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 19, 2014

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

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

Please withdraw the following individual from consideration for confirmation of appointment to the State Board of Health:

Dr. Heidi J. Stark, 2018 The Knolls, Lincoln, NE 68512

Dr. Heidi Stark has resigned from the State Board of Health.

Thank you.

Sincerely,
(Signed) Dave Heineman
Governor
December 5, 2014

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

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

Contingent upon your approval, the following individual is being appointed
to the Nebraska Tourism Commission:

Carol E. Schlegel, 37785 Road 721, Culbertson, NE 69024

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

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

REPORTS

Agency reports electronically filed with the Legislature can be found on the
Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

2014 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS

<table>
<thead>
<tr>
<th>LR</th>
<th>Subject</th>
<th>Completed Report Issued</th>
<th>Completed No Report Issued</th>
<th>Deferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>531</td>
<td>Examine regulation of non-profit distributors under Plant Protection and Plant Pest Act</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>545</td>
<td>Examine efforts to stimulate local food networks</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>558</td>
<td>Examine state and local means to stimulate community gardens</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>560</td>
<td>Interim study to receive dairy industry report pursuant to LB941</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Examine role of private veterinarians in assisting law enforcement officers in livestock animal cruelty investigations</td>
<td></td>
<td>X</td>
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<td></td>
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<tr>
<td>562</td>
<td>Examine revenue supporting implementation and enforcement of Dog and Cat Operator Inspection Act</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>563</td>
<td>Examine vertical coordination in the pork industry</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>564</td>
<td>Examine producer welfare and regulations governing packer procurement of swine through marketing and contract production</td>
<td></td>
<td>X</td>
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</table>

### Appropriations

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<tr>
<th>LR</th>
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</thead>
<tbody>
<tr>
<td>529</td>
<td>Interim study to examine the adequacy of provider rates to meet the needs of Nebraskans with disabilities and the providers of services</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>535</td>
<td>Interim study to conduct a comprehensive review of the structure of health and human services functions currently administered by the Department of Health and Human Services</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>544</td>
<td>Interim study to examine the fiscal impacts of unfunded mandates</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>549</td>
<td>Interim study to examine issues relating to Game and Parks Commission funding</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>567</td>
<td>Interim study to examine potential funding sources for the Great Plains Black History Museum, Science and Technology Center in Omaha, Nebraska</td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>
## Banking, Commerce and Insurance

<table>
<thead>
<tr>
<th>LR</th>
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</thead>
<tbody>
<tr>
<td>498</td>
<td>Interim study to further examine the updating of Nebraska's business entity statutes</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>499</td>
<td>Interim study to examine whether the Nebraska Real Property Appraiser Act should be updated</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>501</td>
<td>Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>497</td>
<td>Interim study to examine whether Nebraska should amend its insurance statutes to authorize property and casualty to provide electronic delivery of insurance notices and documents and Internet posting of certain insurance policies</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>506</td>
<td>Interim study to examine whether changes in the electronic payments market rendering section 8-157.01 unworkable and inapplicable to financial institutions</td>
<td></td>
<td>X</td>
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</table>

## Business and Labor

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>547</td>
<td>Interim study to examine issues surrounding labor shortage areas in the state and opportunities available to Nebraska's future workforce</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>551</td>
<td>Interim study to examine enforcement under the Employee Classification Act and the effect misclassification has on facets of business and labor in Nebraska</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>554</td>
<td>Interim study to gather information and study the possible existence and extent of labor trafficking in the State of Nebraska</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>LR</td>
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<tr>
<td>508</td>
<td>Interim study to examine issues surrounding the Nebraska P-16 Initiative organized and managed by the University of Nebraska</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>519</td>
<td>Interim study to evaluate current course offering for high school students in Nebraska</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>525</td>
<td>Interim study to examine the skills gap in Nebraska's workforce and to identify options for workforce education</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>526</td>
<td>Interim study to examine options to provide incentives for professional growth and development of teachers as the means to increased student achievement and success in Nebraska public schools</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>532</td>
<td>Interim study to examine utilization of federal school breakfast and lunch programs and the impact of new federal options on Nebraska</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>546</td>
<td>Interim study to review existing state and local programs and policies on expanded learning opportunities</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>568</td>
<td>Interim study to examine options for the creation of a Nebraska educational trust fund for the purpose of stabilizing the availability of state aid to education when there is a significant decline in state sales and income tax revenue</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>579</td>
<td>Interim study to examine the need-based financial aid program, the Nebraska Opportunity Grant Act, to determine whether the program is sufficient to meet the needs of students</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>588</td>
<td>Interim study to examine the establishment of an early childhood data governance entity</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>LR</td>
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<tr>
<td>600</td>
<td>Interim study to examine issues surrounding the use of a foundation formula per student in the calculation of need for a school district and use of an income factor in the calculation of resources for state aid purposes</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>618</td>
<td>Interim study of issues under the jurisdiction of the Education Committee</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

**Executive Board**

<table>
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<tr>
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<tbody>
<tr>
<td>536</td>
<td>Interim study to examine the process of creating legislative task forces, committees, and commissions</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

**General Affairs**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>577</td>
<td>Interim study to examine issues under the jurisdiction of the General Affairs Committee</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>578</td>
<td>Interim study to examine the various Nebraska agricultural products used in the production of craft beer and distilled spirits</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Government, Military and Veterans Affairs**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>581</td>
<td>Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee (handicapped parking)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>582</td>
<td>Interim study to review the work of the Task Force on Unfunded Mandates created in 1996 and to study the impacts of unfunded and underfunded mandates on counties and county governments</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
### Interim Studies

<table>
<thead>
<tr>
<th>LR</th>
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<tbody>
<tr>
<td>527</td>
<td>Interim study to examine the reasons why emergency disaster payments made by or through the Nebraska Emergency Management Agency and the Federal Emergency Management Agency are not made in a timely manner once awarded</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>557</td>
<td>Interim study to examine the need to appropriate funds to Memorial Park in Omaha, Nebraska, for improvements to the parks and to examine ways to honor our veterans</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>538</td>
<td>Interim study to examine issues surrounding the implementation of an electronic notary system in Nebraska</td>
<td></td>
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<td>X</td>
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</table>

### Health and Human Services

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>517</td>
<td>Examine ways to improve the quality and availability of interpreter services for Nebraskans who are deaf or hard of hearing</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>518</td>
<td>Examine the need to craft a policy to ensure that women who choose to give birth at home are adequately supported by trained health care professionals</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>530</td>
<td>Examine existing and proposed programs, policies, administrative rules, and statutes that impact the financial stability of working families in Nebraska</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>533</td>
<td>Assess the enrollment of former foster youth in the new medicaid category for youth formerly in foster care up to age 26 in Nebraska under the new federal Patient Protection and Affordable Care Act</td>
<td>Hearing Held: October 24, 2014</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Task Description</td>
<td>Hearing Held:</td>
<td>X</td>
<td></td>
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<tr>
<td>539</td>
<td>Examine whether the maximum payment rate in the Aid to Dependent Children program, is adequate to meet the goals of the Temporary Assistance for Needy Families program, including keeping children in their own home</td>
<td>October 24, 2014</td>
<td></td>
<td></td>
</tr>
<tr>
<td>540</td>
<td>Examine the treatment and services for people dually diagnosed with I/DD and MI or I/DD and behavioral health problems</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>541</td>
<td>Examine the implementation of educational stability plans for children in foster care under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>559</td>
<td>Examine issues surrounding the Medicaid Reform Council</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>565</td>
<td>Examine whether adding antidepressant, antipsychotic, and anticonvulsant drugs to the medicaid preferred drug list would be of benefit to Nebraska medicaid or Nebraska medicaid clients</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>574</td>
<td>Explore the need for fully integrated residential services for people who are deaf and hard of hearing</td>
<td>Report issued by the Introducer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>575</td>
<td>Examine issues surrounding in-home personal services</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>576</td>
<td>Examine the current status of the sharing of electronic health records and health information exchanges in Nebraska</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>580</td>
<td>Examine the reform effort of Nebraska's behavioral health system</td>
<td></td>
<td>X</td>
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<tr>
<td>586</td>
<td>Gather information and make recommendations to craft policy to support and continue electronic health records exchanges and health information initiatives</td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>587</td>
<td>Gather information and make recommendations to craft policy to support the creation of a sustainable community health workforce in Nebraska</td>
<td></td>
<td>X</td>
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<tr>
<td>LR</td>
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<tr>
<td>592</td>
<td>Examine various methods of behavioral health workforce development</td>
<td>+</td>
<td></td>
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<tr>
<td>596</td>
<td>Evaluate the potential uses of Physician Orders for Life-Sustaining Treatment and out-of-hospital Do Not Resuscitate protocols</td>
<td>+</td>
<td></td>
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</tr>
<tr>
<td>601</td>
<td>Examine the impact of implementing, and the impact of failing to implement, medicaid expansion in Nebraska</td>
<td>+</td>
<td></td>
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<tr>
<td>624</td>
<td>Examine issues under the jurisdiction of the Health and Human Services Committee</td>
<td>X</td>
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<thead>
<tr>
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<tbody>
<tr>
<td>433</td>
<td>Interim study to examine issues relating to production, possession, and use of hemp oil for the purposes of treating epileptic seizures</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>520</td>
<td>Interim study to examine the problems that law enforcement is encountering since the State of Colorado legalized the sale and recreational use of marijuana</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>534</td>
<td>Interim study to examine issues surrounding patent assertion entities, commonly referred to as &quot;patent trolls&quot;</td>
<td>X</td>
<td></td>
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<tr>
<td>542</td>
<td>Interim study to examine issues regarding the current guardian ad litem system</td>
<td>X</td>
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<tr>
<td>543</td>
<td>Interim study to examine issues under the jurisdiction of the Judiciary Committee</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>548</td>
<td>Interim study to assess how the State of Nebraska can improve the coordination and provision of child welfare services for Native American children and families</td>
<td>X</td>
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<tr>
<td>LR</td>
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<tr>
<td>552</td>
<td>Interim study to examine Nebraska's juvenile courts, especially juvenile courts within Douglas County</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>553</td>
<td>Interim study to examine the issue of drivers' licenses for young Nebraskans who have been granted Deferred Action for Childhood Arrivals by the Department of Homeland Security</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>569</td>
<td>Interim study to examine the professional development of forensic science in Nebraska</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>584</td>
<td>Interim study to examine issues relating to changing recreational liability provisions</td>
<td></td>
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<td>X</td>
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<tr>
<td>591</td>
<td>Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce</td>
<td></td>
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<td>X</td>
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</table>

**Natural Resources Committee**

<table>
<thead>
<tr>
<th>LR</th>
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<tbody>
<tr>
<td>491</td>
<td>Interim study to examine the need to clarify and expand application of LB985 (2014), which provided standing to natural resources districts and requirements for water appropriations</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>597</td>
<td>Interim study to examine methods by which to find balance between water resources and water uses in areas under interstate compacts, cooperative agreements, or decrees</td>
<td></td>
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<td>X</td>
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<tr>
<td>590</td>
<td>Interim study to examine the organizational structure of public power</td>
<td></td>
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<td>X</td>
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<tr>
<td>589</td>
<td>Interim study to evaluate the local and statewide health impacts of burning coal</td>
<td></td>
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<td>LR</td>
<td>Subject</td>
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<tr>
<td>628</td>
<td>Interim study to examine the role of Nebraska state government in establishing and implementing standards of performance for existing carbon dioxide emissions from public power plants within the state</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

**Nebraska Retirement Systems**

<table>
<thead>
<tr>
<th>LR</th>
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<th>Completed No Report Issued</th>
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</thead>
<tbody>
<tr>
<td>521</td>
<td>Interim study to examine the public employees retirement systems administered by the Public Employees Retirement Board</td>
<td></td>
<td></td>
<td>X</td>
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</table>

**Revenue**

<table>
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<tr>
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<tbody>
<tr>
<td>571</td>
<td>State Income Tax Changes</td>
<td>12-12-14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>566</td>
<td>Ag Land Valuation Changes</td>
<td>12-12-14</td>
<td></td>
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<tr>
<td>573</td>
<td>State Aid to Political Subdivisions</td>
<td>12-31-14</td>
<td></td>
<td></td>
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<tr>
<td>572</td>
<td>Expansions of Sales Tax Base</td>
<td>12-12-14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>598</td>
<td>Federal Mandate for Remote Sellers: Sales Tax</td>
<td>12-12-14</td>
<td></td>
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<tr>
<td>570</td>
<td>Tax Incentive Programs</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>594</td>
<td>Constitutional Limits on Property Tax Relief</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>556</td>
<td>Local Use of Property Tax: Schools and Justice System</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>510</td>
<td>Use of Offshore Tax Shelters</td>
<td></td>
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**Transportation and Telecommunications**

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<tr>
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<tbody>
<tr>
<td>522</td>
<td>Interim study to examine the U.S. Dept. of Transportation's Maritime Administration's designation of the Missouri River from South Sioux City, Nebraska, south to Kansas City, Missouri, as the M-29 Marine Highway Connector</td>
<td></td>
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<td>X</td>
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</table>
**Urban Affairs**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>523</td>
<td>Interim study to examine alternative transportation options and recommended potential changes to Nebraska's statutes</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>528</td>
<td>Interim study to examine issues surrounding financing the maintenance and replacement of county bridges</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>537</td>
<td>Interim study to examine implementation, management, operation, and ongoing development of Next Generation 911 service in Nebraska</td>
<td></td>
<td>X</td>
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</tbody>
</table>

**Communications**

Received a copy of House Joint Resolution No. 22 from the state of Alaska, requesting the United States Congress to call a convention of the states to propose an amendment to the United States Constitution that imposes fiscal restraints on the federal government, limits the power and jurisdiction of the federal government, and limits the terms of office of federal government officials.
Received a copy of Senate Resolution 371 from the state of Georgia calling for a convention of the states under Article V of the United States Constitution for the purpose of proposing a balanced budget amendment.

Received a copy of Senate Resolution 736 from the state of Georgia calling for a convention of the states under Article V of the United States Constitution for the limited purpose of proposing amendments to the Constitution of the United States relating to fiscal restraints, and limitation on terms of office for members of Congress.

Received a copy of House Concurrent Resolution No. 70 from the state of Louisiana relating to a balanced budget amendment to the United States Constitution.

Received a copy of House Joint Resolution No. 548 from the state of Tennessee to make application to the Congress of the United States pursuant to Article V of the United States Constitution to call a constitutional convention for the sole purpose of proposing a balanced budget amendment and other related fiscal restraints.

**ANNOUNCEMENT(S)**

Committee on Committees elected Senator Coash as Vice Chairperson.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator McCoy offered the following Committee on Committees report:

- **Agriculture** (8)
  Rm. 2102 - Tuesday
  Johnson (C), Bloomfield, Chambers, Harr, B., Kolterman, Larson, Riepe, Schilz

- **Appropriations** (9)
  Rm. 1524 - Monday & Tuesday
  Rm. 1003 - Wednesday, Thursday, & Friday
  Mello (C), Bolz, Haar, K., Hilkemann, Kintner, Kuehn, Nordquist, Stinner, Watermeier

- **Banking, Commerce and Insurance** (8)
  Rm. 1507 - Monday & Tuesday
  Scheer (C), Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, Williams

- **Business and Labor** (7)
  Rm. 2102 - Monday
  Harr, B. (C), Bloomfield, Chambers, Crawford, Ebke, Johnson, McCollister
Education (8)
Rm. 1525 - Monday & Tuesday
Sullivan (C), Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor

General Affairs (8)
Rm. 1510 - Monday
Larson (C), Coash, Hansen, Hughes, Kolterman, Krist, Riepe, Schilz

Government, Military and Veterans Affairs (8)
Rm. 1507 - Wednesday, Thursday, & Friday
Murante (C), Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy

Health and Human Services (7)
Rm. 1510 - Wednesday, Thursday, & Friday
Campbell (C), Baker, Cook, Crawford, Howard, Kolterman, Riepe

Judiciary (8)
Rm. 1113 - Wednesday, Thursday, & Friday
Seiler (C), Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Williams

Natural Resources (8)
Rm. 1525 - Wednesday, Thursday, & Friday
Schilz (C), Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schnoor

Nebraska Retirement Systems (6)
Rm. 1525 - At call of Chair
Nordquist (C), Davis, Groene, Kolowski, Kolterman, Mello

Revenue (8)
Rm. 1524 - Wednesday, Thursday, & Friday
Gloor (C), Brasch, Davis, Harr, B., Scheer, Schumacher, Smith, Sullivan

Transportation and Telecommunications (8)
Rm. 1113 - Monday & Tuesday
Smith (C), Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler

Urban Affairs (7)
Rm. 1510 - Tuesday
Crawford (C), Coash, Ebke, Hansen, Hughes, Krist, McCollister
Committee on Committees (13)
McCoy (C)
District 1: Campbell
District 2: Harr, B.
District 3: Bloomfield
Coash (VC) Krist
Garrett Mello
Schumacher Smith

Enrollment and Review (1)
Hansen (C)

Reference (9)
Krist (C), Watermeier (VC), Campbell, Chambers, Coash, Hadley, Hughes, Larson, Murante, Mello (nonvoting ex officio)

Rules (6)
Garrett (C), Bloomfield, Krist, Nordquist, Schumacher, Hadley (ex officio)

Executive Board of the Legislative Council (9)
Krist (C), Watermeier (VC), Campbell, Chambers, Coash, Hadley, Hughes, Larson, Murante, Mello (nonvoting ex officio)

BILLs ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. Introduced by Executive Board: Krist, 10, Chairperson.
A BILL FOR AN ACT relating to a transfer of property; to eliminate a provision relating to transfer of property taking place in 1994; and to outright repeal section 83-1,100.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 2. Introduced by Executive Board: Krist, 10, Chairperson.
A BILL FOR AN ACT relating to correctional facilities; to eliminate provisions relating to design and location of certain correctional facilities done in 1970's; and to outright repeal section 83-954, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 3. Introduced by Executive Board: Krist, 10, Chairperson.
A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Cumulative Supplement, 2014; to repeal provisions relating to tax credits that terminated January 1, 2010; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233,
and 77-27,234, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 4.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Opportunity Zone Act; to repeal provisions that terminated December 31, 2010; and to outright repeal sections 81-12,117, 81-12,118, 81-12,119, 81-12,120, 81-12,121, 81-12,123, and 81-12,124, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 5.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Innovation and High Wage Employment Act; to repeal provisions that terminated January 1, 2011; and to outright repeal sections 48-2801, 48-2802, 48-2803, 48-2804, and 48-2805, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 6.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to prenatal services; to repeal a provision that terminated June 30, 2011; and to outright repeal section 68-721, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 7.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Lead-Based Paint Hazard Control Program; to repeal a provision that terminated June 30, 2011; and to outright repeal section 81-1212, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 8.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Children's Behavioral Health Oversight Committee of the Legislature; to amend section 71-821, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Cumulative Supplement, 2014; to repeal provisions that terminated on December 31, 2012; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-827, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 9.** Introduced by Executive Board: Krist, 10, Chairperson.

A BILL FOR AN ACT relating to the Republican River Basin Water Sustainability Task Force; to repeal provisions that terminated on June 30, 2012; to repeal a fund that is no longer needed; and to outright repeal

LEGISLATIVE BILL 10. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to presidential electors; to amend section 32-1038, Reissue Revised Statutes of Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

LEGISLATIVE BILL 11. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Managed Care Plan Network Adequacy Act; to amend section 44-7105, Reissue Revised Statutes of Nebraska; to prohibit rules proscribing participation by or reimbursement to a provider with a familial relationship to the covered person receiving services; to provide a requirement for access plans; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 12. Introduced by Krist, 10.

A BILL FOR AN ACT relating to medicaid; to provide for suspension of medical assistance for inmates of public institutions as prescribed; and to provide duties for state and local agencies as prescribed.

LEGISLATIVE BILL 13. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Juvenile Services Act; to amend section 43-2404.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Community-based Juvenile Services Aid Program; and to repeal the original sections.


A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-1201, and 28-1351, Revised Statutes Cumulative Supplement, 2014; to create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony; to provide a penalty; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 15. Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-272.01, Revised Statutes Cumulative Supplement, 2014; to provide additional powers and duties for guardians ad litem; to define terms; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 16. Introduced by Krist, 10.
A BILL FOR AN ACT relating to government purchasing; to amend sections 81-159, 81-1118, and 83-145, Reissue Revised Statutes of Nebraska, and section 73-507, Revised Statutes Cumulative Supplement, 2014; to adopt the Purchasing from Persons with Disabilities Act; to change requirements for bidding and purchases by state and local governments; and to repeal the original sections.

LEGISLATIVE BILL 17. Introduced by Krist, 10.
A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-831, and 9-1006, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfers to the Compulsive Gamblers Assistance Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 18. Introduced by Krist, 10.
A BILL FOR AN ACT relating to schools; to amend section 79-217, Reissue Revised Statutes of Nebraska; to change provisions relating to immunizations; and to repeal the original section.

LEGISLATIVE BILL 19. Introduced by Krist, 10.
A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend section 71-5306, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of laboratories as prescribed; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Krist, 10.
A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to income tax exemptions for social security benefits and military retirement benefits; and to repeal the original section.

A BILL FOR AN ACT relating to behavioral health services; to amend sections 71-801, 71-806, and 71-831, Revised Statutes Cumulative Supplement, 2014; to provide requirements for rate increases for providers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 22. Introduced by Krist, 10.
A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend section 81-3401, Reissue Revised Statutes of Nebraska; to
provide immunity to architects and professional engineers for certain professional services performed during an emergency; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 23.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-3401, 81-3402, 81-3403, 81-3404, 81-3405.01, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3422.01, 81-3423, 81-3425, 81-3427, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3437, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444, 81-3446, 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Reissue Revised Statutes of Nebraska; to change the Engineers and Architects Regulation Act; to eliminate certain defined terms and provisions on examinations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, 81-3424, and 81-3452, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 24.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend sections 72-2204, 72-2211.01, 72-2213, and 81-1108.38, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment and qualifications of the State Capitol Administrator; to change provisions of the Capitol Commission Revolving Fund; to provide and change powers and duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 25.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to courts; to amend sections 29-1816, 43-245, 43-246.01, 43-247, and 43-2,129, Revised Statutes Cumulative Supplement, 2014; to change court jurisdiction as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 26.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Choice for the Advancement of Nebraska Children in Education Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 27.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-615,
Revised Statutes Cumulative Supplement, 2014; to create a reporting requirement when parenting time is established or modified; and to repeal the original section.

**LEGISLATIVE BILL 28.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to radon; to adopt the Radon Resistant New Construction Act; to require radon resistant new construction as prescribed; to provide powers and duties for the Department of Health and Human Services; and to create a task force.

**LEGISLATIVE BILL 29.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to schools; to amend section 79-248, Reissue Revised Statutes of Nebraska; to change provisions relating to health inspections as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 30.** Introduced by McCoy, 39.

A BILL FOR AN ACT relating to firearms; to prohibit disclosure of any applicant or permitholder information regarding firearms registration, possession, sale, or use as prescribed.

**LEGISLATIVE BILL 31.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend section 60-4,182, Revised Statutes Cumulative Supplement, 2014; to eliminate motorcycle and moped helmet requirements; to harmonize provisions; to repeal the original section; and to outright repeal sections 60-6,278, 60-6,279, 60-6,280, 60-6,281, and 60-6,282, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 32.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to agency budgeting; to provide strategic duties for the Department of Correctional Services.

**LEGISLATIVE BILL 33.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to state budgeting; to amend section 77-2715.01, Revised Statutes Cumulative Supplement, 2014; to require revenue volatility reporting as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 34.**Introduced by Howard, 9.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Revised Statutes Cumulative Supplement, 2014; to adopt the Carbon
Monoxide Safety Act; to require information relating to compliance with the act on disclosure statements for sales of real estate; to provide a duty for the State Real Estate Commission; and to repeal the original section.

**LEGISLATIVE BILL 35.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to corporations; to amend Laws 2014, LB 749, section 295; and sections 21-402, 21-403, 21-404, 21-405, 21-407, 21-408, 21-409, 21-410, 21-412, 21-414, and 70-1903, Revised Statutes Cumulative Supplement, 2014; to change the Nebraska Model Business Corporation Act operative date; to change Business Corporation Act references in the Nebraska Benefit Corporation Act and the Rural Community-based Energy Development Act; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 36.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1539, Reissue Revised Statutes of Nebraska; to adopt the Community College Gap Assistance Program Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 37.** Introduced by Krist, 10; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Howard, 9; Mello, 5; Watermeier, 1.


**LEGISLATIVE BILL 38.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-101 and 28-306, Revised Statutes Cumulative Supplement, 2014; to change penalties for motor vehicle homicide; to provide penalties for causing serious bodily injury to vulnerable road users; to define a term; to harmonize
provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,317, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-6,133, Revised Statutes Cumulative Supplement, 2014; to provide and change requirements for overtaking and passing bicycles; to provide and eliminate requirements for persons operating bicycles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 40. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2305.01, 24-704.01, 79-904.01, 81-2019.01, 84-1305.02, and 84-1503, Reissue Revised Statutes of Nebraska; to grant the Public Employees Retirement Board certain investigative powers; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 23-1118 and 23-2301, Revised Statutes Cumulative Supplement, 2014; to redefine county for purposes of the county employees retirement; and to repeal the original sections.

LEGISLATIVE BILL 42. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 13-2402, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to annual reports; and to repeal the original section.

LEGISLATIVE BILL 43. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2619, 30-3002, 30-3003, 30-3004, and 30-3005, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for appointment of standby guardians for incapacitated persons; to transfer and change provisions regarding recovery of estate assets; to provide for recovery of assets of wards as prescribed; to provide enforcement procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 44. Introduced by Coash, 27.

A BILL FOR AN ACT relating to infants; to amend section 43-104.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to Notice of Objection to Adoption and Intent to Obtain Custody; and to repeal the original section.
LEGISLATIVE BILL 45. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,104, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions regarding film vehicles; to harmonize provisions; to repeal the original section; and to outright repeal sections 60-327 and 60-383, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 46. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to rehabilitation centers and trauma centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-494, Reissue Revised Statutes of Nebraska, and sections 60-484 and 60-4,144, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to applications and anatomical gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 48. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to amend section 44-1525, Reissue Revised Statutes of Nebraska; to designate certain acts by insurers as unfair trade practices; and to repeal the original section.

LEGISLATIVE BILL 49. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to schools; to require formation of allied systems as prescribed.

LEGISLATIVE BILL 50. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 43-2511 and 68-911, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to covered services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 51. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4301 and 44-4309, Reissue Revised Statutes of Nebraska; to require certain disclosures prior to joining a risk management
pool; to change provisions relating to termination of participation in a pool; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 52. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2014; to exempt sanitary drainage districts from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 53. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,100, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of one license plate for passenger cars as prescribed; to provide a fee; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 54. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to statewide transfer-of-credit policies; and to repeal the original sections.

LEGISLATIVE BILL 55. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to provide authority to the Adjutant General to make emergency expenditures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 56. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to state property; to provide procedures for donations of real property to the Northeast Community College Area; and to declare an emergency.

LEGISLATIVE BILL 57. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services to demolish certain buildings; and to declare an emergency.

LEGISLATIVE BILL 58. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1022, Reissue Revised Statutes of Nebraska; to provide for distribution of certain funds as described; to harmonize provisions; to repeal the original sections;
and to declare an emergency.

**LEGISLATIVE BILL 59.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Reissue Revised Statutes of Nebraska; to change provisions relating to valuation; and to repeal the original section.

**LEGISLATIVE BILL 60.**Introduced by Kintner, 2; Craighead, 6; Ebke, 32; Garrett, 3; Schnoor, 15.

A BILL FOR AN ACT relating to firearms; to authorize possession of firearms as prescribed.

**LEGISLATIVE BILL 61.** Introduced by Bolz, 29; Campbell, 25.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Revised Statutes Cumulative Supplement, 2014; to change funding for county offices; to provide an operative date; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 62.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to provide an income tax deduction for loan principal payments for graduate degrees as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 63.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to provide an income tax deduction to certain taxpayers for the amount of income subjected to federal social security taxes as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 64.**Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to provide an income tax deduction for the income earned from second jobs; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 65.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to counties; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to change provisions relating to
termination of township boards; and to repeal the original section.

**LEGISLATIVE BILL 66.**Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to bonds; to amend section 13-928, Reissue Revised Statutes of Nebraska; to require disclosure statements as prescribed; to provide for joint and several liability; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 67.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Governmental Unit Security Interest Act; to amend sections 10-1101, 10-1102, 10-1103, 10-1104, 10-1105, 10-1106, and 70-1813, Reissue Revised Statutes of Nebraska; to rename the act; to define and redefine terms; to provide for governmental unit bond priority; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 68.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-27,132, Revised Statutes Cumulative Supplement, 2014; to eliminate step-up basis for real estate located in this state for determination of capital gains; to provide for use of funds; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 69.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to provide an income tax credit for corporate income taxes paid as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 70.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend sections 77-3004, 77-3005, 77-3006, 77-3007, 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of Nebraska; to authorize cities, villages, and counties to impose occupation taxes on certain mechanical amusement devices; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 71.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Agricultural Property Tax Credit Act; and to provide a property tax credit for agricultural land and horticultural land as prescribed.
LEGISLATIVE BILL 72. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to medicaid; to amend sections 30-3880, 30-3881, 30-3882, and 77-2018.02, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the powers of trustees; to provide a lien for medicaid reimbursement as prescribed; to require a notice of inheritance tax petitions; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 73. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Modern Tax Act; to impose a tax on the interest paid on certain loans; and to provide an operative date.

LEGISLATIVE BILL 74. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2014; to change the sales and use tax collection fees; and to repeal the original sections.

LEGISLATIVE BILL 75. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 39-2703, 77-2701, and 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to adopt the Taxpayer Investment Program; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 76. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska, and section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the earned income tax credit; to redefine household income for purposes of the homestead exemption; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 77. Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Haar, K., 21; Hansen, 26; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to require a state plan amendment relating to coverage for family planning services; to state intent relating to appropriations; to repeal the original section; and to declare an emergency.
LEGISLATIVE BILL 78. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4304, Reissue Revised Statutes of Nebraska; to change provisions relating to the public agencies authorized to enter into agreements; and to repeal the original section.

LEGISLATIVE BILL 79. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to require coverage for renewals of prescription eye drops as prescribed.

LEGISLATIVE BILL 80. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1101, 38-1102, 38-1108, 38-1112, 38-1113, 38-1137, 38-1138, 38-1139, 38-1140, 38-1141, 38-1142, 38-1143, 38-1144, 38-1145, 38-1146, 38-1147, and 38-1148, Reissue Revised Statutes of Nebraska; to provide, change, and eliminate requirements for permits for anesthesia, analgesia, and sedation as prescribed; to provide, change, and eliminate definitions; to provide requirements for sedation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 81. Introduced by Cook, 13.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to eligibility for assistance; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to support of dental services.

LEGISLATIVE BILL 83. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1228, Revised Statutes Cumulative Supplement, 2014; to provide certain protections for employees relating to wage disclosure; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 84. Introduced by Davis, 43.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to provide for a public body to use telephone conferencing or videoconferencing as prescribed; and to repeal the original section.
LEGISLATIVE BILL 85. Introduced by Davis, 43.
A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,108, Revised Statutes Cumulative Supplement, 2014; to increase the brand inspection fee; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by Davis, 43.
A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101, 37-102, and 37-104, Reissue Revised Statutes of Nebraska; to provide for a ninth district and a tenth member; to change quorum requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 87. Introduced by Campbell, 25.
A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend sections 43-4202 and 43-4207, Revised Statutes Cumulative Supplement, 2014; to change membership on the commission; to change a reporting deadline; to repeal the original sections.

LEGISLATIVE BILL 88. Introduced by Campbell, 25.
A BILL FOR AN ACT relating to fees; to amend section 33-110, Reissue Revised Statutes of Nebraska; to increase fees for marriage licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by Campbell, 25.
A BILL FOR AN ACT relating to public assistance; to amend section 43-513, Reissue Revised Statutes of Nebraska, and sections 43-512, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to aid to dependent children; to change provisions related to an earned income disregard; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 90. Introduced by Campbell, 25.
A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 71-6207.02 and 71-6223.02, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions regarding initiation of a directed review; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Johnson, 23.
A BILL FOR AN ACT relating to livestock; to repeal provisions regarding scabies, diseased swine, and hog cholera; to repeal the Hog Cholera Control and Eradication Act; and to outright repeal sections 54-724.01, 54-724.02, 54-724.04, 54-1401, 54-1402, 54-1403, 54-1404, 54-1405, 54-1406,
LEGISLATIVE BILL 92. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Agricultural Liming Materials Act; to amend sections 2-4323, 2-4324, 2-4326, and 2-4327, Reissue Revised Statutes of Nebraska; to change requirements for annual report filing and report publication; to change provisions relating to enforcement; to provide for seizure and disposal of noncompliant agricultural liming materials; to change penalties; to provide a duty for the Attorney General and local county attorneys; to remove an obsolete provision; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Nebraska Commercial Fertilizer and Soil Conditioner Act; to amend sections 81-2,162.02, 81-2,162.04, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.08, 81-2,162.11, 81-2,162.23, and 81-2,162.27, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change commercial fertilizer labeling requirements; to change penalties; to change requirements for publishing sales information; to remove a license application requirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-165.01, Reissue Revised Statutes of Nebraska; to provide for issuance of a printed certificate of title to a nonresident as prescribed; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Smith, 14.

A BILL FOR AN ACT relating to bicycles; to amend sections 28-109, 39-101, 60-122, 60-338, 60-611, 60-637, 60-638, and 60-640, Reissue Revised Statutes of Nebraska, and sections 60-123, 60-339, 60-471, 60-4,182, and 60-501, Revised Statutes Cumulative Supplement, 2014; to redefine bicycle to include certain electric-powered bicycles; to exclude bicycles from certain definitions of motor vehicle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 96. Introduced by Smith, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-528, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-2104, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, and
sections 70-651.04, 77-1736.06, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to eliminate certain taxing authority of learning communities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 97. Introduced by Smith, 14.

A BILL FOR AN ACT relating to license plates; to amend sections 60-3,122 and 60-3,124, Reissue Revised Statutes of Nebraska; to eliminate additional fees for Pearl Harbor and disabled veteran plates; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Bolz, 29; Gloor, 35.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for tobacco use prevention control.

LEGISLATIVE BILL 99. Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1429, Reissue Revised Statutes of Nebraska; to eliminate a duty for the Education Committee of the Legislature as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 100. Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

A BILL FOR AN ACT relating to the Community College Aid Act; to amend sections 85-1503 and 85-2234, Reissue Revised Statutes of Nebraska; to provide for allocation of state aid amounts to tribally controlled community colleges; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Sullivan, 41; Cook, 13; Kolowski, 31.

A BILL FOR AN ACT relating to education; to amend section 79-760.03, Reissue Revised Statutes of Nebraska; to change provisions relating to a statewide assessment and reporting system; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 102.Introduced by Sullivan, 41; Cook, 13; Crawford, 45; Kolowski, 31.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1412, 85-2101, 85-2102, 85-2104, 85-2106, and 85-2108, Reissue Revised Statutes of Nebraska; to rename and change provisions
relating to the Access College Early Scholarship Program Act; to create a scholarship program; to provide for eligibility; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 103.** Introduced by Kintner, 2.

A BILL FOR AN ACT relating to schools; to amend section 79-2,136, Reissue Revised Statutes of Nebraska; to change provisions relating to participation in school-sponsored athletic activities; and to repeal the original section.

**LEGISLATIVE BILL 104.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to utility service; to amend section 70-1605, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to notice of discontinuance of service; and to repeal the original section.

**LEGISLATIVE BILL 105.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to county government; to amend sections 23-1801, 23-1822, 33-139, and 48-135, Reissue Revised Statutes of Nebraska, and section 33-138, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the payment of fees and costs associated with the deaths of incarcerated persons and grand juries; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 106.** Introduced by Watermeier, 1; Johnson, 23; Murante, 49.

A BILL FOR AN ACT relating to livestock; to amend section 23-114, Reissue Revised Statutes of Nebraska; to adopt the Livestock Operation Siting and Expansion Act; to change powers of counties relating to certain zoning actions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 107.** Introduced by Crawford, 45; Campbell, 25; Cook, 13; Groene, 42; Howard, 9; Kolterman, 24; Krist, 10; Kuehn, 38; Riepe, 12; Watermeier, 1.

A BILL FOR AN ACT relating to nurses; to amend sections 38-206, 38-2302, 38-2310, 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, and sections 38-2301 and 38-2315, Revised Statutes Cumulative Supplement, 2014; to eliminate requirements for integrated practice agreements for nurse practitioners; to provide for transition-to-practice agreements; to change provisions relating to credentialing and regulation; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 108. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska to fund behavioral health internships.

LEGISLATIVE BILL 109. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Reissue Revised Statutes of Nebraska; to change residency requirements for veterans; to change applicability with respect to veterans; to remove a reference to a federal law; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 110. Introduced by Larson, 40; Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for pediatric cancer specialists.

LEGISLATIVE BILL 111. Introduced by Larson, 40; Brasch, 16; Ebke, 32; Kintner, 2; Schilz, 47.

A BILL FOR AN ACT relating to elections; to amend sections 32-110.02, 32-311.01, 32-914, 32-938, and 32-1027, Reissue Revised Statutes of Nebraska, and sections 32-321, 32-902, 32-915, 32-947, 32-953, 32-1002, 60-4,115, and 60-4,181, Revised Statutes Cumulative Supplement, 2014; to require presentation of a government-issued photographic identification document to vote; to provide exceptions; to provide for provisional ballots; to change requirements for identification for certain first-time voters; to change provisions for issuance of state identification cards; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-318.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 112. Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to presidential elections; to adopt the Interstate Compact on the Agreement Among the States to Elect the President by National Popular Vote.

LEGISLATIVE BILL 113. Introduced by Larson, 40; Kintner, 2.

A BILL FOR AN ACT relating to correctional services; to amend sections 47-701, 47-704, and 83-1,135, Reissue Revised Statutes of Nebraska; to provide for a copayment for health care services; to provide exemptions; to harmonize provisions; and to repeal the original sections.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 1. Introduced by Watermeier, 1.

WHEREAS, Dr. Thomas Ediger was born in York, Nebraska and grew up in Aurora, Nebraska; and
WHEREAS, Dr. Ediger earned a bachelor's degree in music education from the University of Nebraska, a master's degree in piano performance, and a doctorate in theory and composition from the University of Northern Colorado; and
WHEREAS, Dr. Ediger joined the Peru State College's faculty in 1979, serving as director of the concert choir and madrigal singers, and taught courses in music theory, music history, music education, and piano; and
WHEREAS, Dr. Ediger founded Peru State College's Piano Extravaganza in 1990, coordinated the college's annual High School Show Choir Festival and Choral Festival Honor Choir, and directed and produced the annual Holiday Madrigal Dinner; and
WHEREAS, in 2009, Dr. Ediger was awarded the Music Teachers National Association's (MTNA) Foundation Fellow Award in recognition of his service and leadership; and
WHEREAS, Dr. Ediger was a three-time winner of the Peru State College Teacher Excellence Award; and
WHEREAS, during his 35 years at Peru State College, Dr. Ediger positively influenced the lives of thousands of students; and
WHEREAS, Dr. Ediger passed away on August 20, 2014.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature honor the memory of Dr. Thomas Ediger, an accomplished musician, whose talent, kindness, and commitment to Peru State College and his students will be greatly missed.
2. That the Legislature express and extend its sympathy and condolences at the passing of Dr. Ediger.
3. That a copy of this resolution be sent to the School of Arts and Sciences at Peru State College.

Laid over.

LEGISLATIVE RESOLUTION 2. Introduced by Davis, 43.

WHEREAS, Chadron High School was ranked 433rd out of the 500 schools on Newsweek's 2014 America's Top High Schools list; and
WHEREAS, Chadron High School was one of only three Nebraska schools that made the list; and
WHEREAS, Newsweek's rankings aim to identify the public high schools in the United States that do the best job of preparing students for college and overcoming the obstacles posed by socio-economic inequality; and
WHEREAS, despite a 33% poverty rate, Chadron High School ranked in the 71st percentile in college readiness, the 62nd percentile in college-bound students, and the 95th percentile in graduation rate; and
WHEREAS, in April 2014, Chadron High School was ranked the #2 Best High School in Nebraska by U.S. News and World Report; and
WHEREAS, Chadron High School is the only Nebraska school to be named to both lists for 2014.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the students, faculty, and staff of Chadron High School on their admirable rankings and applauds their dedication to a high standard of education.
2. That the Legislature recognizes the superior administration of Dr. Caroline Winchester, superintendent, and Jerry Mack, principal, and thanks them for their commitment to their students.
3. That a copy of this resolution be sent to Chadron Public Schools superintendent Dr. Caroline Winchester and principal Jerry Mack.

Laid over.

LEGISLATIVE RESOLUTION 3. Introduced by Davis, 43.

WHEREAS, Hay Springs High School was ranked 133rd out of the 500 schools on Newsweek's 2014 America's Top High Schools list; and
WHEREAS, Hay Springs High School was the highest of only three Nebraska schools that made the list; and
WHEREAS, Newsweek's rankings aim to identify the public high schools in the United States that do the best job of preparing students for college and overcoming the obstacles posed by socio-economic inequality; and
WHEREAS, despite a 44% poverty rate, Hay Springs High School ranked in the 91st percentile in college readiness, the 71st percentile in college-bound students, and the 81st percentile in graduation rate; and
WHEREAS, this ranking is a testament to the dedication of the students, as well as the commitment of the faculty and staff to ensuring the best educational opportunities for the students at Hay Springs, a school that has struggled in the past; and
WHEREAS, over the last five years, Hay Springs High School has progressed from being a persistently low-achieving school to reaching a 100% graduation rate and being recognized nationally for its success at college preparation.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the students, faculty, and staff of Hay Springs High School on their admirable ranking and applauds their whole-hearted commitment to a high standard of education.
2. That the Legislature congratulates Steve Pummel, superintendent and principal, on the vast improvement to the school over his six years as superintendent, and thanks him for his dedicated leadership.

3. That a copy of this resolution be sent to Steve Pummel, Hay Springs superintendent and principal.

Laid over.

LEGISLATIVE RESOLUTION 4. Introduced by Davis, 43.

WHEREAS, the Hemingford High School football team won the 2014 Class D-1 Football Championship by defeating Bruning-Davenport-Shickley by a score of 52-8; and
WHEREAS, the Hemingford High School football team lost the 2013 D-1 Championship by two points to Exeter-Milligan; and
WHEREAS, the win gave the Hemingford High School their first football championship and the first championship for a Nebraska panhandle team since 1986; and
WHEREAS, the Hemingford High School football team ended their 2014 season with a record of 13-0; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Hemingford High School football team on its undefeated season and winning the 2014 Class D-1 Football Championship.

2. That a copy of this resolution be sent to the Hemingford High School football team and Coach Jordan Haas.

Laid over.

LEGISLATIVE RESOLUTION 5. Introduced by Davis, 43.

WHEREAS, the original Modisett Ball Park was built in 1939 with $12,000 given to Rushville by the Modisette family, a Sheridan County ranching family, for the express purpose of building a community ballpark; and
WHEREAS, over the last 70 years, the park, which was rated the second-best baseball field in Nebraska at one time, had fallen into severe disrepair with little funding for upkeep and maintenance; and
WHEREAS, last year, in response to a donation request to help renovate the dilapidated ballpark, Rushville natives John and Carmen Gottschalk pledged $250,000 toward a complete rebuilding of the ballpark if the town could raise $100,000, which the town met and exceeded by the deadline of March 2014; and
WHEREAS, the half-million dollar project included rebuilding the grandstand, laying new sod, installing an underground sprinkler system, new
detached restrooms, bleachers for additional seating, light poles, below
grade dugouts, and an original sculpture by George Lundeen; and

WHEREAS, on August 30, 2014, Rushville and the surrounding
community celebrated the grand-reopening of Modisett Ball Park with
festivities and a fireworks show for a crowd of over 500. John Gottschalk
threw out the first pitch in what would be a 7-4 win for Rushville over
Chadron.

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

1. That the Legislature congratulate the community of Rushville and the
project's many donors on bringing Modisett Ball Park back to life and
renewing this spectacular historic place for everyone, young and old, to
enjoy baseball.

2. That the Legislature express its gratitude to John and Carmen
Gottschalk for their generosity to the Rushville community.

3. That a copy of this resolution be sent to Chris Heiser, mayor of
Rushville, to the Sheridan County Journal Star, and to John and Carmen
Gottschalk.

Laid over.

LEGISLATIVE RESOLUTION 6. Introduced by Davis, 43.

WHEREAS, Hyannis High School won the 2014 Class D-2 One-Act Play
State Championship with their performance of "Schubert's Last Serenade"; and

WHEREAS, this is Hyannis High School's second Class D-2 One-Act
Play State Championship in a row; and

WHEREAS, Gabe Haney was named outstanding male performer, and
Isabel Safarik was named outstanding female performer; and

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

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

1. That the Legislature congratulates Hyannis High School for winning
the 2014 Class D-2 One-Act Play State Championship, applauds the
performance of Gabe Haney and Isabel Safarik, and recognizes the work of
director Jeanne Gentry and assistant director Amanda Macy.

2. That a copy of this resolution be sent to the Hyannis High School One-
Act team and to Jeanne Gentry and Amanda Macy.

Laid over.
ANNOUNCEMENT(S)

The Nebraska Retirement Systems Committee elected Senator Davis as Vice Chairperson.

Senator Sullivan announced the Education Committee will meet Friday, January 9, 2015, at 9:00 a.m. in Room 2022.

MOTION - Escort Committees

Senator Watermeier moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

RECESS

At 11:18 a.m., on a motion by Senator McCoy, 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.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

INAUGURAL CEREMONIES

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

Governor Pete Ricketts delivered the following inaugural address:

“We can grow Nebraska.”

President Foley, Speaker Hadley, Chief Justice Heavican, Members of the Legislature, distinguished guests, family, and fellow Nebraskans.

Congratulations on beginning the 104th Nebraska Legislature. I am humbled and honored to serve you as the 40th Governor of the great State of Nebraska.

Welcome to the new members of the Unicameral and my fellow constitutional officers. I look forward to working with each and every one of you.
Today, as is with all inauguration days, is a time of new beginning for the
state of Nebraska. As I look into the future, I’m optimistic about the road
that lies ahead. We have a great state, filled with opportunity.

It is also a time to take stock. We’ve turned the calendar to 2015. In a little
over two years, we will celebrate Nebraska’s 150th anniversary of statehood.

Our rich history is deeply rooted in freedom, opportunity, liberty, and the
hope for a better life for future generations.

A few years before statehood in 1862, the Homestead Act was signed into
law by President Abraham Lincoln, who also selected Nebraska to be a
crossroads for a great transcontinental railroad.

The first Homesteaders were citizens, immigrants, and freed slaves. They
traveled hundreds of miles to Nebraska by foot, wagon train and railroad
seeking a better life.

A special incentive was provided for the patriots who served in the Union
Army. One of the first Homesteaders, Daniel Freeman, was one such
soldier. He claimed a piece of land at Cub Creek near Beatrice. Another
veteran, Robert Ball Anderson, was a former slave who earned his freedom
in the Union Army. In 1870, he became the first freed African-American
Homesteader.

Today we gather in Lincoln, our state capital, named for one of the greatest
of American presidents who shaped the destiny of our state. We continue to
welcome all those who value freedom and are in search of a better life. We
welcome people from all over the world, who study at our great Universities
or work at our businesses, farms and ranches. And as our forefathers did a
century and a half ago, we honor the veterans—the men and women who
sacrificed and served our country.

Folks, we have a beautiful state filled with tremendous opportunity from the
Missouri River to the Sandhills to the Pine Ridge.

Nebraska is what America is supposed to be.

The strength of our state lies in our people. Nebraskans are engaged in their
communities, their schools, and their churches. And when we have
problems, we find ways to work together despite our differences.

The future of our state continues to depend on our ability to pull together, to
solve problems, and to grow Nebraska. I am excited to work together in a
spirit of collaboration to move our great state forward.

To create the futures that Nebraska families want and deserve we must work
toward four goals.
First, we must strengthen our economy and create jobs. These priorities go hand in hand. We must create more and better paying jobs for our kids and grandkids and attract kids from across the country. We must create the 21st century infrastructure and pro-growth policies that foster investment by business and productivity for our farms and ranches.

However, there’s a major barrier to growing jobs in our state: Nebraska’s high taxes. We must cut taxes.

Whether you’re a homeowner, farmer, rancher, or small business owner, everyone feels the burden of high taxes.

Nebraskans from Alliance to Syracuse have expressed their strong interest in finding a pathway to property tax relief. That is my number one priority this year.

At the same time, we must act responsibly. It is our constitutional duty to balance our budget while funding the priorities that the people of Nebraska care about most.

Next, we must reduce regulatory burdens. Whether it’s a livestock producer in Bridgeport or a manufacturer in Deshler, business owners bear the burden of oppressive over regulation.

As governor, I will stand up to the excessive regulation forced on us by Washington. At the state level, I will work to ensure our regulatory process is fair, transparent, and more efficient.

In addition, we must strengthen our education system. We must make sure our young people have the skills they need to compete in a 21st century global economy and in particular career and vocational training. Every manufacturer I’ve spoken to has told me they can’t find enough skilled labor, and it’s a barrier to them expanding in our state.

In the coming weeks, I will continue to meet with members of the legislature to build relationships so that we can Grow Nebraska.

As we work together, you will have other ideas on how to reach our goals. You may have other concerns you are hearing from your constituents. I promise I will listen closely and with an open mind.

Nebraskans want government to work. They hold us to high standards. I will work hard each and every day to meet those standards and safeguard the public’s trust. I urge Nebraskans everywhere to stay engaged: You are the second house. Hold us accountable for what we achieve and help us Grow Nebraska.

In the words of Virginia Smith, the only woman to represent Nebraska in the
U.S. House of Representatives, “There is no excellence without great labor.”

On behalf of my wife Susanne and our entire family, thank you very much, and God Bless the people of this great state.

The Governor, Lt. Governor, their families, and other newly elected state officials were escorted from the Chamber.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 2:51 p.m., on a motion by Senator Cook, the Legislature adjourned until 10:00 a.m., Friday, January 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
THIRD DAY - JANUARY 9, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 9, 2015

PRAYER

The prayer was offered by Senator Krist.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Cook and Nordquist who were excused; and Senator Kintner who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

ANNOUNCEMENT(S)

The Revenue Committee elected Senator Schumacher as Vice Chairperson.

Senator Garrett announced the Rules Committee will meet Tuesday, January 13, 2015, at 1:30 p.m. in Room 1113.

The Chair announced the birthday of Senator Bloomfield.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 114. Introduced by McCoy, 39.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend sections 71-405 and 71-416, Reissue Revised Statutes of Nebraska; to redefine ambulatory surgical center and health clinic; and to repeal the original sections.
LEGISLATIVE BILL 115. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to social security numbers; to define a term; to prohibit certain actions; and to provide exceptions.

LEGISLATIVE BILL 116. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735.06, Reissue Revised Statutes of Nebraska, and section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures and membership for certain boards of trustees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 117. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to energy; to amend sections 66-1062, 66-1064, 66-1065, and 66-1066, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to energy financing contracts between energy service companies and governmental units; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 118. Introduced by Larson, 40; Krist, 10.

A BILL FOR AN ACT relating to cigar shops; to amend sections 53-103.08 and 53-1,120.01, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131, and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as prescribed; to provide for a nonrefundable application fee and requirements for certain Class C liquor license applications; to preempt county resolutions and city ordinances relating to smoking in cigar shops; to state intent; to exempt cigar shops from the Nebraska Clean Indoor Air Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 119. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Cumulative Supplement, 2014; to change where certain sentences of imprisonment may be served; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 120. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,167, Reissue Revised Statutes of Nebraska; to provide for the seizure of license plates of certain uninsured motor vehicles or trailers as prescribed; and to repeal the original section.
LEGISLATIVE BILL 121. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-103, 32-202, 32-813, 32-914, 32-916, 32-936, 32-949, 32-950, 32-954, 32-1006, 32-1027, and 32-1030, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-809, 32-816, 32-902, 32-915, 32-942, 32-947, 32-953, 32-957, and 32-1002, Revised Statutes Cumulative Supplement, 2014; to require voter identification for purposes of voting as prescribed; to require secret-ballot envelopes for certain ballots; to change provisions relating to voting and counting votes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 122. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of utility-type vehicles; and to repeal the original section.

LEGISLATIVE BILL 123. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to warrants; to amend sections 77-2206 and 77-2214, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of warrants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 124. Introduced by Nordquist, 7; Howard, 9.

A BILL FOR AN ACT relating to insurance; to provide requirements for insurers relating to copayments, coinsurance, and deductibles; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 125. Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Crawford, 45; Gloor, 35; Mello, 5.

A BILL FOR AN ACT relating to health and human services; to create a fund; and to provide funds for federally qualified health centers as prescribed.

LEGISLATIVE BILL 126. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Cumulative Supplement, 2014; to change a combined contribution rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 127. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions
relating to the hunting of mountain lions; to repeal the original section; to 
outright repeal sections 37-472 and 37-473, Revised Statutes Cumulative 
Supplement, 2014; and to declare an emergency.

**LEGISLATIVE BILL 128.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, 
Reissue Revised Statutes of Nebraska; to repeal the Black-Tailed Prairie 
Dog Management Act; to harmonize provisions; to repeal the original 
section; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 
Revised Statutes of Nebraska.

**LEGISLATIVE BILL 129.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend 
section 38-131, Revised Statutes Cumulative Supplement, 2014; to require 
criminal background checks for certain applicants for a license to practice as 
a nurse; and to repeal the original section.

**COMMITTEE ON COMMITTEES FINAL REPORT**

Senator McCoy moved to approve the following final Committee on 
Committees report:

**Agriculture (8)**
Rm. 2102 - Tuesday
Johnson (C), Bloomfield, Chambers, Harr, B., Kolterman, Larson, Riepe, 
Schilz

**Appropriations (9)**
Rm. 1524 - Monday & Tuesday
Rm. 1003 - Wednesday, Thursday, & Friday
Mello (C), Bolz, Haar, K., Hilkemann, Kintner, Kuehn, Nordquist, Stinner, 
Watermeier

**Banking, Commerce and Insurance (8)**
Rm. 1507 - Monday & Tuesday
Scheer (C), Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, 
Williams

**Business and Labor (7)**
Rm. 2102 - Monday
Harr, B. (C), Bloomfield, Chambers, Crawford, Ebke, Johnson, McCollister

**Education (8)**
Rm. 1525 - Monday & Tuesday
Sullivan (C), Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, 
Schnoor
General Affairs (8)
Rm. 1510 - Monday
Larson (C), Coash, Hansen, Hughes, Kolterman, Krist, Riepe, Schilz

Government, Military and Veterans Affairs (8)
Rm. 1507 - Wednesday, Thursday, & Friday
Murante (C), Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy

Health and Human Services (7)
Rm. 1510 - Wednesday, Thursday, & Friday
Campbell (C), Baker, Cook, Crawford, Howard, Kolterman, Riepe

Judiciary (8)
Rm. 1113 - Wednesday, Thursday, & Friday
Seiler (C), Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Williams

Natural Resources (8)
Rm. 1525 - Wednesday, Thursday, & Friday
Schilz (C), Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schnoor

Nebraska Retirement Systems (6)
Rm. 1525 - At call of Chair
Nordquist (C), Davis, Groene, Kolowski, Kolterman, Mello

Revenue (8)
Rm. 1524 - Wednesday, Thursday, & Friday
Gloor (C), Brasch, Davis, Harr, B., Scheer, Schumacher, Smith, Sullivan

Transportation and Telecommunications (8)
Rm. 1113 - Monday & Tuesday
Smith (C), Brasch, Davis, Friesen, Garrett, McCoy, Murante, Seiler

Urban Affairs (7)
Rm. 1510 - Tuesday
Crawford (C), Coash, Ebke, Hansen, Hughes, Krist, McCollister

Committee on Committees (13)
McCoy (C)
District 1: Campbell
District 2: Harr, B.
District 3: Bloomfield
Coash (VC) Krist
Garrett Mello
Schumacher Smith

Enrollment and Review (1)
Hansen (C)
The Committee on Committees report was approved with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 130.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1507, 2-1508, and 2-1509, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to funding from the Water Sustainability Fund for projects as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 131.** Introduced by Craighead, 6; Crawford, 45; Davis, 43; Harr, B., 8; Howard, 9; Mello, 5; Riepe, 12.

A BILL FOR AN ACT relating to annexation; to amend sections 14-117, 15-104, 16-117, 16-130, 17-405.01, 17-407, and 31-763, Reissue Revised Statutes of Nebraska; to prohibit sanitary and improvement districts from spending assets after receiving a notice of proposed annexation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 132.** Introduced by Ebke, 32; Coash, 27.

A BILL FOR AN ACT relating to the Joint Public Agency Act; to amend section 13-2530, Reissue Revised Statutes of Nebraska; to change the power of and procedures for joint public agencies to issue bonds as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 133.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2014; to change interest rate provisions on certain compensation court awards; and to repeal the original section.
LEGISLATIVE BILL 134. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska; to change provisions relating to first injury reports; and to repeal the original section.

LEGISLATIVE BILL 135. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to county government and officers; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to change provisions relating to termination of a township board; and to repeal the original section.

LEGISLATIVE BILL 136. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2014; to prohibit flying lanterns; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 137. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1212.04, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to discharge of a firearm; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to land surveyors; to amend sections 23-1901, 23-1908, 23-1911, 39-1311.02, 81-8,108, 81-8,109, 81-8,110.01, 81-8,110.07, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, and 81-8,127, Reissue Revised Statutes of Nebraska; to name the Land Surveyors Regulation Act; to provide for a code of practice for land surveyors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 139. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to real property; to amend sections 76-2204, 76-2205, 76-2205.01, 76-2208, 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2215, 76-2217, 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2243, 76-2244, 76-2245, 76-2246, 76-2247.01, and 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2210.03, 76-2211, 76-2212.01, 76-2212.02, 76-2212.03, 76-2213, 76-2213.01, 76-2213, 76-2217.04, 76-2221, 76-2223, 76-2227, 76-2228, 76-2228.01, 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, 76-3202, 76-3204, 76-3208, 76-3213, and 76-3215, Revised Statutes Cumulative Supplement, 2014; to
change and eliminate provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and section 76-2229.01, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 140.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to elections; to amend sections 22-412, 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-528, 32-529, 32-611, 32-612, 32-721, 32-810, 32-813, 32-814, 32-912, and 32-1033, Reissue Revised Statutes of Nebraska, and sections 32-312, 32-519, 32-524, 32-525, 32-602, 32-610, 32-615, 32-616, 32-623, 32-627, 32-702, 32-809, and 32-811, Revised Statutes Cumulative Supplement, 2014; to change provisions for voting for partisan county offices in primary elections in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 141.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Public Entities Mandated Project Charges Act; to amend sections 70-1801, 70-1802, 70-1803, 70-1806, 70-1812, and 70-1813, Reissue Revised Statutes of Nebraska; to define a term; to provide for creation of mandated project bond issuers and to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 142.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-1220, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-1214, 37-1215, and 37-1219, Revised Statutes Cumulative Supplement, 2014; to create the Aquatic Invasive Species Program; to provide funding; to create a fee and stamp; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 143.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the environment; to amend section 81-15,123, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Cumulative Supplement, 2014; to change permitted uses of a fund; to change a provision relating to rules and regulations for training requirements; to provide for payment of certain training costs; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 144.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1517 and 85-2234, Reissue Revised Statutes of Nebraska; to reduce the levy authority of community college areas as prescribed; to increase the
amount of state aid to community colleges under the Community College Aid Act; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 145.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-139 and 8-157, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to executive officers of banks and to eliminate a license requirement; to provide for the suspension of executive officers by the Department of Banking and Finance as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 146.** Introduced by Crawford, 45; Bloomfield, 17; Hansen, 26.

A BILL FOR AN ACT relating to the Cremation of Human Remains Act; to amend sections 71-1355, 71-1382, and 80-104, Reissue Revised Statutes of Nebraska, and section 71-1356, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for disposition of certain unclaimed cremated remains in a veteran cemetery as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 147.** Introduced by Crawford, 45; Campbell, 25; Cook, 13; Howard, 9; Kolowski, 31.

A BILL FOR AN ACT relating to public assistance; to amend sections 43-512, 68-915, 68-1017.02, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to asset limitations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 148.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-901, 68-911, and 68-915, Revised Statutes Cumulative Supplement, 2014; to provide coverage for certain individuals formerly in foster care as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 149.** Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures; and to repeal the original section.
LEGISLATIVE BILL 150. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Cumulative Supplement, 2014; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to real property; to amend sections 25-2142, 76-1006, and 76-1012, Reissue Revised Statutes of Nebraska; to provide for a person designated to accept city or village notices in cases of mortgaged property or trust deed default; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 152. Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Hughes, 44; Krist, 10; McCollister, 20.

A BILL FOR AN ACT relating to cities and villages; to authorize cities and villages to borrow from state-chartered or federally chartered financial institutions as prescribed; and to provide a duty for the Revisor of Statutes.


A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt college textbooks from sales and use taxes; to define a term; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 154. Introduced by Hadley, 37; Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska for economic competitiveness initiatives that seek to advance strategic, multicampus initiatives that serve Nebraskans; and to declare an emergency.

LEGISLATIVE BILL 155. Introduced by Williams, 36; Stinner, 48.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-116, 8-128, and 8-153, Reissue Revised Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative Supplement, 2014; to change amounts of and notice requirements for capital stock requirements; to change provisions relating to the clearing and settlement of checks; to change
provisions relating to disclosure of confidential records; and to repeal the original sections.

LEGISLATIVE BILL 156. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-6306, Revised Statutes Cumulative Supplement, 2014; to change the amount of tax credits allowed under the Angel Investment Tax Credit Act; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 7CA. Introduced by Schumacher, 22.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 12:

III-7 At the general election to be held in November 2020 and every six years thereafter, members of the Legislature representing odd-numbered districts shall be elected for six-year terms, with the manner of such election to be determined by the Legislature. At the general election in November 2022 and every six years thereafter, members of the Legislature representing even-numbered districts shall be elected to terms of six years, with the manner of such election to be determined by the Legislature. Until the general elections to be held in November 2020 and November 2022, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years in November of every even-numbered year, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than their salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive
terms regardless of the district represented. This section applies to consecutive four-year terms, consecutive six-year terms, and consecutive terms of four years and six years.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to limit the service of members of the Legislature to two consecutive six-year terms and provide for implementation of six-year terms.

For
Against.

LEGISLATIVE RESOLUTION 8. Introduced by Johnson, 23.

WHEREAS, the David City Aquinas Catholic High School football team won the 2014 Class C-2 State Football Championship by defeating Hartington Cedar Catholic by a score of 40-6; and

WHEREAS, this is the seventh state championship for the David City Aquinas Catholic High School football team, as the team also won championships in 1980, 1993, 1994, 1997, 2011, and 2012; and

WHEREAS, the David City Aquinas Catholic High School football team has appeared in the state-title game ten times; and

WHEREAS, the David City Aquinas Catholic High School football team ended their 2014 season with a record of 12-1; and

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

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

1. That the Legislature congratulates the David City Aquinas Catholic High School football team on winning the 2014 Class C-2 State Football Championship.

2. That a copy of this resolution be sent to the David City Aquinas Catholic High School football team.

Laid over.

LEGISLATIVE RESOLUTION 9. Introduced by Gloor, 35; Friesen, 34.

WHEREAS, Hornady Manufacturing in Grand Island was named the 2014 Nebraska Manufacturer of the Year; and

WHEREAS, Hornady Manufacturing was created out of Joyce Hornady's love for hunting and competitive shooting; and
WHEREAS, Hornady Manufacturing's first products were hand-crafted by Joyce Hornady and his original partner Vernon Speer; and
WHEREAS, in 1949, Joyce Hornady used a garage in Grand Island to produce his own 30 caliber bullet; and
WHEREAS, Hornady Manufacturing has been managed and expanded by the hard work and passion of the Hornady family; and
WHEREAS, Hornady Manufacturing is today an industry leader in the development and innovation of ammunition, independent components, and machinery for manufacturing these products.

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

1. That the Legislature congratulates Hornady Manufacturing on being named the 2014 Nebraska Manufacturer of the Year and commends the Hornady family on their achievements.
2. That a copy of this resolution be sent to Hornady Manufacturing and Steve Hornady, president of Hornady Manufacturing.

Laid over.

ANNOUNCEMENT(S)

The Transportation and Telecommunications Committee elected Senator Brasch as Vice Chairperson.

The Education Committee elected Senator Kolowski as Vice Chairperson.

VISITOR

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 10:56 a.m., on a motion by Senator Crawford, the Legislature adjourned until 10:00 a.m., Monday, January 12, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FOURTH DAY - JANUARY 12, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 12, 2015

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Nordquist who was excused; and Senator Pansing Brooks who was excused until she arrives.

PRAYER

The prayer was offered by Pastor Philip Hale, St. Paul Lutheran Church of Bancroft and St. John Lutheran Church of Lyons.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>LB1</td>
<td>General File</td>
</tr>
<tr>
<td>LB2</td>
<td>General File</td>
</tr>
<tr>
<td>LB3</td>
<td>General File</td>
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<td>LB9</td>
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<tr>
<td>LB10</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LB11</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB12</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LB13</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LB14</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LB15</td>
<td>Judiciary</td>
</tr>
</tbody>
</table>
LB16 Government, Military and Veterans Affairs
LB17 General Affairs
LB18 Education
LB19 Health and Human Services
LB20 Revenue
LB21 Health and Human Services
LB22 Judiciary
LB23 Health and Human Services
LB24 Government, Military and Veterans Affairs
LB25 Judiciary
LB26 Revenue
LB27 Health and Human Services
LB29 Education
LB30 Judiciary
LB31 Transportation and Telecommunications
LB32 Appropriations
LB33 Appropriations
LB35 Banking, Commerce and Insurance
LB36 Education
LB37 Health and Human Services
LB38 Judiciary
LB39 Transportation and Telecommunications
LB40 Nebraska Retirement Systems
LB41 Nebraska Retirement Systems
LB42 Nebraska Retirement Systems
LB43 Judiciary
LB44 Judiciary
LB45 Transportation and Telecommunications
LB46 Health and Human Services
LB47 Transportation and Telecommunications
LB48 Banking, Commerce and Insurance
LB49 Education
LB50 Health and Human Services
LB51 Banking, Commerce and Insurance
LB52 Revenue
LB53 Transportation and Telecommunications
LB54 Education
LB55 Government, Military and Veterans Affairs
LB56 Executive Board
LB57 Appropriations
LB58 Education
LB59 Education
LB60 Judiciary
LB61 Government, Military and Veterans Affairs
LB62 Revenue
LB63 Revenue
LB64 Revenue
LB65 Government, Military and Veterans Affairs
LB66 Judiciary
LB67 Banking, Commerce and Insurance
LB68 Revenue
LB69 Revenue
LB70 Revenue
LB71 Revenue
LB72 Judiciary
LB73 Revenue
LB74 Revenue
LB75 Revenue
LB76 Revenue
LB77 Health and Human Services
LB78 Banking, Commerce and Insurance
LB79 Banking, Commerce and Insurance
LB80 Health and Human Services
LB81 Health and Human Services
LB82 Appropriations
LB83 Business and Labor
LB84 Government, Military and Veterans Affairs
LB85 Agriculture
LB86 Natural Resources
LB87 Health and Human Services
LB88 Judiciary
LB89 Health and Human Services
LB90 Health and Human Services
LB91 Agriculture
LB92 Agriculture
LB93 Agriculture
LB94 Transportation and Telecommunications
LB95 Transportation and Telecommunications
LB96 Education
LB97 Transportation and Telecommunications
LB98 Appropriations
LB99 Education
LB100 Education
LB101 Education
LB102 Education
LB103 Education
LB104 Natural Resources
LB105 Appropriations
LB106 Agriculture
LB107 Health and Human Services
LB108 Appropriations
LB109 Education
LB110 Appropriations
LB111 Government, Military and Veterans Affairs
LB112 Government, Military and Veterans Affairs
LB113 Judiciary
Barels, Brian - Nebraska Natural Resources Commission - Natural Resources
Bartee, Todd - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Batie, Donald P. - Nebraska Natural Resources Commission - Natural Resources
Bernthal, John - Coordinating Commission for Postsecondary Education - Education
Borcher, Kevin - State Board of Health - Health and Human Services
Brummer, James S. - State Electrical Board - General Affairs
Christensen, Joel G. - Nebraska Natural Resources Commission - Natural Resources
Clouse, Stan - Nebraska Natural Resources Commission - Natural Resources
Dinkel, John - Nebraska Investment Council - Nebraska Retirement Systems
Fleming, Shane - State Board of Health - Health and Human Services
Flood, Mary Fran - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Gong, Brian - Technical Advisory Committee for Statewide Assessment - Education
Hansen, Keith - State Emergency Response Commission - Government, Military and Veterans Affairs
Hofbauer, Tim - State Emergency Response Commission - Government, Military and Veterans Affairs
Hopp, Russell - State Board of Health - Health and Human Services
Huggenberger, Steven - Nebraska Natural Resources Commission - Natural Resources
Kircher, Patricia M. - Nebraska Educational Telecommunications Commission - Education
Knutson, Thomas - Nebraska Natural Resources Commission - Natural Resources
Konda, Teresa - State Board of Health - Health and Human Services
Kosman, Henry H. (Hod) - Nebraska Natural Resources Commission - Natural Resources
Kraus, Don - Nebraska Natural Resources Commission - Natural Resources
Marshall, William, III - Nebraska State Fair Board - Agriculture
Miller, Dana - State Emergency Response Commission - Government, Military and Veterans Affairs
Oliver, Thomas D. - Nebraska Oil and Gas Conservation Commission - Natural Resources
Ourada, Tom - State Electrical Board - General Affairs
Palm, Owen A. - Nebraska Natural Resources Commission - Natural Resources
Palmettree, Tom - Nebraska Natural Resources Commission - Natural Resources
Poole, Linda - Technical Advisory Committee for Statewide Assessment - Education
Ruiz, Gerard A. (Fred) - Crime Victim's Reparations Committee - Judiciary
Sawyer, Richard - Technical Advisory Committee for Statewide Assessment - Education
Schindler, Michelle - Crime Victim's Reparations Committee - Judiciary
Schlegel, Carol E. - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Seever, Samuel - State Personnel Board - Government, Military and Veterans Affairs
Smathers, Scott - Nebraska Natural Resources Commission - Natural Resources
Smith, Lindsey - Nebraska Natural Resources Commission - Natural Resources
Strauch, Walter Dennis - Nebraska Natural Resources Commission - Natural Resources
Taylor, Loren - Nebraska Natural Resources Commission - Natural Resources
Teetor, Travis James - State Board of Health - Health and Human Services
Turk, Frank R. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Waddle, Christopher - State Personnel Board - Government, Military and Veterans Affairs
Wilson, Glenn R., Jr. - Board of Educational Lands and Funds - Education

(Signed) Bob Krist, Chairperson
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 11, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris - Public Affairs Group
Manheims Omaha Auto Auction
Monsanto
Omaha Police Officers Association
Vehicle and Truck Cleaning Tax Association
Adair, Peggy
League of Women Voters of Greater Omaha
League of Women Voters of Nebraska
Alston, Garth R.
Altria Client Services Inc. and its Affiliates
Amack, Angela K.
Center for People in Need
Grand Island Public Schools
International Brotherhood of Electrical Workers (IBEW)
Nebraska Professional Fire Fighters Association (NPFFA)
American Communications Group, Inc.
American Cancer Society Cancer Action Network
American Heart Association
Association of Surgical Technologists
Autism Speaks
Big Red Keno aka EHPV Lottery Services, LLC
Center for Rural Affairs
Empyrean Brewing Company
Friends of Public Health in Nebraska
Goodwill Association of Iowa/Nebraska
Health Center Association of Nebraska
Nebraska Academy of Physician Assistants
Nebraska Association of Behavioral Health Organizations
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Board of Engineers and Architects
Nebraska Chapter of the American Physical Therapy Association
Nebraska Child Healthcare Alliance
Nebraska Dental Assistants Association
Nebraska Emergency Medical Services Association
Nebraska Psychological Association
Nebraska Society for Respiratory Care
Nebraska Speech-Language-Hearing Association (NSLHA)
North Central States Regional Council of Carpenters
Regions II and V
Research Nebraska!
Teamsters Local Union 554
VigilNet America LLC
Wind Coalition, The
YMCA's of Nebraska
Andersen, Robert C.
Nebraska Cooperative Council
Anderson, Benjamin
First Five Nebraska
Anderson, Stacy R.
Nebraskans For Alternatives to the Death Penalty
Baack, Dennis G.
Nebraska Community College Association
Babcock, Marsha L.
Mechanical Contractors Association of Omaha, Inc.
Badeer, Debra A.
Nebraska Christian Home Educators Association
Baier, Richard J.
Nebraska Bankers Association
Bailey, Jon M.
Center for Rural Affairs
Barrett, John R.
Great Plains Communications, Inc.
Becker, Jill
Black Hills Energy
Becker, Timothy A.
Heartland Strategy Group, LLC

Beermann, Allen J.
Nebraska Press Association

Belka, Matt
Nebraska Association of School Boards

Bell, David
Loup River Public Power District

Benjamin, Melody
Nebraska Cattlemen, Inc.

Beyer, Nolan
Millard Public Schools

Boddy, Heath
Nebraska Health Care Association, Inc.

Bohrer, Bruce J.
Lincoln Chamber of Commerce

Bonaiuto, John A.
Nebraska Association of School Boards

Borgeson, Robert A.
United Transportation Union

Bowen, Steven S.
Nebraska Occupational Therapy Association

Bowling, Karen
Nebraska Family Alliance

Bradford, Jonathan
Kissel/E&S Associates, LLC

Brandt, Horan, Hallstrom and Stilmock
National Federation of Independent Business (NFIB)

Nebraska Bankers Association

Nebraska Bankers Insurance and Services Company (NBISCO)

Nebraska Fire Chiefs' Association

Nebraska Pharmacists Association

Nebraska State Volunteer Firefighters' Association

Nebraskans for Workers' Compensation Equity and Fairness

NetWorks, Inc.

Breed, Roger D.
RDB - LLC

Bruning, Deonne
U.S. Cellular

Windstream Communications

Buettner, Jeffrey J.
Central Nebraska Public Power and Irrigation

Byers, Thomas L.
Magellan Midstream Partners

Carritt, Nicole
Project Extra Mile

Carstenson, Eric B.
Nebraska Telecommunications Association
Cavanaugh Law Firm, P.C., L.L.O.
Explore Information Services
Independent Insurance Agents of Nebraska
Cavanaugh, James P.
Cavanaugh Law Firm, P.C., L.L.O.
Chaffee, Meghan
Nebraska Hospital Association
Cheloha, John A.
City of Omaha
Chittenden, Michael J.
Arc of Nebraska, The
Clark, Dick
Nebraska Firearms Owners Association (NFOA)
Cole, Jeff
Nebraska Children and Families Foundation
Cover, Joni
Nebraska Pharmacists Association
Crawford, Brittany
Heartland Strategy Group, LLC
Creager, Jennifer
Greater Omaha Chamber
Cunningham, Douglas
Affiliated Foods Midwest
Cunningham, James R.
Nebraska Catholic Conference
Davis, Jeffrey N.
Burlington Northern Sante Fe (BNSF) Railway Company
Davison-Rippey, Erin
Planned Parenthood of the Heartland
Dibbern, Chris
Nebraska Municipal Power Pool
dittmer, Judy
AARP Nebraska
Dix, Larry J.
Nebraska Association of County Officials
Dobler, James B.
Nebraska Insurance Information Service
Professional Insurance Agents of Nebraska
Driscoll, Jim
Pfizer, Inc.
Dubas, Annette
Nebraska Association of Behavioral Health Organizations
Dudley, William H.
Aflac
Dulaney, Michael S.
Nebraska Council of School Administrators
Dunning, Eric
Blue Cross and Blue Shield of Nebraska
Edson, Dean E.
   Nebraska Association of Resources Districts
Edwards, Jon
   Nowka and Edwards
Eppler, Robert
   AARP Nebraska
Erb, Matthew
   Lincoln Education Association
Erickson, Julie S.
   American Communications, Inc.
Ernst, Dan E.
   Nebraska Council of School Administrators
Falk, W. Jarad
   Time Warner Cable
Faustman, Nick
   Licensed Practical Nurse Association of Nebraska (LPNAN)
   Nebraska Health Care Association, Inc.
Ferrell, Beth Bazyn
   Nebraska Association of County Officials
Field, Laura
   Nebraska Cattlemen, Inc.
Fraizer, Theodore D. (Tad)/Fraizer & Fraizer
   American Insurance Association
   Mutual of Omaha
Freeman, Clayton
   Alzheimer's Association Nebraska Chapter
Frohman, Ann M.
   Nebraska Medical Association
Fry, Renee
   OpenSky Policy Institute
Gay, Tim
   Husch Blackwell LLP
Geis, Gavin Lawrence
   Common Cause National
Gerrard, Eric
   American Communications, Inc.
   City of Lincoln
Gilbertson, Korby M.
   Radcliffe, Walter H. of Radcliffe and Associates
Goettenoeller, Jennifer M.
   First Five Nebraska
Gokie, Mark T.
   Farmers Mutual of Nebraska
Goodman, Joshua
   Pew Charitable Trusts, The
Goitsdiner, Kathryn
   Kelley & Jerram, PC, LLO
Gottschalk, Kristen
   Nebraska Rural Electric Association
Gould, John 'Jack'
Common Cause National
Common Cause Nebraska
Grasz, Steve
Husch Blackwell LLP
Habben, Jon
Nebraska Rural Community Schools Association
Hack, Mace A.
Nature Conservancy, The
Hallstrom, Robert J.
Brandt, Horan, Hallstrom and Stilmock
Hansen, John K.
Nebraska Farmers Union
Hartmann, William
Nebraska One-Call Notification Center
Harvey, William F.
Big Red Keno aka EHPV Lottery Services, LLC
Vigilnet America LLC
Hassebrook, Kristen
Nebraska Cattlemen, Inc.
Hayes, Jason W.
Nebraska State Education Association
Heartland Strategy Group, LLC
Bennington Public Schools
Blue Cross and Blue Shield of Nebraska
Community Alliance, Inc.
Consumer Electronics Association
Lamar Outdoor Advertising Company
Nebraska Coalition of Agricultural Manufacturers
Nebraska Collectors Association
Nebraska Credit Union League
Nebraska School Activities Association
Omaha Police Officers Association
Omaha Professional Firefighters Association
Heidemann, Lavon L
Nebraska Farm Bureau Federation
Herzog, Frank
AARP Nebraska
Higgins, Shirley
Nebraska Public Power District
Hoffman, Scott J.
ABATE of Nebraska, Inc.
Hollingshead, Andrew
Nebraska Organ Recovery System, Inc.
Holmquist, David
American Cancer Society Cancer Action Network
Hurst, Elisabeth
Nebraska Hospital Association
Husch Blackwell LLP
Ash Grove Cement Company
Blue Cross and Blue Shield of Nebraska
Home Instead, Inc.
Invenergy LLC
Koch Companies Public Sector, LLC and Affiliates
KVC Health Systems, Inc.
Nebraska Chiropractic Physicians Association
Nebraska Indoor Tanning Association
NextEra Energy Resources, LLC
Papillion - La Vista School District
Papio-Missouri River Natural Resources District
Sarpy County Board of Commissioners
Waste Management, Inc.
Intermill, Mark
AARP Nebraska
Irsik, Ryan
Wal-Mart Stores, Inc.
Jarecke, David A.
Nebraska Rural Electric Association
Jarecke, Kate Kulesher
Novartis Pharmaceuticals Corporation
Jeffers, Thomas E.
Nebraska Cooperative Council
Jensen Rogert Associates, Inc.
ABATE of Nebraska, Inc.
Altria Client Services Inc. and its Affiliates
Children's Respite Care Center
CNSI
Eli Lilly and Company
Industrial Energy Users of Nebraska
LeadingAge Nebraska
Learning Community of Douglas and Sarpy Counties
Magellan Health, Inc.
Mosaic
National Rifle Association
Nebraska Association of Nurse Anesthetists
Nebraska Dental Hygienists' Association
Nebraska Intellectual Disabilities Services Providers
Nebraska Optometric Association
Nebraska Podiatric Medical Association
Statewide Property Owners' Association
Jensen, Ronald L.
Jensen Rogert Associates, Inc.
Joekel, Tiffany
Coalition for a Strong Nebraska
Johnson, Kevin
AstraZeneca Pharmaceuticals
Johnson, Larry  
   Nebraska Trucking Association  
Johnson, Mary A.  
   Mueller Robak, LLC  
Jorgensen, Jennifer  
   Nebraska Association of School Boards  
Junge, Jolanda J.  
   We Support Agriculture  
Karl, Jamie  
   Nebraska Chamber of Commerce & Industry  
Karnes, David K.  
   Big Red Keno aka EHPV Lottery Services, LLC  
   Vigilnet America LLC  
Kay, Sara A.  
   American Institute of Architects - AIA Nebraska  
Keigher & Associates, LLC  
   Credit Management Services  
   Iowa-Nebraska Equipment Dealers Association  
   Luxottica Retail North America (formerly LensCrafters)  
   MillerCoors, LLC  
   National Guard Association of Nebraska  
   Nebraska AirBoat Association  
   Nebraska Aviation Trade Association  
   Nebraska Community College Association  
   Nebraska Land Improvement Contractors Association  
   Professional Towers Association of Nebraska  
Keigher, Timothy P.  
   Keigher & Associates, LLC  
   Nebraska Petroleum Marketers & Convenience Store Association  
Kelley & Jerram, PC, LLO  
   Cigar Association of America, Inc.  
   Daily Record, The  
   Douglas County, Nebraska  
   Eastern Nebraska Human Services Agency  
   Elevator Industry Work Preservation Fund  
   Guardian Tax Partners  
   Johnson Brothers of Nebraska  
   Nebraska Coalition for Capital  
   Nebraska State Lodge of the Fraternal Order of Police  
   Westside Community Schools  
Kelley Governmental Relations, LLC  
   Creighton University  
   Metro Area Transit (O-Metro)  
   No Do Zest Operating, LLC  
   Omaha Airport Authority  
Kelley, Michael A.  
   Kelley & Jerram, PC, LLO  
   Kelley Governmental Relations, LLC
Kelley, Sean  
Kelley Jerram, PC, LLO  
Kelley Governmental Relations, LLC
Kennedy, Barry L.  
Nebraska Chamber of Commerce & Industry
Kenny, Timothy R.  
Nebraska Investment Finance Authority
Kevil, G. Bruce  
Associated Builders and Contractors, Inc.
Kilgarin, Karen  
Nebraska State Education Association
Kissel, Gordon  
Kissel E&S Associates, LLC
Kissel E&S Associates, LLC  
Aksamit Resource Management
American Petroleum Institute
AmeriHealth Caritas
Associated Beverage Distributors of Nebraska
Boys & Girls Clubs Alliance of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
Erickson & Sederstrom, PC
Heartland Strategy Group, LLC
Lancaster County Board of Commissioners
March of Dimes
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association
Nebraska Cooperative Council
Nebraska County Court Association
Nebraska Golf Alliance
Nebraska Municipal Power Pool
Nebraska State Historical Society Foundation
Professional Engineers Coalition
Ralston Public School District
Rave Mobile Safety
Spectra Energy
Telecare Corporation
TransCanada
United Cities of Sarpy County
Kohout, Joseph D.  
Kissel E&S Associates, LLC
Kolterman, Jessica A.  
Nebraska Farm Bureau Federation
Kopperud, Anna  
National Rifle Association
Kramawitter, Brian  
American Heart Association
Krumland, Gary G.  
League of Nebraska Municipalities
Kubat, Rick  
  Metropolitan Utilities District
Lamon, Steve  
  AARP Nebraska
Landwehr, Susan M.  
  Eli Lilly and Company
Langston, Charles (Chuck)  
  Nebraska Family Alliance
Larsen, Mary  
  March of Dimes
Lautenbaugh, Scott  
  Nebraska Premium Tobacco
Levy, David C.  
  Bluestem Energy Solutions
  Immanuel Retirement Communities
  Lyft, Inc.
  Northeast Nebraska Public Power District
  Sandhills Wind Energy, LLC
Licht, Andrew W.  
  Capitol Management Group
Likes, Steven C.  
  Nebraska Investment Finance Authority
Lindsay, John C.  
  O'Hara Lindsay & Associates, Inc.
Loeffler, Michael T.  
  Northern Natural Gas
Logsdon, Robert R.  
  Cox Communications
Lombardi, Richard A.  
  American Communications, Inc.
Loontjer, Pat  
  Gambling with the Good Life
Lostroh, David L.  
  Nebraska Christian Home Educators Association
Ludwig, David M  
  Educational Service Unit Coordinating Council
Luetkenhaus, Brandon  
  Nebraska Credit Union League
Lyons, Liz  
  Children's Hospital & Medical Center
Mach, Coby  
  Lincoln Independent Business Association (LIBA)
Mack, Michelle D.  
  Express Scripts Holding Co.
Mallett, Rochelle A.  
  O'Hara Lindsay & Associates, Inc.
Mancuso, Aubrey  
  Voices for Children in Nebraska
Martinez, Larry M.  
GlaxoSmithKline

Marvin, Michael  
Nebraska Association of Public Employees NAPE/AFSCME Local 61

McBride, David S.  
National Association of Insurance and Financial Advisors (NAIFA)  
Nebraska Optometric Association

McClure, Jeanne L.  
CHI Health  

McClure, John C.  
Nebraska Public Power District

McClymont, Pete  
Nebraska Cattlemen, Inc.

McCullough, Jacqueline K.  
American Council of Engineering Companies/Nebraska  
Nebraska County Attorneys Association

McDonald, Vickie  
Nebraska Association of Former State Legislators

McGuire, Mark D.  
Cameco Resources

McKenzie, Janis M.  
Nebraska Association for the Gifted  
Nebraska Insurance Federation

McLarty, Brianna  
Nebraskans for Civic Reform

Menzel, Elaine  
Nebraska Association of County Officials

Merritt, Scott  
Automotive Recycling Industry of Nebraska  
Capitol Management Group  
Nebraska Agri-Business Association  
Nebraska Auctioneers Association  
Nebraska Hotel & Motel Association, Inc.  
Nebraska State Pest Control Association

Meurrens, Bradley  
Disability Rights Nebraska

Meyer, Les  
American Life and Security

Meyer, Patricia  
American Life and Security

Mikkelsen, Brian  
Nebraska State Education Association

Mines, Mick  
3M COMPANY  
Cameco Resources  
Cargill  
Diageo North America, Inc.  
Johnson & Johnson  
Mark Anthony Brands
National Association of Insurance and Financial Advisors (NAIFA)
Nebraska Agri-Business Association
Nebraska Auctioneers Association
Nebraska Corn Growers Association
Nebraska Grocery Industry Association
Nebraska Hotel & Motel Association, Inc.
Nebraska Humane Society
Papio Valley Preservation Association, Inc.
Syngenta
Mischo, Craig
Bayer Corporation
Moeller, Rodney
Nebraska Firearms Owners Association (NFOA)
Moon, Virginia
Nebraska Council of School Administrators
Moore, Robert
Planned Parenthood of the Heartland
Moylan, James H.
Nebraska Licensed Beverage Association
RAI Services Co. (Reynolds American Inc.)
Mueller Robak
American Express Travel Related Services, Inc.
Associated General Contractors of America, Nebraska Chapter
Association of Independent Colleges and Universities of Nebraska (AICUN)
AT&T, Inc.
Better Nebraska Association
Bio Nebraska Life Sciences Association
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Ducks Unlimited, Inc.
Duncan Aviation, Inc.
Eastern Nebraska Development Council
eBay, Inc.
First Data Corporation
Frenchman Cambridge Irrigation District
Human Rights Campaign
Innocence Project, The
Integrated Life Choices
Lincoln Airport Authority
M+R Strategic Services, Inc.
Madonna Rehabilitation Hospital
Millard Public Schools
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Court Reporters Association
Nebraska Dental Association
Nebraska Dermatology Society
Nebraska District Court Judges Association
Nebraska Interactive
Nebraska Land Title Association
Nebraska Machinery Company
Nebraska Methodist Health Systems
Nebraska Press Association
Nebraska Society of Independent Accountants
Nebraska State Bar Association
Nebraska Veterinary Medical Association
Nebraskans for Civic Reform
Pharmaceutical Research and Manufacturers of America
Smithfield Foods, Inc.
State Troopers Association of Nebraska, Inc.
Uber Technologies, Inc.
United Services Automobile Association
Viaero Wireless
Mueller, William J.
Mueller Robak, LLC
Nathan, Robbie
AARP Nebraska
Neal, John P.
Lincoln Public Schools
Neeman, Gary
ABATE of Nebraska, Inc.
Nelson, Stephen D.
Nebraska Farm Bureau Federation
Neuhaus, Joe
Nebraska Family Alliance
Neville, Brennan S.
National Indemnity Company
Nickerson, Jocelyn S.
Humane Society of the United States, The
Nielsen, Coleen J.
Express Scripts Holding Co.
Merck Sharp and Dohme Corp.
Nebraska Criminal Defense Attorneys Association
Nebraska Insurance Information Service
Nebraska State Athletic Trainers Association
State Farm Insurance Companies
Nolan, Michael J.
League of Nebraska Municipalities
Nowka & Edwards
Adams Central Public Schools
Anheuser-Busch Companies
Bryan Health
Digital Gaming Solutions, Inc.
Elkhorn Public Schools
Grand Island Northwest Public Schools
Lakeview Community Schools
Metropolitan Utilities District
National Multiple Sclerosis Society
National Utility Contractors Association of Nebraska, Inc.
Nebraska Academy of Family Physicians
Nebraska Academy of Nutrition and Dietetics
Nebraska Association of Area Agencies on Aging
Nebraska Association of County Officials
Nebraska Association of Home and Community Health Agencies
(NAHCHA)
Nebraska Association of Resources Districts
Nebraska County Attorneys Association
Nebraska Funeral Directors Association
Nebraska Pork Producers Association
Nebraska Poultry Industries, Inc.
Nebraska Public Power District
Nebraska Rural Community Schools Association
Nebraska Sheriffs’ Association
Nebraska Society of Radiologic Technologists
Nebraska State College System
Nebraska State Dairy Association
Nebraska Water Coalition
NET Foundation for Television
Pfizer, Inc.
Southern Public Power District
Union Pacific Railroad
US Assets
Nowka, Trent
Nowka and Edwards
O’Brien, Kelli Erin
Union Pacific Railroad
O’Hara Lindsay & Associates, Inc.
Alliance of Automobile Manufacturers
Alter Trading Corporation
Black Hills Energy
Blue Cross and Blue Shield of Nebraska
Cabelas, Inc.
Center Pivot Manufacturers Association
City of Hastings
City of Kearney
City of Lexington
City of Lincoln
Elio Motors
First National of Nebraska, Inc.
Humanities Nebraska
Institute of Scrap Recycling Industries, Inc., Northwest Chapter
Motorola Solutions, Inc.
National Association of Housing and Redevelopment Officials, Nebraska Chapter
Nebraska Association of Independent Ambulatory Centers
Nebraska Association of Trial Attorneys
Nebraska Beverage Association
Nebraska County Judges Association
Nebraska Nurses Association
Nebraska Rural Broadband Coalition
Nebraskans For Alternatives to the Death Penalty
Nebraskans for Rate Equity
Northern Natural Gas
Nucor Corporation
Omaha Public Power District
Omaha Public Schools
SourceGas Distribution, LLC
Teradata
Winnebago Tribe of Nebraska
O’Neill, Thomas, Jr.
Association of Independent Colleges and Universities of Nebraska (AICUN)
Orton, Leroy W.
Nebraska Onsite Waste Water Association
Nebraska State Irrigation Association
Nebraska Well Drillers Association
Othmer, Mark F.
Iowa-Nebraska Equipment Dealers Association
Otto, James A.
Nebraska Restaurant Association
Nebraska Retail Federation
Nebraska Winery and Grape Growers Association (NWGGA)
Otto, Richard J. dba Advocacy-Legislation-Leadership
Nebraska Winery and Grape Growers Association (NWGGA)
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe and Associates
Paden, Nicholas K.
Cambridge Telephone Company
Consolidated Telephone Company
Great Plains Communications, Inc.
Hamilton Telecommunications
Hartelco
Hershey Coop Telephone Co.
HunTel, Inc. dba American Broadband Neb., Inc.
K & M Telephone Company
LifeSafer, Inc.
Nebraska Broadband Coalition
Nebraska Central Telephone Company
Northeast Nebraska Telephone Co.
Stanton Telecom, Inc.
Three River Telco
Parker, David R.
Great West Casualty Company
Parr, Ann L.
   Farmers Mutual of Nebraska
Partington, Jim
   Nebraska Restaurant Association
Pearce, Denise K.
   City of Lincoln
Peetz & Company
   Advocates for Behavioral Health
   Aetna
   CHI Health
   Children's Hospital & Medical Center
   Cox Communications
   First Five Nebraska
   Friends of Nebraska Agriculture and International Trade
   Kiewit Corporation
   Metropolitan Entertainment & Convention Authority
   Microsoft Corporation
   Nebraska Nurse Practitioners
   Omaha Zoological Society
   Tenaska
   Tetrad Property Group
   TradeWind Energy
   Yahoo, Inc.
Peetz, Jack
   Peetz & Company
Peetz, Natalie
   Peetz & Company
Peterson, Alan E.
   ACLU Nebraska
Peterson, Chris
   CP Strategies LLC
Peterson, Patricia Schuett
   Nebraska Investment Finance Authority
Petsch, Jean
   Associated General Contractors - Nebraska Building Chapter
Pfeifer, Pat
   Nebraska State Legislative Board - Brotherhood of Locomotive Engineers
   and Trainmen
Pitts, Kathleen
   Nebraska Appleseed
Plucker, Julia
   Heartland Strategy Group, LLC
Pollock, Andy
   DirecTV
   DISH Network LLC
   National Popular Vote
   Nebraska Defense Counsel Association
   Nebraska Energy Export Association
   Nebraska Rural Telecommunications Coalition
   Nebraska Transportation Association
Nebraska Travel Association (NETA)
NorthWestern Energy
Pillen Family Farms (formerly Progressive Swine Technologies)
United Healthcare Services, Inc. & Affiliates
Waste Connections of Nebraska, Inc.
Post, Ann
  Lincoln Independent Business Association (LIBA)
Prenda, Amy
  Nebraska Cable Communications Association
  Nebraska Sheriffs' Association
  Nebraska Water Resources Association
Prockish, Ann
  CenturyLink
Prokop, Matthew
  American Cancer Society Cancer Action Network
Propes, Margaret
  Sunovion Pharmaceuticals Inc.
Quick, Kim A.
  Nebraska Labor Unity Council c/o Teamsters Local 554
Radcliffe, Walter H. of Radcliffe and Associates
  Advance America c/o MultiState Associates, Inc.
  Altria Client Services Inc. and its Affiliates
  Bellevue Public Schools
  Enterprise Rent-A-Car
  Father Flanagan's Boys' Home aka Boys Town
  Father Flanagan's Boys' Home dba Boys Town National Research Hospital
Friends of Nebraska Parks
HBAL/MOBA Coalition
Ho-Chunk, Inc.
Hy-Vee
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Metropolitan Community College
Motion Picture Association of America
National Council on Compensation Insurance (NCCI)
Nebraska Association of Health Underwriters (NAHU)
Nebraska Broadcasters Association
Nebraska Cable Communications Association
Nebraska Cultural Endowment (formerly NE Arts Action Fund)
Nebraska Expressways for Economic Development (NEED)
Nebraska Health Care Association, Inc.
Nebraska Liquor Wholesalers
Nebraska Optometric Association
Nebraska Organ Recovery System, Inc.
Nebraska Pyrotechnics Association
Nebraska Realtors Association
Nebraska Society of Certified Public Accountants
Nebraska State Cemetery Association
Nebraska State Fair Board
Nebraska Telecommunications Association
Pinnacle Bank
Property Casualty Insurers Association of America
Tyson Foods, Inc.
University of Nebraska
Redoutey, Laura J.
   Nebraska Hospital Association
Reigenborn, Alan
   AARP Nebraska
Reiser, Richard S.
   Nebraska Trucking Association
Rempe, Jay E.
   Nebraska Farm Bureau Federation
Renner, Shawn D.
   Media of Nebraska, Inc.
Rex, L. Lynn
   League of Nebraska Municipalities
Richards, Thomas
   Omaha Public Power District
Rickert, Sheri
   Nebraska Catholic Conference
Rieker, Bruce R.
   Nebraska Hospital Association
Riley, Christopher T.
   Archer Daniels Midland Company
Riskowski, Al
   Nebraska Family Alliance
Robak, Kim M.
   Mueller Robak, LLC
Robino, Steven
   Aetna
Rogert, Kent
   Jensen Rogert Associates, Inc.
Root, David
   Prime Therapeutics, LLC
Rubin, Barry R.
   Heartland Strategy Group, LLC
Sahling-Zart, Shelley R.
   Lincoln Electric System
Sankey, Harvey
   Printing Industry Midwest (PIM)
Sanne, Richard D.
   Nebraska Grain and Feed Association
Schaefer, Matthew T.
   Mueller Robak, LLC
Scherer, Larry
   Nebraska State Education Association
Schleppenbach, Greg
   Nebraska Catholic Conference
Schmit, Loran of Schmit Industries, Inc.
   Association of Nebraska Ethanol Producers
Schmit-Albin, Julie
   Nebraska Right to Life
Schrader, Cora
   Peetz & Company
Schubauer, Tyler
   Ameritas Life Insurance Corp.
Schuller, Lynne
   Nebraska Horsemen's Benevolent and Protective Association
   Nebraska Propane Gas Association
Sears, Jay
   Nebraska State Education Association
Sedlacek, Ronald J.
   Husch Blackwell LLP
   Nebraska Chamber of Commerce & Industry
Seelhoff, Janet
   Nebraska Association of Home and Community Health Agencies
   (NAHCHA)
   NUCA of Nebraska, Inc.
Siefken, Kathy
   Nebraska Grocery Industry Association
   SHAZAM
Sobotta, Russell
   Sanofi US
Spatz, John
   Nebraska Association of School Boards
Stilmock, Gerald M.
   Brandt, Horan, Hallstrom and Stilmock
Stitt, Carol
   League of Nebraska Municipalities
Sullivan, J. Scott
   Nebraska Credit Union League
Summers, Juliet
   Voices for Children in Nebraska
Tiedeman, Cynthia
   League of Women Voters of Nebraska
Todd, A. Loy, Jr.
   Nebraska New Car & Truck Dealers Association
Uhe, Fred J.
   Sarpy County Board of Commissioners
Ullstrom, Galen F.
   Mutual of Omaha
Valentin, Michaela
   Home Instead, Inc.
Van Deun, Bryan J.
   Nebraska Firearms Owners Association (NFOA)
Vlec, Rodney
   Nebraska State AFL-CIO
Vodvarka, Dan
   Nebraska Society of Certified Public Accountants
Vokal, James D., Jr.
   Platte Institute for Economic Research
Ward, Kathryn
   AARP Nebraska
Ward, Tammy J.
   Tabitha
Warth, Terry
   Nebraska Public Power District
Weatherford, Holly
   Bristol-Myers Squibb Co.
Weber, Rocky
   Nebraska Cooperative Council
Werner, Terry
   Nebraska Chapter of the National Association of Social Workers
Wesely, Don
   O'Hara Lindsay & Associates, Inc.
Whitaker, George
   CNH Industrial America LLC
White, Rosemary
   AAA Nebraska and The Auto Club Group
Wickman-Byrd, Barbara J.
   Nebraska State Home Builders Association
Wightman, Anna Castner
   First National of Nebraska, Inc.
Williams, David M.
   Ameritas Life Insurance Corp.
Wimmer, J. Kent
   Western Sugar Cooperative (CO)
Wininger, Dwight R.
   Pinpoint Holdings, Inc.
Winston, Kenneth C.
   Nebraska Chapter of the Sierra Club
   Nebraska Library Association
Wolf, Ron
   Nebraska State Irrigation Association
Wright, Sheryl L.
   League of Women Voters of Nebraska
Wurster, Donald F.
   National Indemnity Company
Yost, Kurt T.
   Central Nebraska Public Power and Irrigation
   MM Finance, LLC
   Nebraska Financial Services Association
   Nebraska Independent Community Bankers
Young, Joseph
   Cox Communications
ANNOUNCEMENT(S)

The Agriculture Committee elected Senator Kolterman as Vice Chairperson.

The Banking, Commerce and Insurance Committee elected Senator Williams as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 157.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to corporations; to amend sections 21-245, 21-2,127, 21-2,128, 21-2,133, 21-2,134, 21-2,143, 21-2,145, 21-2,230, and 21-2,231, Revised Statutes Cumulative Supplement, 2014, and Laws 2014, LB 749, section 295; to change operative date provisions relating to the Nebraska Model Business Corporation Act; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 158.** Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to deny compensation in situations of false representation; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 159.** Introduced by Hadley, 37; Stinner, 48.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-105 and 1-106, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for peer review; and to repeal the original sections.

**LEGISLATIVE BILL 160.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to financial institutions; to amend section 9-701, Reissue Revised Statutes of Nebraska; to change provisions relating to gift enterprises; and to repeal the original section.
LEGISLATIVE BILL 161. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to economic development; to amend section 84-612, Reissue Revised Statutes of Nebraska, and sections 8-1108.01, 8-1111, and 8-1118, Revised Statutes Cumulative Supplement, 2014; to adopt the Pairing Equity to Enterprises Act; to change provisions of the Securities Act of Nebraska; to transfer funds; and to repeal the original sections.

LEGISLATIVE BILL 162. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1859, Reissue Revised Statutes of Nebraska, and sections 19-5217, 77-1807, 77-1812, 77-1824, 77-1825, and 77-1831, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to sales of real property for nonpayment of taxes; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 163. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend sections 81-829.36 and 81-829.41, Reissue Revised Statutes of Nebraska; to provide for an emergency management registry allowing for public-provided data; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 164. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 13-503 and 13-504, Revised Statutes Cumulative Supplement, 2014; to provide for biennial budgeting; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 165. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change income tax provisions relating to Social Security benefits; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 166. Introduced by Crawford, 45; Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1446.01 and 49-1462, Reissue Revised Statutes of Nebraska, and sections 49-1446, 49-1459, 49-14,123, and 49-14,126, Revised Statutes Cumulative Supplement, 2014; to require certain committees to file statements from financial institutions as prescribed; to prohibit candidate committees from making loans of money; to change provisions relating to campaign statements; to change the amount
authorized for civil penalties; to authorize an order of restitution; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 167. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Office of Violence Prevention; to amend section 81-1450, Reissue Revised Statutes of Nebraska; to require the filing of an annual report to the Legislature; to change goals for priority funding; and to repeal the original section.

LEGISLATIVE BILL 168. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4015, 19-4016, 19-4017, 19-4017.01, 19-4020, 19-4021, 19-4025, 19-4026, 19-4027, 49-4028, 19-4029, 19-4030, 19-4033, 19-4037, and 19-4038, Reissue Revised Statutes of Nebraska; to authorize expansion of existing district boundaries; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 19-4024, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 169. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to delete obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 170. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to the Sports Arena Facility Support Fund; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2014; to change distribution provisions; and to repeal the original section.

LEGISLATIVE BILL 171. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2014; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 172. Introduced by Chambers, 11; Campbell, 25; Coash, 27; Davis, 43; Harr, B., 8; Howard, 9; Kolowski, 31; Krist, 10; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 83-1,105.01, Reissue Revised Statutes of Nebraska, and sections 28-105 and 29-2204, Revised Statutes Cumulative Supplement, 2014; to eliminate certain mandatory minimum penalties; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 173. Introduced by Chambers, 11; Campbell, 25; Coash, 27; Davis, 43; Howard, 9; Kolowski, 31; Krist, 10; Schilz, 47; Schumacher, 22; Seiler, 33; Smith, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to habitual criminals; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 174. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend section 81-15,149, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 175. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-2801, 54-2802, and 77-27,188, Reissue Revised Statutes of Nebraska, and section 77-27,187.02, Revised Statutes Cumulative Supplement, 2014; to adopt the Livestock Growth Act; to transfer funds; to change dollar limits for applications and credits under the Nebraska Advantage Rural Development Act; to change application procedures; and to repeal the original sections.

LEGISLATIVE BILL 176. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Competitive Livestock Markets Act; to amend sections 54-2602, 54-2604, and 54-2627.01, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to prohibited acts; to change and eliminate provisions relating to legislative findings; to repeal the original sections; and to outright repeal section 54-2603, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 177. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to public power districts; to amend section 70-619, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to membership on boards of directors; and to repeal the original section.

LEGISLATIVE BILL 178. Introduced by Watermeier, 1; Brasch, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.
LEGISLATIVE BILL 179. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2104, 81-2113, 81-2117.01, and 81-2118, Reissue Revised Statutes of Nebraska; to require apprentices to complete continuing education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 180. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to amend sections 44-201 and 44-1981, Reissue Revised Statutes of Nebraska; to redefine terms relating to title insurance; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,230, Reissue Revised Statutes of Nebraska; to change rotating or flashing light provisions; and to repeal the original section.

ANNOUNCEMENT(S)

The Chair announced the birthday of Senator Crawford.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 182. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to education; to state findings; to create the School Funding and Educational Outcomes Review Committee; and to provide powers and duties.

LEGISLATIVE BILL 183. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Grain Dealer Act; to amend sections 75-902, 75-903, 75-904, 75-905, and 75-908, Reissue Revised Statutes of Nebraska; to redefine a term, change licensure and receipt requirements, and change enforcement provisions; and to repeal the original sections.

LEGISLATIVE BILL 184. Introduced by Ebke, 32; Craighead, 6; Lindstrom, 18; Schnoor, 15.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to change provisions relating to prohibited locations to carry a concealed handgun; and to repeal the original section.
LEGISLATIVE BILL 185. Introduced by Bolz, 29; Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to implement the Master Teacher Program Act.

LEGISLATIVE BILL 186. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to adopt the Property Tax Circuit Breaker Act; to provide income tax credits; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 187. Introduced by Kintner, 2; Bloomfield, 17; Brasch, 16; Craighead, 6; Ebke, 32; Friesen, 34; Garrett, 3; Groene, 42; Hilkemann, 4; Johnson, 23; Lindstrom, 18; Riepe, 12; Schnoor, 15; Smith, 14.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2014; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to require the posting of signs regarding abortion; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 188. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to innocent third parties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 189. Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-439, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-401.01, 28-405, 28-416, and 28-1354, Revised Statutes Cumulative Supplement, 2014; to alphabetize definitions; to provide, change, and eliminate definitions; to change certain provisions and penalties relating to marijuana; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 190. Introduced by Bloomfield, 17; Bolz, 29; Brasch, 16; Coash, 27; Crawford, 45; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Harr, B., 8; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Koltermman, 24; Krist, 10; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Murante, 49; Schilz, 47; Schumacher, 22; Sullivan, 41.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2433, Revised Statutes Cumulative Supplement, 2014; to change application provisions regarding members of the United States Armed Forces to include spouses of such members; and to repeal the original section.

LEGISLATIVE BILL 191. Introduced by Bloomfield, 17; Brasch, 16; Garrett, 3; Kintner, 2; Krist, 10; Lindstrom, 18; McCoy, 39; Murante, 49; Schnoor, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2014; to exempt food sold by veterans service organizations from sales and use tax as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 192. Introduced by Davis, 43; Groene, 42; Haar, K., 21; Howard, 9; Kolowski, 31; Kuehn, 38; Stinner, 48.

A BILL FOR AN ACT relating to railroads; to require a train crew of at least two individuals as prescribed; to provide fines; and to provide duties for the Public Service Commission.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 10CA. Introduced by Schumacher, 22.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.
(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) The Legislature may authorize and regulate any other game of chance, lottery, or gift enterprise.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
A constitutional amendment to permit the Legislature to authorize and regulate any game of chance, lottery, or gift enterprise.

For
Against.

LEGISLATIVE RESOLUTION 11. Introduced by Larson, 40.

WHEREAS, Hartington-Newcastle High School won the 2014 Class C-1 One-Act Play State Championship with their performance of "Evil Dead: The Musical"; and
WHEREAS, Hartington-Newcastle High School won the 2014 Class C-1 One-Act Play State Championship with a perfect score of 180 points; and
WHEREAS, Tanner Fischer from Hartington-Newcastle High School was named the Class C-1 outstanding male performer; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Hartington-Newcastle High School for winning the 2014 Class C-1 One-Act Play State Championship.
2. That a copy of this resolution be sent to the Hartington-Newcastle High School one-act team.

Laid over.

LEGISLATIVE RESOLUTION 12. Introduced by Larson, 40.

WHEREAS, Wausa High School won the 2014 Class D-1 One-Act Play State Championship with their performance of "Nowhere to Hide"; and
WHEREAS, Wausa High School won the 2014 Class D-1 One-Act Play State Championship with a perfect score of 180 points; and
WHEREAS, Claire Vanness from Wausa High School was named the Class D-1 outstanding female performer; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Wausa High School for winning the 2014 Class D-1 One-Act Play State Championship.
2. That a copy of this resolution be sent to the Wausa High School one-act team.

Laid over.
LEGISLATIVE RESOLUTION 13. Introduced by Larson, 40.

WHEREAS, Kyle Young, a member of Troop 149 from Bloomfield, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kyle 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, 12 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, Kyle documented the cemetery and built a directory at his church, Golgotha Lutheran in rural Wausa; and

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

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

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

1. That the Legislature congratulates Kyle Young on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kyle Young.

Laid over.


WHEREAS, Garrett Gleason, a member of Troop 245 from O'Neill, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Garrett 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, 12 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, Garrett constructed three large animal kennels for the local animal shelter. Garrett helped to build and
install the new kennels. Because of Garrett's project, the animal shelter is now able to house more large dogs and have a larger area outside for dogs to run and exercise; and

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

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

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

1. That the Legislature congratulates Garrett Gleason on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Garrett Gleason.

Laid over.

LEGISLATIVE RESOLUTION 15. Introduced by Larson, 40.

WHEREAS, the St. Mary's High School girls volleyball team of O'Neill won the 2014 Class D-1 Girls State Volleyball Championship over Ansley-Litchfield; and

WHEREAS, the St. Mary's Lady Cardinals took home their second state championship for the school in Class D-1 girls volleyball; and

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

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

1. That the Legislature congratulates the St. Mary's High School girls volleyball team on winning the 2014 Class D-1 Girls State Volleyball Championship.
2. That a copy of this resolution be sent to the St. Mary's Lady Cardinals volleyball team and coaches McKenzie Connot, Amber Ginter, and Kelsey Sibbel.

Laid over.

LEGISLATIVE RESOLUTION 16. Introduced by Brasch, 16.

WHEREAS, Tyler English, son of Jeff and Betty English, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star,
Life, and finally Eagle Scout. Throughout his scouting experience, Tyler 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, 12 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, Tyler built and installed benches on the Wilderness Park sledding hill in West Point, Nebraska; and

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

WHEREAS, Tyler, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes; and

WHEREAS, Tyler graduated from West Point-Beemer high school in May 2014 and is currently attending the University of Nebraska in Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates Tyler English on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Tyler English.

Laid over.

LEGISLATIVE RESOLUTION 17. Introduced by Brasch, 16.

WHEREAS, Tyler Simpson, as a senior at Arlington High School, won gold medals in the Class C finals of the 200 meter dash and 400 meter dash at the 2014 Boys State Track and Field Championships; and

WHEREAS, Tyler won first place in the 200 meter dash with a time of 22.10 seconds and first place in the 400 meter dash with a time of 49.63 seconds; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates Tyler Simpson on his outstanding performance at the 2014 Class C Boys State Track and Field Championships.
2. That a copy of this resolution be sent to Tyler Simpson.

Laid over.

LEGISLATIVE RESOLUTION 18. Introduced by Brasch, 16.

WHEREAS, the Guardian Angels Central Catholic girls softball team won the 2014 Class C State Softball Championship; and
WHEREAS, the Guardian Angels Central Catholic girls softball team defeated Ashland-Greenwood in the final two games of the championship series by scores of 10-6 and 4-2; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Guardian Angels Central Catholic girls softball team on winning the 2014 Class C State Softball Championship.
2. That a copy of this resolution be sent to the Guardian Angels Central Catholic girls softball team.

Laid over.

LEGISLATIVE RESOLUTION 19. Introduced by Brasch, 16.

WHEREAS, the Arlington High School boys track and field team placed first in the Class C 1600-meter relay finals at the 2014 Boys State Track and Field Championships; and
WHEREAS, team members Samuel Farber, Ethan Gubbels, Tyler Simpson, and Christopher Smith finished the race with a time of 3:30.13; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Arlington High School boys track and field team members for their outstanding accomplishments in the 2014 Boys State Track and Field Championships.
2. That a copy of this resolution be sent to the Arlington High School boys track and field team.

Laid over.

LEGISLATIVE RESOLUTION 20. Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School boys golf team placed third in the 2014 Class D Boys State Golf Championship; and
WHEREAS, the Bancroft-Rosalie golf team members were Auston Darnell, Preston Peters, Nicholas Sjuts, Seth Steimeyer, and Drew Zitek; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Bancroft-Rosalie High School boys golf team on placing third at the 2014 Class D Boys State Golf Championship.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School boys golf team.

Laid over.

LEGISLATIVE RESOLUTION 21. Introduced by McCoy, 39.

WHEREAS, an omphalocele is a birth defect that occurs early in pregnancy in which the abdominal wall does not close properly and some or most of the abdominal organs protrude into the umbilical cord; and

WHEREAS, it is estimated that a small omphalocele occurs in about 1 out of every 5,000 pregnancies and a large or giant omphalocele occurs in about 1 out of every 10,000 pregnancies; and

WHEREAS, an omphalocele may be isolated or may be associated with other defects or chromosomal abnormalities; and

WHEREAS, despite the challenges a baby born with an omphalocele may face, many babies who are born with an omphalocele survive and go on to live happy, healthy lives; and

WHEREAS, Mothers of Omphaloceles (MOO) is a group of over 1,400 parents from around the world that was created to provide hope and information to families with babies diagnosed with an omphalocele.

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

1. That the Legislature recognizes Mothers of Omphaloceles for their courageous efforts to advocate for their children and raise awareness that an omphalocele is a treatable condition.

2. That the Legislature recognizes International Omphalocele Awareness Day celebrated annually on January 31 as part of Birth Defects Prevention Month.

3. That a copy of this resolution be sent to Mothers of Omphaloceles.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Tuesday, January 20, 2015 1:30 p.m.

LB54
LB99
LB100
LB101
LB103

(Signed) Kate Sullivan, Chairperson
ANNOUNCEMENT(S)

The Urban Affairs Committee elected Senator McCollister as Vice Chairperson.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
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<tbody>
<tr>
<td>LB28</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LB34</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>LB114</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LB115</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB116</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LB117</td>
<td>Natural Resources</td>
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<td>LB118</td>
<td>General Affairs</td>
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<td>Judiciary</td>
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<td>Government, Military and Veterans Affairs</td>
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<td>Transportation and Telecommunications</td>
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<td>Revenue</td>
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<td>Banking, Commerce and Insurance</td>
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<td>LB125</td>
<td>Appropriations</td>
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<td>LB126</td>
<td>Nebraska Retirement Systems</td>
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<tr>
<td>LB127</td>
<td>Natural Resources</td>
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<td>LB128</td>
<td>Agriculture</td>
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<td>LB129</td>
<td>Health and Human Services</td>
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<td>LB130</td>
<td>Natural Resources</td>
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<td>Urban Affairs</td>
</tr>
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<td>LB132</td>
<td>Government, Military and Veterans Affairs</td>
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<td>Banking, Commerce and Insurance</td>
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<td>Health and Human Services</td>
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UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash - LB156 and LB118
Kolterman - LB105

VISITOR

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 11:09 a.m., on a motion by Speaker Hadley, the Legislature adjourned until 10:00 a.m., Tuesday, January 13, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTH DAY - JANUARY 13, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 13, 2015

PRAYER

The prayer was offered by Senator Bloomfield.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Morfeld, Pansing Brooks, and Stinner who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

ANNOUNCEMENT(S)

The Business and Labor Committee elected Senator Bloomfield as Vice Chairperson.

The General Affairs Committee elected Senator Coash as Vice Chairperson.

The Natural Resources Committee elected Senator Friesen as Vice Chairperson.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, January 20, 2015 1:30 p.m.

LB91
LB92
LB93

(Signed) Jerry Johnson, Chairperson
Banking, Commerce and Insurance

Room 1507

Tuesday, January 20, 2015 1:30 p.m.

LB145
LB35
LB115
LB155

(Signed) Jim Scheer, Chairperson

Judiciary

Room 1113

Wednesday, January 21, 2015 1:30 p.m.

LB88
LB66
LB72
LB43
LB22

(Signed) Les Seiler, Chairperson

Nebraska Retirement Systems

Room 1524

Tuesday, January 20, 2015 12:00 p.m.

LB41
LB42
LB126

(Signed) Jeremy Nordquist, Chairperson

Health and Human Services

Room 1510

Wednesday, January 21, 2015 1:30 p.m.

LB27
LB37
LB87
Thursday, January 22, 2015 1:30 p.m.

Briefing on Nebraska Children's Commission Annual Report
Briefing on the Foster Care Review Office Annual Report
Briefing on the Child and Maternal Death Review Team Annual Report
LB107

(Signed) Kathy Campbell, Chairperson

MESSAGE(S) FROM THE GOVERNOR

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the State Fire Marshal - Nebraska State Fire Marshal's Office:

Jim Heine, 21911 Woodland Hills Circle, Eagle, NE 68347

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Property Tax Administrator:

Ruth A. Sorensen, 11419 Links Drive, Lincoln, NE 68526
The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Aeronautics:

Ronnie Mitchell, 306 Martin Drive North, Bellevue, NE 68005

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Adjutant General for the State of Nebraska:

Major General Daryl L. Bohac, 10231 N. 143 Street, Lincoln, NE 68462

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are
January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Agriculture:

Greg Ibach, 44670 Road 767, Sumner, NE 68878

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Insurance:

Bruce Ramge, 9329 Krug Avenue, Omaha, NE 68124

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

Sincerely,
January 8, 2015

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

Contingent upon your approval, the following individual is being appointed as the Commissioner of the Department of Labor:

John Albin, 2200 Franklin Street, Lincoln, NE 68502

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

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

Contingent upon your approval, the following individual is being appointed as the Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice:

Darrell E. Fisher, 510 W. Chanceler Drive, Lincoln, NE 68521

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

Sincerely,

(Signed) Pete Ricketts
Governor
January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Motor Vehicles:

Rhonda K. Lahm, 20216 North Shore Drive, Eagle, NE 68347

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the State Energy Office:

David Bracht, 16240 Burt Street, Omaha, NE 68118

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

Sincerely,
(Signed) Pete Ricketts
Governor

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Banking and Finance:

Mark Quandhl, 16729 Leavenworth, Omaha, NE 68118

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

Sincerely,

(Signed) Pete Ricketts  
Governor

Enclosure

January 8, 2015

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

Contingent upon your approval, the following individual is being appointed as the Chief Medical Officer and Director of the Division of Public Health in the Department of Health and Human Services:

Dr. Joseph Acierno, 4134 South 175 Street, Omaha, NE 68135

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

Sincerely,

(Signed) Pete Ricketts  
Governor

Enclosure
January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Division of Veterans' Homes in the Department of Health and Human Services:

John Hilgert, 15672 Marcy Street, Omaha, NE 68118

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Veterans' Affairs:

John Hilgert, 15672 Marcy Street, Omaha, NE 68118

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure
MOTION - Print in Journal

Senator McCoy filed the following motion to LR10CA:
MO1
Indefinitely postpone.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 193. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to electronic payment transactions; to prohibit the collection of interchange fees on specified taxes and fees; and to provide penalties.

LEGISLATIVE BILL 194. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to the Supreme Court; to create the Supreme Court Attorney Services Cash Fund; and to provide for the use of the fund.

LEGISLATIVE BILL 195. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010 and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to summons and orders of garnishment on financial institutions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 196. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5650, 71-5652, 71-5653, 71-5662, and 71-5663, Reissue Revised Statutes of Nebraska, and sections 71-5661, 71-5666, 71-5667, and 71-5668, Revised Statutes Cumulative Supplement, 2014; to provide for a medical resident incentive program; to change provisions relating to student loans and loan repayment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska; to provide additional powers for certain districts subject to municipal approval; and to repeal the original section.

LEGISLATIVE BILL 198. Introduced by Williams, 36.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3904, 44-3909, 44-4049, 44-4054, and 44-4055, Reissue Revised Statutes of
Nebraska; to change prelicensing and continuing education requirements; to authorize licenses for limited line pre-need funeral insurance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 199.** Introduced by Howard, 9; Campbell, 25; Cook, 13; Crawford, 45.

A BILL FOR AN ACT relating to child welfare services; to provide for stipends for social work students as prescribed; and to provide duties for the Department of Health and Human Services and governing boards of Nebraska public colleges and universities.

**LEGISLATIVE BILL 200.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Department of Revenue; to change the distribution of sales and use tax revenue; and to repeal the original section.

**LEGISLATIVE BILL 201.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 57-1201, 57-1202, 57-1203, 57-1204, 57-1205, 57-1207, 57-1208, 57-1209, 57-1214, and 81-1607.01, Reissue Revised Statutes of Nebraska; to change provisions relating to uranium severance taxes; to change the distribution of uranium severance tax revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 202.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Cumulative Supplement, 2014; to provide for partisan ballots at primary elections for unaffiliated voters; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 203.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-706, Reissue Revised Statutes of Nebraska; to change provisions relating to a game refuge as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 204.** Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Cumulative Supplement, 2014; to provide a tax credit for certain beer manufacturers as prescribed; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 205. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to towers; to regulate certain towers as prescribed.

LEGISLATIVE BILL 206. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Erosion and Sediment Control Act; to amend sections 2-4603, 2-4604, 2-4605, 2-4608, 2-4610, 2-4612, and 2-4613, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to the state erosion and sediment control program; to provide for an order to cease and desist as prescribed; to eliminate certain exemptions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 207. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska; to change provisions relating to civil penalties; to provide for recovery of costs in certain actions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 208. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to water storage reservoirs; to amend sections 46-242 and 46-2,119, Reissue Revised Statutes of Nebraska, and section 46-241, Revised Statutes Cumulative Supplement, 2014; to provide a permit application exemption; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 209. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to dispute resolution; to adopt the Political Subdivisions Mandatory Mediation Act.

LEGISLATIVE BILL 210. Introduced by Ebke, 32; Craighead, 6.

A BILL FOR AN ACT relating to housing agencies; to amend sections 71-1575, 71-1590, and 71-15,124, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of mixed-use developments; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 211. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to preadmission physical and visual examinations; and to repeal the original section.
LEGISLATIVE BILL 212. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,129, Revised Statutes Cumulative Supplement, 2014; to prohibit the use of restraints in juvenile court; and to repeal the original section.

LEGISLATIVE BILL 213. Introduced by Schumacher, 22; Seiler, 33.

A BILL FOR AN ACT relating to insurance; to provide for the withholding of insurance proceeds for the demolition of real property as prescribed.

LEGISLATIVE BILL 214. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to elections; to amend section 32-1403, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2014; to provide for electronic signatures on initiative and referendum petitions; to provide powers and duties; to provide fees; to create a fund; to provide penalties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 215. Introduced by Craighead, 6; Ebke, 32; Groene, 42; Lindstrom, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-511.01 and 28-518, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to theft; and to repeal the original sections.

LEGISLATIVE BILL 216. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2014; to correct provisions relating to the streamlined sales and use tax agreement; and to repeal the original section.

LEGISLATIVE BILL 217. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-918, Revised Statutes Cumulative Supplement, 2014; to recodify provisions; and to repeal the original section.

LEGISLATIVE BILL 218. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to correct references to a federal act; and to repeal the original section.
LEGISLATIVE BILL 219. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to child custody and visitation; to amend sections 43-2922 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Deployed Parents Custody and Visitation Act; to change and eliminate provisions relating to military parents; to provide an operative date; to repeal the original sections; and to outright repeal section 43-2929.01, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 220. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 81-8,310 and 82-108.02, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Nebraska 150 Sesquicentennial Plates; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 221. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to landlord and tenants; to amend sections 69-2303, 76-1414, 76-1441, and 76-1446, Reissue Revised Statutes of Nebraska; to provide for disposition of personal property upon the death of a tenant; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 222. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to veterans memorials; to amend section 80-201, Reissue Revised Statutes of Nebraska; to change a provision relating to the erection of statues, monuments, and memorials; to create a commission; to authorize grants; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to amend sections 44-8601, 44-8602, 44-8603, and 44-8604, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to contractor duties and prohibited acts; to provide for notice of contract obligations and rights as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to electioneering; to amend section 32-1524, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative Supplement, 2014; to require the marking of areas near polling places for purposes of electioneering restrictions as prescribed; to change restrictions on electioneering; to prohibit removal of or refusal to display electioneering materials as prescribed; to harmonize provisions; and to
repeal the original sections.

**LEGISLATIVE BILL 225.** Introduced by Schnoor, 15; Bloomfield, 17; Ebke, 32; Garrett, 3; Groene, 42; Lindstrom, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

**LEGISLATIVE BILL 226.** Introduced by Coash, 27; Larson, 40.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Cumulative Supplement, 2014; to authorize crowdfunding as prescribed and to exempt crowdfunding from registration; and to repeal the original section.

**LEGISLATIVE BILL 227.** Introduced by Hansen, 26; Bolz, 29; Mello, 5; Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-1191, 79-1194, and 79-1196, Reissue Revised Statutes of Nebraska; to change provisions relating to appropriations for bridge programs; to require reports; to change a termination date; and to repeal the original sections.

**LEGISLATIVE BILL 228.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Revised Statutes Cumulative Supplement, 2014; to change corporate income tax rates; and to repeal the original section.

**LEGISLATIVE BILL 229.** Introduced by Watermeier, 1; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Supreme Court for court appointed special advocate state aid.

**LEGISLATIVE BILL 230.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-2170.01 and 25-2190, Reissue Revised Statutes of Nebraska; to change provisions relating to the parties that may compel partition and the payment of encumbrances in partition actions; and to repeal the original sections.

**LEGISLATIVE BILL 231.** Introduced by Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-7703, 60-124, 60-340, 60-376, 60-3,118, 60-3,153, 60-4,123, 60-4,123.01, 60-639, 60-6,219, 60-6,226, 60-6,265, 60-6,266, 60-6,270, 60-6,272, 60-6,273, 60-1401.02, and 60-1401.28, Reissue Revised Statutes
of Nebraska, and sections 60-101, 60-102, 60-301, 60-302, 60-3,100, 60-3,104, 60-3,113, 60-3,135.01, 60-3,187, 60-3,190, 60-462, 60-463, 60-4,114, 60-4,124, 60-4,182, 60-601, 60-605, 60-6,267, 60-1401, 60-2121, 60-2121, and 71-1907, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for certificates of title, registration, and operating and dealership regulations for autocycles; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 232.** Introduced by Nordquist, 7; Bolz, 29; Crawford, 45; Gloor, 35; Howard, 9; Kolowski, 31; Kolterman, 24; Larson, 40.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to adopt the College Choice Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 233.** Introduced by Howard, 9; Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 234.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to insurance; to amend section 44-322, Reissue Revised Statutes of Nebraska; to change provisions relating to filing requirements of insurance companies; and to repeal the original section.

**LEGISLATIVE BILL 235.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Consumer Protection in Eye Care Act.

**NOTICE OF COMMITTEE HEARING(S)**

**Education**

Room 1525

Tuesday, January 20, 2015 1:30 p.m.

LB54 (cancel)

Tuesday, January 20, 2015 1:30 p.m.

LB18

(Signed) Kate Sullivan, Chairperson
ANNOUNCEMENT(S)

The Health and Human Services Committee elected Senator Howard as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Garrett as Vice Chairperson.

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Williams has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 22. Introduced by Gloor, 35.

PURPOSE: Patient-centered medical home is a health care delivery process that is transforming today's medical care to a coordinated, patient-centered method of delivering health care. This care is provided in primary and certain specialty care clinics and is coordinated with other medical, dental, and behavioral health services, public health entities, and other community-based support services. The aim of patient-centered medical home is to
improve patient experience and individual health outcomes while improving population health and containing health care costs.

This systemwide transformation necessitates the cooperation and collaboration of health care providers, insurers, and administrators, federal and state governmental entities, along with self-insured businesses as purchasers of health care and health insurance, among others.

It is the purpose of this interim study for the Health and Human Services Committee of the Legislature and the Banking, Commerce and Insurance Committee of the Legislature to monitor this medical care transformation in Nebraska and the progress of the participation agreement to recognize and reform payment structures to support patient-centered medical home and to provide a legislative forum for discussion and collaboration among the many stakeholders of this health care industry and health insurance transformation.

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

1. That the Health and Human Services Committee and Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Michael McCabe from the Council of State Governments; and 43 fourth-grade students from Eagle.

The Doctor of the Day was Dr. Hoelting from Pender.

ADJOURNMENT

At 11:09 a.m., on a motion by Senator Krist, the Legislature adjourned until 10:00 a.m., Wednesday, January 14, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
SIXTH DAY - JANUARY 14, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 14, 2015

PRAYER

The prayer was offered by Pastor Brian High, First Baptist Church, Tekamah.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Craighead and Howard who were excused; and Senators Krist and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>LB157</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB158</td>
<td>Business and Labor</td>
</tr>
<tr>
<td>LB159</td>
<td>Banking, Commerce and Insurance</td>
</tr>
<tr>
<td>LB160</td>
<td>General Affairs</td>
</tr>
<tr>
<td>LB161</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LB162</td>
<td>Revenue</td>
</tr>
<tr>
<td>LB163</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LB164</td>
<td>Natural Resources</td>
</tr>
<tr>
<td>LB165</td>
<td>Revenue</td>
</tr>
<tr>
<td>LB166</td>
<td>Government, Military and Veterans Affairs</td>
</tr>
<tr>
<td>LB167</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LB168</td>
<td>Urban Affairs</td>
</tr>
<tr>
<td>LB169</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LB170</td>
<td>Revenue</td>
</tr>
</tbody>
</table>
LB171 Revenue
LB172 Judiciary
LB173 Judiciary
LB174 Natural Resources
LB175 Agriculture
LB176 Agriculture
LB177 Government, Military and Veterans Affairs
LB178 Revenue
LB179 General Affairs
LB180 Banking, Commerce and Insurance
LB181 Transportation and Telecommunications
LB182 Education
LB183 Agriculture
LB184 Judiciary
LB185 Appropriations
LB186 Revenue
LB187 Judiciary
LB188 Judiciary
LB189 Judiciary
LB190 Judiciary
LB191 Revenue
LB192 Transportation and Telecommunications
LR10CA General Affairs

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Revenue

Room 1524

Wednesday, January 21, 2015 1:30 p.m.

LB170
LB171

(Signed) Mike Gloor, Chairperson

COMMUNICATION(S)

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Pete Ricketts issued a proclamation declaring January 5, 2015, as George W. Norris Day.
The following bills were read for the first time by title:

LEGISLATIVE BILL 236. Introduced by Coash, 27.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2322, 25-1563.01, 71-1631, 79-948, 79-9.104, 81-2032, 84-1324, 84-1505, 85-106, and 85-320, Reissue Revised Statutes of Nebraska, and sections 2-3228, 14-567, 14-2111, 19-3501, 24-710.02, and 48-1401, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to collection of judgments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 237. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for correctional facilities.

LEGISLATIVE BILL 238. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2107, 18-2116, and 18-2117.01, Reissue Revised Statutes of Nebraska, and sections 18-2103 and 18-2147, Revised Statutes Cumulative Supplement, 2014; to define a term; to change provisions relating to tax-increment financing; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 239. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to education; to amend sections 79-308, 79-309.01, 79-761, 79-1028.01, and 79-1035, Reissue Revised Statutes of Nebraska; to provide for a Coordinator for Educator Effectiveness and educator evaluation models as prescribed; to provide for grants and funding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 240. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to behavioral health; to amend sections 71-8511 and 71-8512, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Behavioral Health Screening and Referral Pilot Program; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to cemeteries; to amend sections 15-241, 16-243, 17-941, and 17-945, Reissue Revised Statutes of Nebraska; to change provisions relating to conveyances of cemetery lots; and to repeal the original sections.
LEGISLATIVE BILL 242. Introduced by Stinner, 48; Hughes, 44.

A BILL FOR AN ACT relating to the Dry Bean Resources Act; to amend sections 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; to change annual report requirements; to change a provision relating to collection and credit of funds; to eliminate a refund; to repeal the original sections; to outright repeal section 2-3760, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 243. Introduced by Bolz, 29; Campbell, 25; Howard, 9; Krist, 10.

A BILL FOR AN ACT relating to children; to state intent; to define terms; to create a pilot project relating to family finding services; to provide duties for the Department of Health and Human Services; to state intent relating to appropriations; and to provide for rules and regulations.

LEGISLATIVE BILL 244. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2103, Reissue Revised Statutes of Nebraska; to change provisions relating to motions for new trial based upon discovery of new evidence; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the DNA Testing Act; to amend section 29-4120, Reissue Revised Statutes of Nebraska; to change provisions relating to DNA testing of biological material; and to repeal the original section.

LEGISLATIVE BILL 246. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5903, Reissue Revised Statutes of Nebraska; to redefine microbusiness; and to repeal the original section.

LEGISLATIVE BILL 247. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to the Uniform Partnership Act of 1998; to amend section 67-405, Reissue Revised Statutes of Nebraska; to change an interest rate specification reference; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of interactive wireless communication devices by school bus drivers as prescribed; and to repeal
the original section.

**LEGISLATIVE BILL 249.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt horses from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 250.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-607, Reissue Revised Statutes of Nebraska; to change restrictions on keno; and to repeal the original section.

**LEGISLATIVE BILL 251.** Introduced by Nordquist, 7; Crawford, 45; Garrett, 3; Morfeld, 46; Schnoor, 15.

A BILL FOR AN ACT relating to labor; to adopt the Veterans Subsidized Training and Employment Act.

**LEGISLATIVE BILL 252.** Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1106, Reissue Revised Statutes of Nebraska, and section 8-1108.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

**LEGISLATIVE BILL 253.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to provide when acknowledgment is not required; and to repeal the original section.

**LEGISLATIVE BILL 254.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to unsworn declarations; to amend section 28-915, Reissue Revised Statutes of Nebraska, and section 28-915.01, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating to perjury; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 255.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to provide income tax credits for apprenticeships as prescribed; to harmonize provisions; and to repeal the
original sections.

**LEGISLATIVE BILL 256.** Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, and sections 77-27,132 and 77-4212, Revised Statutes Cumulative Supplement, 2014; to change the sales tax rate; to change the distribution of sales and use tax revenue; to provide funding for property tax relief; and to repeal the original sections.

**LEGISLATIVE BILL 257.** Introduced by Nordquist, 7; Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to insurance; to require insurers to provide descriptions relating to telehealth and telemonitoring as prescribed.

**LEGISLATIVE BILL 258.** Introduced by Nordquist, 7; Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to health care; to amend sections 38-2028 and 38-2034, Reissue Revised Statutes of Nebraska; to adopt the Interstate Medical Licensure Compact; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 259.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Reissue Revised Statutes of Nebraska, and sections 77-202 and 77-5007, Revised Statutes Cumulative Supplement, 2014; to adopt the Personal Property Tax Relief Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 260.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to authorize the Property Tax Administrator to correct errors as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 261.** Introduced by Gloor, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-519, 13-520, 77-115, 77-376, and 77-1248, Reissue Revised Statutes of Nebraska, and sections 77-202 and 77-5007, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to transferring the assessment function to counties; to change provisions relating to the sharing of tax information; to redefine qualified owner under the Rural Community-Based Energy Development Act; to change provisions relating to the valuation of flight equipment of air carriers; to disallow interest on
refunds relating to certain tax credits; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1340.05 and 77-1340.06, Reissue Revised Statutes of Nebraska, and section 77-1340.04, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

**LEGISLATIVE BILL 262.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Dairy Industry Development Act; to amend sections 2-3949, 2-3957, and 2-3959, Reissue Revised Statutes of Nebraska; to define a term; to eliminate provisions relating to refunds; to change powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 263.** Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

**LEGISLATIVE BILL 264.** Introduced by Morfeld, 46; Crawford, 45; Garrett, 3; Kolowski, 31; Nordquist, 7.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-126, Reissue Revised Statutes of Nebraska, and section 38-101, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of credentials based on military education, training, or service; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 265.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to juveniles; to amend section 29-1926, Reissue Revised Statutes of Nebraska, and sections 43-272.01, 43-285, 43-297.01, 43-2,108, 43-1301, 43-1302, 43-1303, 43-1304, 43-1308, 43-1309, 43-1313, 43-1318, 43-3001, and 43-4318, Revised Statutes Cumulative Supplement, 2014; to change powers and duties for guardians ad litem, the Office of Probation Administration, the Foster Care Review Office, and the office of Inspector General of Nebraska Child Welfare; to define terms; to provide for confidentiality of certain information; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 266.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-102, 14-103, 15-211, 15-268, 16-207, 16-240, 17-123, 17-123.01, 17-207, and 17-555, Reissue Revised Statutes of Nebraska, and sections 16-230 and 17-563, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding jurisdiction for municipalities to enforce ordinances; to change nuisance ordinance provisions as prescribed; and to repeal the original sections.
LEGISLATIVE BILL 267. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change the income tax exemption for military retirement income as prescribed; and to repeal the original section.

LEGISLATIVE BILL 268. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 28-104, 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2282, 29-2407, 29-2519, 29-2521, 29-2523, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, 83-1, 110.02, and 83-4, 143, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-1603, 29-2204, 29-2522, and 29-3922, Revised Statutes Cumulative Supplement, 2014; to state findings and intent; to change provisions relating to murder in the first degree; to change a penalty from death to life imprisonment without possibility of parole; to eliminate a homicide-case report, provisions on capital punishment, proportionality review provisions, and obsolete provisions; to provide for retroactive applicability of a penalty change; to change provisions relating to restitution; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811, 83-1, 105.01, 83-1, 132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2521.02, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 269. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Abstracters Act; to amend section 76-550, Revised Statutes Cumulative Supplement, 2014; to eliminate a requirement to prepare and distribute a roster of all registered abstracters; and to repeal the original section.

LEGISLATIVE BILL 270. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to labor; to amend sections 48-1706, 48-2107, and 48-2710, Reissue Revised Statutes of Nebraska; to create and eliminate funds; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 48-1707 and 48-2115, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 271. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to labor; to amend sections 48-602, 48-603, 48-603.01, 48-605, 48-625, 48-648, 48-648.01, 48-654, 48-660.01, and
48-669, Reissue Revised Statutes of Nebraska, and section 48-663.01, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions of the Employment Security Law; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 272.** Introduced by Crawford, 45; Garrett, 3; Morfeld, 46; Nordquist, 7.

A BILL FOR AN ACT relating to veterans; to provide for a voluntary veterans preference in private employment; and to define terms.

**LEGISLATIVE BILL 273.** Introduced by Sullivan, 41; Hughes, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-519, 32-524, and 32-525, Revised Statutes Cumulative Supplement, 2014; to authorize voters to vote regarding partisan or nonpartisan ballots for nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 274.** Introduced by Hansen, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education for mentor teacher programs in local systems.

**LEGISLATIVE BILL 275.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,197.06, Reissue Revised Statutes of Nebraska; to change penalties for operating a motor vehicle during a revocation period; and to repeal the original section.

**LEGISLATIVE BILL 276.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-106 and 48-116, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to provide for certified independent contractors and exempt such persons from the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 277.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1838 and 77-1842, Reissue Revised Statutes of Nebraska; to change a provision relating to tax deed lien priority; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 278. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.14, Reissue Revised Statutes of Nebraska, and section 77-2701.16, Revised Statutes Cumulative Supplement, 2014; to exempt motor vehicle washing and waxing services from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 279. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to business entities; to amend sections 21-152, 21-1905, 21-19,139, 21-19,159, 21-2005, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and sections 21-192, 21-205, 21-2,195, 21-2,219, 21-323.01, 21-325.01, and 21-414, Revised Statutes Cumulative Supplement, 2014; to change provisions and fees relating to reinstatement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 21-2005, 21-20,160, and 21-20,180.01, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 280. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 79-1001, 79-1003, 79-1007.11, 79-1007.18, 79-1008.02, 79-1015.01, 79-1016, 79-1017.01, and 79-1023, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2014; to authorize a school-funding surtax; to reduce the levy authority for school districts and learning communities; to change the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507
Wednesday, January 21, 2015 1:30 p.m.

LB84
LB65
LB135
LB177

(Signed) John Murante, Chairperson
WHEREAS, veterans have earned and deserve high-quality, safe, consistent, and accessible health care services; and
WHEREAS, veterans in Nebraska often travel long distances to receive health care at a United States Department of Veterans Affairs facility, especially hospital care; and
WHEREAS, veterans deserve access to health care services closer to where they reside, including access to personal physicians, local hospitals, and other health care facilities and services; and
WHEREAS, the retention and recruitment of physicians and other health care professionals will promote stronger community-based health care services to veterans and the surrounding communities, and reduce needless duplication of health care services; and
WHEREAS, continuity of care and promotion of the medical home will be improved with veterans having access to local physicians and local hospitals; and
WHEREAS, the economies of local communities will benefit from veterans accessing all components of the community's health care resources; and
WHEREAS, money and time will be saved by allowing veterans to access local community health care services for their health care needs; and
WHEREAS, expanding health care options for veterans will increase access for veterans, especially in rural areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature urges the United States Department of Veterans Affairs to provide veterans with direct access to health care services in each local community in Nebraska.
2. That a copy of this resolution be sent to the Secretary and Under Secretary of Health of the United States Department of Veterans Affairs and to each member of Nebraska's delegation to the United States Congress.

Laid over.
LEGISLATIVE RESOLUTION 24. Introduced by Murante, 49.

WHEREAS, Gretna High School won the 2014 Class A One-Act Play State Championship with their performance of "Young Frankenstein"; and
WHEREAS, this is Gretna High School's sixth Class A one-act play state championship since 2008; and
WHEREAS, Gretna High School's performance is a wonderful example of successful collaboration between directors, actors, and crew; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Gretna High School for winning the 2014 Class A One-Act Play State Championship.
2. That a copy of this resolution be sent to the Gretna High School one-act team.

Laid over.

LEGISLATIVE RESOLUTION 25. Introduced by Coash, 27.

WHEREAS, Kadynce Mullins is the 2014 National American Miss Nebraska Princess; and
WHEREAS, Kadynce is the daughter of Kevin and Brenna Mullins and a second grader at Northside Elementary School in Nebraska City; and
WHEREAS, because Kadynce has been hospitalized for seizure episodes, she chose the Children's Miracle Network (CMN) for her summer project and started a nonprofit called "Lollipop Limo" which raises funds for CMN; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Kadynce Mullins for being crowned the 2014 National American Miss Nebraska Princess.
2. That a copy of this resolution be sent to Kadynce Mullins.

Laid over.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Rule 5, Sec. 5. Scheduling of Bills, Priority Bills.

(d) The State-Tribal Relations Committee may designate one bill consistent with the committee's jurisdiction as a priority bill but the principal
The introducer must concur with the designation as a priority bill, and with the withdrawal of the designation once made.

(d)(e) The Speaker may designate up to 25 additional priority bills.

(e)(f) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

(f)(g) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(g)(h) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(h)(i) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with no dissenting votes on a consent calendar.

(i)(j) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(j)(k) No priority bill designated under this rule shall have priority over appropriations bills.

Rule 7, Sec. 3. Motion, in Writing, Withdrawal.

(c) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without
unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6. Such a call for division shall not be allowed for the mainline budget bill, the deficit bill, the capital construction bill, the constitutional officers salary bill, and the funds transfer bill.

The Rules Committee indefinitely postponed the following proposed rules changes:

**Rule 1, Sec. 1. Officers to be Elected.**

(a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot roll call vote with each member indicating the candidate he/she is supporting the following officers:

Speaker  
Chairperson of Committee on Committees  
Chairperson of Executive Board  
Vice Chairperson of Executive Board  
6 Members of Executive Board (See footnote)

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

Before the ballot vote is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall
nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Rule 3, Sec. 8. Chairperson, Vice Chairperson.

(a) The chairperson of each standing and select committee shall be selected by secret ballot roll call vote with each member indicating the candidate he/she is supporting.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

(b)(c) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c)(d) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

(d)(e) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.
The Rules Committee held the following proposed rules changes:

**Rule 3, Sec. 11. Conduct During Committee Hearings.**

(a) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council is prohibited in legislative hearing rooms during a meeting of a legislative committee, unless allowed by the committee chairperson.

(b) **Electronic Submission of Documents**

(i) Copies of any additional testimony and/or exhibits being presented may be done electronically to the committee clerk for access by members choosing to use electronic data, as allowed by the committee chairperson.

(ii) These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk.

**Rule 7, Sec. 5. Call of the House.**

(a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat except when excused by the President during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

**Rule 2, Sec. 3. Chamber, Guests, Distribution of Material.**

(h) Members shall remain in their seats or within the immediate vicinity of their seats during the final reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.
Rule 3, Sec. 2. Appointment of Committees.

(b) Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit electronically to the Legislature and all Senators a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to the Committee for further action.

ANNOUNCEMENT(S)

The Rules Committee elected Senator Bloomfield as Vice Chairperson.

MOTION - Print in Journal

Senator Scheer filed the following motion to LB59:

MO2
Withdraw bill.

ADJOURNMENT

At 11:09 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Thursday, January 15, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor John Hogue, Falls City Methodist Church, Falls City.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz and B. Harr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 98, line 36, strike "Heidmann" and insert "Heidemann".

The Journal for the fourth day was approved as corrected.

The Journal for the sixth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Thursday, January 22, 2015 1:30 p.m.

LB60
LB137
LB190
LB184

(Signed) Les Seiler, Chairperson
CORRECTED MESSAGE FROM THE GOVERNOR

January 8, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Banking and Finance:

Mark Quandahl, 16729 Leavenworth, Omaha, NE 68118

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

ANNOUNCEMENT(S)

The Appropriations Committee elected Senator Hilkemann as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:


A BILL FOR AN ACT relating to education; to amend section 85-1806, Reissue Revised Statutes of Nebraska; to adopt the Child Support for College Savings Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Baker, 30.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1410, Reissue Revised Statutes of Nebraska; to change provisions relating to closed sessions of a public body as prescribed; and to repeal the original section.

LEGISLATIVE BILL 283. Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Emergency Management Act; to amend sections 81-829.49 and 81-829.51, Reissue Revised Statutes of Nebraska; to allow school districts and educational service units to make emergency expenditures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3102, Reissue Revised Statutes of Nebraska, and section 13-3108, Revised Statutes Cumulative Supplement, 2014; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 285. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3102, Reissue Revised Statutes of
Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 286.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Cumulative Supplement, 2014; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 287.** Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-150, 20-151, 20-156, and 20-159, Reissue Revised Statutes of Nebraska, and section 71-4728, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to licensure of interpreters for deaf and hard of hearing persons; to provide for video remote interpreting services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 288.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to public employers; to prohibit certain provisions in collective-bargaining agreements; and to prohibit certain deductions from wages.

**LEGISLATIVE BILL 289.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to firearms; to amend sections 14-102, 15-255, 16-227, 17-556, and 18-1703, Reissue Revised Statutes of Nebraska; to prohibit certain regulation of firearms, ammunition, and firearm accessories by cities and villages as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 290.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to criminal law; to amend sections 29-4001.01, 29-4006, and 29-4007, Revised Statutes Cumulative Supplement, 2014; to eliminate certain notification requirements under the Sex Offender Registration Act; to eliminate the offense of unlawful use of the Internet by a prohibited sex offender; to repeal the original sections; and to outright repeal section 28-322.05, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 291.** Introduced by Coash, 27.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Reissue Revised Statutes of Nebraska; to remove professional wrestling from the commissioner's jurisdiction; and to repeal
LEGISLATIVE BILL 292. Introduced by Coash, 27.

A BILL FOR AN ACT relating to the Child Protection and Family Safety Act; to amend sections 28-713.01, 28-720, 28-720.01, and 28-721, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the central registry of child protection cases; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 293. Introduced by Schnoor, 15; Friesen, 34; Johnson, 23; Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 294. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 21-20,177, 29-812, 29-815, 86-2,108, and 86-2,112, Reissue Revised Statutes of Nebraska, and sections 21-2,212, 27-413, 28-801, 28-801.01, 28-802, 28-804, 28-831, 43-246.01, 43-247, 43-248, 43-250, 43-251, 43-251.01, 43-254, 43-258, 43-286, and 43-2,108.01, Revised Statutes Cumulative Supplement, 2014; to adopt the Human Trafficking Victims Civil Remedy Act; to change certain service of process provisions; to redefine offense of sexual assault; to change penalties and provisions relating to prostitution, solicitation of prostitution, pandering, keeping a place of prostitution, and human trafficking; to change provisions relating to search warrants; to change provisions relating to juvenile court jurisdiction and temporary custody requirements; to change provisions relating to intercepted communications; to provide for forfeiture of assets for persons engaged in human trafficking; to create a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 21-20,177, Reissue Revised Statutes of Nebraska, as amended by this legislative bill.

LEGISLATIVE BILL 295. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-102.01, 15-237, 16-246, and 17-505, Reissue Revised Statutes of Nebraska; to require approval of a county board before enforcing ordinances in an extraterritorial zoning jurisdiction; and to repeal the original sections.
LEGISLATIVE BILL 296. Introduced by Kolterman, 24; Campbell, 25; Coash, 27; Ebke, 32; Friesen, 34; Kuehn, 38; Morfeld, 46.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1311.01 and 43-1311.02, Revised Statutes Cumulative Supplement, 2014; to provide notification after removal of a child as prescribed; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 297. Introduced by Seiler, 33; Chambers, 11; Ebke, 32; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Williams, 36.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2014; to change the salary of Supreme Court judges; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 298. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.06 and 44-416.07, Reissue Revised Statutes of Nebraska; to change provisions relating to credit for reinsurance; and to repeal the original sections.

LEGISLATIVE BILL 299. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1927, Reissue Revised Statutes of Nebraska; to change provisions relating to admission of evidence of alibi; and to repeal the original section.

LEGISLATIVE BILL 300. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-733, Reissue Revised Statutes of Nebraska; to provide for enforcement of ordinances by imposing penalties; and to repeal the original section.

LEGISLATIVE BILL 301. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

LEGISLATIVE BILL 302. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2014; to create the offense of rehoming a child; to provide a penalty; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 303. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to child sexual abuse; to authorize schools to adopt a child sexual abuse policy as prescribed.

LEGISLATIVE BILL 304.Introduced by Hansen, 26.

A BILL FOR AN ACT relating to cities and villages; to adopt the Municipal Custodianship for Dissolved Homeowners Associations Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 305. Introduced by Schnoor, 15; Crawford, 45; Garrett, 3; Morfeld, 46; Nordquist, 7.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-403, Reissue Revised Statutes of Nebraska; to allow the veterans aid fund to be used for transportation costs for veterans; and to repeal the original section.

LEGISLATIVE BILL 306. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to conveyances; to amend sections 48-2503, 48-2504, 48-2507, 48-2508, 48-2512, and 48-2529, Reissue Revised Statutes of Nebraska; to change the Conveyance Safety Act; to change the membership and powers of a committee; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-311.02 and 28-311.03, Reissue Revised Statutes of Nebraska, and section 28-323, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to stalking and domestic assault; and to repeal the original sections.

LEGISLATIVE BILL 308. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to elections; to amend sections 32-301, 32-311.01, 32-318.01, 32-320, 32-326, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-308, 32-310, 32-311, 32-312, 32-312.05, and 60-484, Revised Statutes Cumulative Supplement, 2014; to provide for certain sixteen-year-olds and seventeen-year-olds to preregister to vote; to provide procedures; to change and provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 309. Introduced by Davis, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate additional funds to the Property Tax Credit Cash Fund.
LEGISLATIVE BILL 310. Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend section 72-2007, Reissue Revised Statutes of Nebraska; to change membership of the Niobrara Council; and to repeal the original section.

LEGISLATIVE BILL 311. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; McCoy, 39; Murante, 49; Seiler, 33.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-469, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-463, 60-4,142, 60-4,144, 60-4,168, and 75-362, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to change provisions relating to CLP-commercial learner's permit issuance and applications for commercial drivers' licenses; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 312. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; McCoy, 39; Murante, 49; Seiler, 33.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1348, 39-1349, 39-1350, 39-1351, 39-1352, 39-1353, and 81-1701, Reissue Revised Statutes of Nebraska; to change provisions relating to the letting of construction contracts; to provide an exemption from the Nebraska Consultants' Competitive Negotiation Act; and to repeal the original sections.

LEGISLATIVE BILL 313. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; McCoy, 39; Murante, 49; Seiler, 33.

A BILL FOR AN ACT relating to transportation; to amend sections 60-336.01, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Cumulative Supplement, 2014; to update certain references to federal regulations regarding motor vehicles and motor carriers; and to repeal the original sections.


A BILL FOR AN ACT relating to county courts; to amend section 24-517, Revised Statutes Cumulative Supplement, 2014; to state matters subject to the jurisdiction of county courts; and to repeal the original section.

LEGISLATIVE BILL 315. Introduced by Howard, 9; Kolterman, 24.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
section 68-974, Revised Statutes Cumulative Supplement, 2014; to change and add provisions relating to recovery audit contractors; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 316.** Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Garrett, 3; Groene, 42; Schnoor, 15.

A BILL FOR AN ACT relating to interstate compacts; to prohibit joining certain interstate compacts and the sharing of red light camera and speed camera information with other compact members as prescribed; and to define terms.

**LEGISLATIVE BILL 317.** Introduced by Kintner, 2; Bloomfield, 17; Groene, 42.

A BILL FOR AN ACT relating to railroads; to withdraw from and repeal the Midwest Interstate Passenger Rail Compact; and to outright repeal sections 74-1601, 74-1602, and 74-1603, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 318.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to planning and development regions; to state intent related to funding.

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Thursday, January 22, 2015 1:30 p.m.

LB174

Friday, January 23, 2015 1:30 p.m.

LB86

(Signed) Ken Schilz, Chairperson

**MOTION - Withdraw LB59**

Senator Scheer offered his motion, MO2, found on page 163, to withdraw LB59.

The Scheer motion to withdraw the bill prevailed with 40 ayes, 0 nays, and 9 present and not voting.
The following bills were read for the first time by title:

**LEGISLATIVE BILL 319.** Introduced by Smith, 14; Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend section 32-952, Reissue Revised Statutes of Nebraska, and sections 32-953 and 32-960, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to elections conducted by mail; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 320.** Introduced by Bolz, 29; Campbell, 25; Davis, 43.

A BILL FOR AN ACT relating to long-term care; to adopt the Aging and Disability Resource Center Act.

**LEGISLATIVE BILL 321.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to job training; to amend sections 77-2756 and 77-3442, Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska Industrial New Job-training Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 322.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to increase child and dependent care tax credits as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 323.** Introduced by Davis, 43; Baker, 30; Kolowski, 31.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Financing Review Commission; to state intent relating to appropriations; and to declare an emergency.

**LEGISLATIVE BILL 324.** Introduced by McCollister, 20; Coash, 27; Craighead, 6; Crawford, 45; Ebke, 32; Hughes, 44.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-729, and 31-740, Reissue Revised Statutes of Nebraska; to provide authorization to contract for solid waste collection services; and to repeal the original sections.
LEGISLATIVE BILL 325. Introduced by Davis, 43; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-303, 13-2809, 35-508, 35-509, 35-514.02, 35-517, and 77-3443, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2014; to change levy provisions for rural and suburban fire protection districts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 326. Introduced by Williams, 36.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-439, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-416, and 28-1354, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to marijuana, amphetamine, and methamphetamine; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 327. Introduced by Williams, 36.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1027, 25-1028, 25-1030.02, and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; and to repeal the original sections.

LEGISLATIVE BILL 328. Introduced by Schilz, 47; Davis, 43.

A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act; to amend sections 81-15,237, 81-15,247, and 81-15,248.01, Reissue Revised Statutes of Nebraska; to change provisions relating to use of professionals and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 329. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to tourism; to adopt the Nebraska Agritourism Promotion Act.

LEGISLATIVE BILL 330. Introduced by Larson, 40.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-103.01, 53-103.02, 53-130, 53-135, 53-167.02, 53-167.03, 53-1,107, 53-1,111, and 53-1,113, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-103.03, 53-123.15, 53-123.17, 53-133, and 53-177, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to change and eliminate provisions relating to hours for the conduct of lotteries and alcoholic liquor sales, shipping licenses, renewal of licenses, location of licensees, keg sales, and disposition of seized alcoholic liquor; to state intent relating to appropriations; to harmonize provisions; to repeal the
original sections; and to outright repeal section 9-647, Reissue Revised Statutes of Nebraska, and section 53-179, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 331.** Introduced by Nordquist, 7; Davis, 43; Mello, 5; Schilz, 47; Williams, 36.

A BILL FOR AN ACT relating to economic development; to amend sections 49-801.01, 77-202, 77-2711, and 77-27,119, Revised Statutes Cumulative Supplement, 2014; to adopt the Bioscience Impact Opportunity Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 332.** Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for the statewide prescription drug disposal project.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<table>
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<tr>
<th>LB/LR</th>
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<tbody>
<tr>
<td>LB105</td>
<td>Government, Military and Veterans Affairs (rerefered)</td>
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<td>Government, Military and Veterans Affairs (rerefered)</td>
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LB219 Judiciary
LB220 Transportation and Telecommunications
LB221 Judiciary
LB222 Government, Military and Veterans Affairs
LB223 Banking, Commerce and Insurance
LB224 Government, Military and Veterans Affairs
LB225 Judiciary
LB226 Banking, Commerce and Insurance
LB227 Education
LB228 Revenue
LB229 Appropriations
LB230 Revenue
LB231 Transportation and Telecommunications
LB232 Education
LB233 Appropriations
LB234 Banking, Commerce and Insurance
LB235 Health and Human Services
LB236 Nebraska Retirement Systems
LB237 Appropriations
LB238 Urban Affairs
LB239 Education
LB240 Health and Human Services
LB241 General Affairs
LB242 Agriculture
LB243 Health and Human Services
LB244 Judiciary
LB245 Judiciary
LB246 Revenue
LB247 Banking, Commerce and Insurance
LB248 Transportation and Telecommunications
LB249 Revenue
LB250 General Affairs
LB251 Business and Labor
LB252 Banking, Commerce and Insurance
LB253 Judiciary
LB254 Judiciary
LB255 Revenue
LB256 Revenue
LB257 Banking, Commerce and Insurance
LB258 Health and Human Services
LB259 Revenue
LB260 Revenue
LB261 Revenue
LB262 Agriculture
LB263 Appropriations
LB264 Health and Human Services
Acier, Joseph - Chief Medical Officer and Director, Division of Public Health - Department of Health and Human Services - Health and Human Services
Albin, John - Commissioner, Department of Labor - Business and Labor
Bohac, Daryl L. - Adjutant General, Military Department - Government, Military and Veterans Affairs
Bracht, David - Director, State Energy Office - Natural Resources
Fisher, Darrell E. - Executive Director, Nebraska Commission on Law Enforcement and Criminal Justice - Judiciary
Heine, Jim - State Fire Marshal - Government, Military and Veterans Affairs
Hilgert, John - Director, Department of Veterans Affairs - Government, Military and Veterans Affairs
Hilgert, John - Director, Division of Veterans Homes - Department of Health and Human Services - Health and Human Services
Ibach, Greg - Director, Department of Agriculture - Agriculture
Lahm, Rhonda K. - Director, Department of Motor Vehicles - Transportation and Telecommunications
Mitchell, Ronnie - Director, Department of Aeronautics - Government, Military and Veterans Affairs
Quandahl, Mark - Director, Department of Banking and Finance - Banking, Commerce and Insurance
Ramge, Bruce - Director, Department of Insurance - Banking, Commerce and Insurance
Sorensen, Ruth A. - Property Tax Administrator, Department of Revenue - Revenue

(Signed) Bob Krist, Chairperson
Executive Board
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Friday, January 23, 2015 1:30 p.m.
Todd Bartee - Nebraska Child Abuse Prevention Fund Board
Mary Fran Flood - Nebraska Child Abuse Prevention Fund Board
LB23
LB90

Wednesday, January 28, 2015 1:30 p.m.
LB12
LB129
LB77

(Signed) Kathy Campbell, Chairperson

SPEAKER HADLEY PRESIDING

MOTION - Adopt Permanent Rules

Senator Garrett moved to adopt the permanent rules for the One Hundred Fourth Legislature, First Session, and any special sessions held during the 2015 calendar year.

The Rules Committee offered the proposed rules change, found on page 158, to Rule 5, Sec. 5.

Senator Chambers requested a roll call vote on the proposed rules change.

The Rules Committee's proposed rules change to Rule 5, Sec. 5, was adopted with 41 ayes, 2 nays, and 6 present and not voting.

The Rules Committee offered the proposed rules change, found on page 159, to Rule 7, Sec. 3.

Senator Chambers offered the following amendment to the proposed rules change:
Amend Rule 7, Sec. 3.
Strike from the amendment to Rule 7, Sec. 3 the language "the constitutional officers salary bill".

The Chambers amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.
The Rules Committee's proposed rules change, as amended, to Rule 7, Sec. 3., was adopted with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following proposed rules changes:

**Rule 1, Sec. 1. Officers to be Elected.**

(a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot roll call vote with each member indicating the candidate he/she is supporting the following officers:

Speaker  
Chairperson of Committee on Committees  
Chairperson of Executive Board  
Vice Chairperson of Executive Board  
6 Members of Executive Board (See footnote)

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

Before the ballot roll call vote is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

The Legislature elects two from Legislative Districts 2, 3, 15, 16, 19, 21 through 29, 45, and 46; two from Legislative Districts 4 through 14, 18, 20, 31, 39, and 49; and two from Legislative Districts 1, 17, 30, 32 through 38, 40 through 44, 47, and 48. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot roll call vote a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from
the floor and elected by secret ballot roll call vote for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot roll call vote for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot roll call vote a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Rule 3, Sec. 8. Chairperson, Vice Chairperson.

(a) The chairperson of each standing and select committee shall be selected by secret ballot roll call vote with each member indicating the candidate he/she is supporting.

(b) At the end of the roll call vote but prior to the presiding officer declaring a winner, the clerk shall verify how each member voted and the result shall be entered into the legislative journal.

If the election is not contested, the presiding officer may accept a motion to declare the nominations closed, and declare the nominee elected by acclamation.

(b)(c) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(e)(d) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

(d)(e) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

Pending.
The following bills were read for the first time by title:

**LEGISLATIVE BILL 333.** Introduced by Gloor, 35; Campbell, 25; Crawford, 45; Ebke, 32; Friesen, 34; Howard, 9; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Scheer, 19; Schumacher, 22; Seiler, 33; Williams, 36.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Services Transformation Act.

**LEGISLATIVE BILL 334.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to labor; to amend section 81-401, Reissue Revised Statutes of Nebraska; to eliminate the Nebraska Workforce Investment Act and the Nebraska Workforce Investment Board; to harmonize provisions; to repeal the original section; and to outright repeal sections 48-1616, 48-1618, 48-1619, 48-1620, 48-1621, 48-1622, 48-1626, and 48-1627, Reissue Revised Statutes of Nebraska, and sections 48-1617, 48-1623, 48-1624, and 48-1625, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 335.** Introduced by Mello, 5; Campbell, 25; Cook, 13; Howard, 9; Krist, 10; McCollister, 20; Nordquist, 7.

A BILL FOR AN ACT relating to public health and welfare; to create and provide duties for the Intergenerational Poverty Task Force.

**LEGISLATIVE BILL 336.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to real property; to amend sections 76-854, 76-855, 76-870, and 76-871, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Condominium Act; and to repeal the original sections.

**LEGISLATIVE BILL 337.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to energy conservation; to amend sections 66-1013, 66-1017, 66-1018, and 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, 66-1015, 66-1016, and 66-1019.01, Revised Statutes Cumulative Supplement, 2014; to rename and change the Low-Income Home Energy Conservation Act as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 338.** Introduced by Brasch, 16; Campbell, 25; Coash, 27; Howard, 9; Kuehn, 38.

A BILL FOR AN ACT relating to docket fees; to provide a docket fee for a
paternity determination or parental support proceeding.

**LEGISLATIVE BILL 339.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Commission; to amend sections 53-1,115 and 84-914, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of costs for certain proceedings before the commission as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 340.** Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2429, Reissue Revised Statutes of Nebraska, and section 69-2427, Revised Statutes Cumulative Supplement, 2014; to define a term; to provide signage requirements and duties for the Nebraska State Patrol; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 341.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to provide requirements relating to health benefit plans and coverage of insureds in jail custody.

**LEGISLATIVE BILL 342.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurers; to permit contracts for pharmacist professional services.

**LEGISLATIVE BILL 343.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to education; to state intent; to define terms; to provide for funding for schools implementing and offering courses and programs as prescribed; to create a fund; and to declare an emergency.

**LEGISLATIVE BILL 344.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226, Reissue Revised Statutes of Nebraska; to provide for issuance of general obligation bonds; and to repeal the original section.

**LEGISLATIVE BILL 345.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 14-554, Reissue Revised Statutes of Nebraska; to adopt the Property Tax Relief Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 346.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
section 68-911, Revised Statutes Cumulative Supplement, 2014; to provide for coverage for children’s day health services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 347. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the office of Inspector General of Nebraska Child Welfare; to amend sections 43-4301, 43-4302, 43-4303, 43-4304, 43-4316, 43-4318, 43-4320, 43-4321, 43-4324, 43-4325, 43-4326, 43-4327, 43-4328, 43-4330, and 43-4331, Revised Statutes Cumulative Supplement, 2014; to authorize investigations and reviews of the juvenile justice system; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 348. Introduced by Krist, 10.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-101, Reissue Revised Statutes of Nebraska, and sections 8-157.01 and 28-636, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change provisions relating to automatic teller machines and point-of-sale terminals; to change and eliminate provisions relating to branch banking; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 349. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the state building division; to amend section 81-1108.33, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisitions of real property; and to repeal the original section.

LEGISLATIVE BILL 350. Introduced by Brasch, 16; Bloomfield, 17; Groene, 42; Hilkemann, 4; Johnson, 23; Kolterman, 24; Kuehn, 38; Lindstrom, 18; McCoy, 39; Schilz, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska; to change valuation of agricultural land and horticultural land; to harmonize school aid provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 351. Introduced by Brasch, 16; Bloomfield, 17; Hilkemann, 4; Johnson, 23; Kolterman, 24; Kuehn, 38; Lindstrom, 18; Schilz, 47; Smith, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, and 79-1008.02, Reissue Revised Statutes of Nebraska; to change provisions relating to allocated income tax funds; to harmonize provisions; and to
repeal the original sections.

**LEGISLATIVE BILL 352.** Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Residential Mortgage Licensing Act; to amend sections 45-706 and 45-737, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the issuance of a mortgage banker license and recordkeeping by licensees; and to repeal the original sections.

**LEGISLATIVE BILL 353.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Nursing Home Administrator Practice Act; to amend sections 38-2408, 38-2412, 38-2421, and 38-2422, Reissue Revised Statutes of Nebraska, and sections 38-2401, 38-2402, 38-2419, and 38-2420, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding educational requirements for and licensure of nursing home administrators; to change and eliminate definitions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-2403, 38-2409, 38-2410, 38-2413, 38-2415, and 38-2416, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 354.** Introduced by McCollister, 20; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 81-1802, 81-1803, 81-1807, 81-1823, and 81-1848, Reissue Revised Statutes of Nebraska; to add a member to the Crime Victim's Reparations Committee; to eliminate obsolete provisions; to change provisions relating to compensation from the Victim's Compensation Fund; to change the rights of victims and witnesses of crimes as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 355.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to education funds; to amend section 85-1920, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Education Improvement Fund and the Nebraska Opportunity Grant Fund as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 356.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the assessment of certain rent-restricted housing projects; to create a committee; to provide powers and duties; to change provisions
relating to the Tax Equalization and Review Commission; and to repeal the original sections.

LEGISLATIVE BILL 357. Introduced by Smith, 14; Brasch, 16; Craighead, 6; Hilkemann, 4; Johnson, 23; Kolterman, 24; Larson, 40; McCollister, 20; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 84-612, Reissue Revised Statutes of Nebraska, and sections 77-2715.03 and 77-2734.02, Revised Statutes Cumulative Supplement, 2014; to change individual and corporate income tax rates; to transfer funds from the Cash Reserve Fund to the Property Tax Credit Cash Fund and the General Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 358. Introduced by Garrett, 3; Bloomfield, 17; Brasch, 16; Groene, 42; Johnson, 23; Kintner, 2.

A BILL FOR AN ACT relating to sexual assault; to amend sections 43-292.02 and 43-2933, Reissue Revised Statutes of Nebraska, and sections 43-254, 43-283.01, and 43-1411.01, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to paternity of a child conceived as a result of sexual assault; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 359. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to dogs; to amend section 54-603, Reissue Revised Statutes of Nebraska; to change a fee relating to licensure as prescribed; and to repeal the original section.

LEGISLATIVE BILL 360. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-626 and 54-627, Revised Statutes Cumulative Supplement, 2014; to define a term; to change license requirements; to change provisions relating to fees and inspections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Harr, B., 8.

SEVENTH DAY - JANUARY 15, 2015

Statutes Cumulative Supplement, 2014; to clarify that certain assessments levied by a sanitary drainage district, sanitary and improvement district, special improvement district, reclamation district, county, city, or village are levied and collected as special assessments; and to repeal the original sections.

LEGISLATIVE BILL 362. Introduced by Krist, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-1096, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain takings; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 26CA. Introduced by Larson, 40.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 8, Article IV, section 2, and Article V, section 7:

III-8 A No person is shall be eligible for to the office of member of the Legislature if, unless on the date of the general election at which such person he is elected, or on the date of his or her appointment, such person he is a registered voter, has attained the federal voting age, of twenty one years and has resided within the district from which he or she is elected or appointed for the term of one year next before his or her election or appointment unless such person has , unless he shall have been absent on the public business of the United States or of this State. A And no person elected or appointed to the office of member of the Legislature as aforesaid shall not hold such his office after he or she has shall have removed from such district.

IV-2 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. A No person shall be eligible to the office of Governor, or Lieutenant Governor if he or she has, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. Any None of the appointive officers mentioned in this article shall not be eligible to any other state office during the period for which they have been appointed.

V-7 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. A No person shall be eligible to the office of Chief Justice or Judge of the Supreme Court if such person is unless he shall have resided in this state at least three years next
preceding his or her selection; and nor, in the case of a Judge of the Supreme Court selected from a Supreme Court judicial district, if unless he or she is shall be a resident and elector of the district from which selected.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide and change eligibility requirements for public office.

For  
Against.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR23 was referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, January 27, 2015 1:30 p.m.

Greg Ibach - Department of Agriculture
LB85
LB183

(Signed) Jerry Johnson, Chairperson

Health and Human Services

Room 1510

Thursday, January 29, 2015 1:30 p.m.

LB46
LB34
LB146

(Signed) Kathy Campbell, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Garrett - LB97 and LB146
Pansing Brooks - LB107
Stinner - LB320
Mello - LB255, LB202, and LB226
VISITORS

Visitors to the Chamber were Daren Buettner and Karl Barfus from Norfolk; and 25 members of Leadership Nebraska from across the state.

RECESS

At 11:53 a.m., on a motion by Senator Sullivan, 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 B. Harr, McCoy, and Seiler who were excused; and Senator Schilz who was excused until he arrives.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 363. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Workers’ Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2014; to provide time limits and penalties for late payment of medical payments; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to provide for transfers to the Property Tax Credit Cash Fund; and to provide for appropriations.

LEGISLATIVE BILL 365. Introduced by Baker, 30.

A BILL FOR AN ACT relating to public records; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to allow school districts and educational service units to keep electronic records; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Pansing Brooks, 28; Campbell, 25; Coash, 27.

A BILL FOR AN ACT relating to social services; to amend section 68-1006.01, Revised Statutes Cumulative Supplement, 2014; to change the personal needs allowance under the Medical Assistance Act; and to repeal
the original section.

**LEGISLATIVE BILL 367.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-630 and 32-1404, Reissue Revised Statutes of Nebraska; to eliminate a restriction on paying petition circulators as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 368.** Introduced by Groene, 42.

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-630 and 32-1546, Reissue Revised Statutes of Nebraska; to prohibit certain activities interfering with a circulator; to provide a penalty; and to repeal the original sections.

**LEGISLATIVE BILL 369.** Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-1,106, 38-1,110, 38-1,111, and 38-1,113, Reissue Revised Statutes of Nebraska, and section 38-1,126, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to proceedings regarding impaired professionals; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 370.** Introduced by Riepe, 12; Krist, 10.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-911, Revised Statutes Cumulative Supplement, 2014; to provide a duty for the Department of Health and Human Services relating to a waiver to provide coverage for treatment of dyslexia; and to repeal the original section.

**LEGISLATIVE BILL 371.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to create the Nebraska Council for Educational Success; and to provide powers and duties.

**MESSAGES FROM THE GOVERNOR**

January 15, 2015

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:
Contingent upon your approval, the following individual is being appointed to the Board of Emergency Medical Services:

Laura A. Scholl, 910 Donnie Lane, Lincoln, NE 68522

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

January 15, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Rural Health Advisory Commission:

John A. E. Craig, 5737 S. 190 Terrace, Omaha, NE 68135

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

**MOTION - Adopt Permanent Rules**

The Garrett motion to adopt the permanent rules for the One Hundred Fourth Legislature, First Session, and any special sessions held during the 2015 calendar year, found in this day's Journal, was renewed.

The Kintner proposed rules change, found in this day's Journal, to Rule 1, Sec. 1, and Rule 3, Sec. 8., was renewed.

Senator Kintner moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.
Senator Kintner requested a roll call vote, in reverse order, on his proposed rules change.

Voting in the affirmative, 12:

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Voting in the negative, 33:

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<th>Baker</th>
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Excused and not voting, 4:

| Harr, B. | McCoy | Seiler | Smith |

The Kintner proposed rules change lost with 12 ayes, 33 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the adoption of the permanent rules, as amended.

The Garrett motion to adopt permanent rules, as amended, prevailed with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

**SENATOR KRIST PRESIDING**

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 372.** Introduced by Craighead, 6; Kolterman, 24; Lindstrom, 18.

A BILL FOR AN ACT relating to first-time home buyers; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to adopt the First-time Home Buyer Savings Plan Act; to provide income tax adjustments as prescribed; and to repeal the original section.
LEGISLATIVE BILL 373. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

LEGISLATIVE BILL 374. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to road funding; to amend section 39-1390, Revised Statutes Cumulative Supplement, 2014; to require transfers from the State Recreation Road Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 375. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.01 and 81-885.16, Reissue Revised Statutes of Nebraska; to change provisions relating to broker's price opinions and comparative market analyses; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 27. Introduced by Ebke, 32.

WHEREAS, the Exeter-Milligan High School football team won the 2014 Class D-2 State Football Championship; and
WHEREAS, the Exeter-Milligan High School football team ended their 2014 season with a record of 13-0; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Exeter-Milligan High School football team on their undefeated season and winning the 2014 Class D-2 State Football Championship.
2. That a copy of this resolution be sent to the Exeter-Milligan High School football team.

Laid over.
NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Friday, January 30, 2015 1:30 p.m.

John Hilgert - Division of Veterans Homes-Department of Health and Human Services
Joseph Acierno - Division of Public Health-Department of Health and Human Services
LB19
LB148

(Signed) Kathy Campbell, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB89
Mello - LB371

VISITOR

Visitor to the Chamber was Jamshed Merchant the Consulate General of Canada.

ADJOURNMENT

At 3:13 p.m., on a motion by Senator K. Haar, the Legislature adjourned until 9:00 a.m., Friday, January 16, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
EIGHTH DAY - JANUARY 16, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 16, 2015

PRAYER

The prayer was offered by Senator Williams.

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 Senator McCoy who was excused; and Senators Davis, K. Haar, B. Harr, Kolowski, Mello, Nordquist, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 15, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bartee, Robert D.
University of Nebraska

Becker, Timothy A.
Friends of Nebraska Agriculture and International Trade

Bromm, Curt/Bromm & Associates
Aflac
Douglas County West Community Schools
Nebraska Cable Communications Association
Nebraska Medical Center
Springfield Platteview Community Schools
Verizon Communications, Inc.
Brown, Jill  
   University of Nebraska
Chaffee, Meghan  
   Nebraska Hospital Association (Withdrawn 01/12/2015)
Conrad, Danielle  
   ACLU Nebraska
CP Strategies LLC  
   American Coalition for Clean Coal Electricity
Keigher & Associates, LLC  
   National Guard Association of Nebraska (Withdrawn 01/14/2015)
Luebbe, Lori  
   Nebraska Soybean Association
Miller, Amy A.  
   ACLU Nebraska
O'Hara Lindsay & Associates, Inc.  
   4 Lanes 4 Nebraska
Pappas, James E.  
   UNO Chapter of the AAUP
Pickering, Barbara  
   University of Nebraska
Ptacek, Patrick J.  
   Schmit Industries, Inc.
Radcliffe, Walter H. of Radcliffe and Associates  
   Educators Health Alliance of Nebraska
   Farm Credit Services of America
   Friends of Nebraska Agriculture and International Trade
   Housing Policy Network
   Nebraskans For Alternatives to the Death Penalty
   United States Travel Insurance Association (UStiA)
   Woodmen of the World Life Insurance Society and Subordinate Entities
Ristow, James L.  
   Nebraska Chamber of Commerce & Industry
Waite, Michelle  
   University of Nebraska
Wickersham, William R.  
   Nebraska Association of Former State Legislators
Withem, Ronald E.  
   University of Nebraska

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
http://www.nebraskalegislature.gov/agencies/view.php
NOTICE OF COMMITTEE HEARING(S)
Revenue

Room 1524

Friday, January 23, 2015 1:30 p.m.

Ruth A. Sorensen - Department of Revenue
LB260
LB261
LB52
LB70
LB74

(Signed) Mike Gloor, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, January 27, 2015 12:00 p.m.

LB40
LB236

(Signed) Jeremy Nordquist, Chairperson

Business and Labor

Room 2102

Monday, January 26, 2015 1:30 p.m.

John Albin - Department of Labor
LB83
LB270
LB271

(Signed) Burke Harr, Chairperson
Monday, January 26, 2015 1:30 p.m.

Rhonda K. Lahm - Department of Motor Vehicles
LB45
LB47
LB220
LB181

(Signed) Jim Smith, Chairperson

ANNOUNCEMENT(S)

The Judiciary Committee elected Senator Coash as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 376.** Introduced by Hansen, 26; Coash, 27; Morfeld, 46.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-173, 81-174, 81-176, 81-177, 81-179, 81-180, 81-181, 81-182, 81-185, 81-186, 81-188, and 81-188.01, Reissue Revised Statutes of Nebraska; to provide that public charitable corporations are subject to the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 377.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-633, Reissue Revised Statutes of Nebraska, and section 54-625, Revised Statutes Cumulative Supplement, 2014; to change provisions and procedures relating to the disposition, care, custody, and costs associated with the impoundment of dogs or cats; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 378.** Introduced by Groene, 42; Ebke, 32; Schnoor, 15.

A BILL FOR AN ACT relating to public improvements; to amend section 16-697.02, Reissue Revised Statutes of Nebraska; to change requirements for electoral approval of borrowing money by a first-class city for parks, recreational facilities, and public grounds; and to repeal the original section.
EIGHTH DAY - JANUARY 16, 2015

LEGISLATIVE BILL 379. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to education; to adopt the Expanded Learning Opportunity Grant Program Act.

LEGISLATIVE BILL 380. Introduced by Morfeld, 46; Hansen, 26.

A BILL FOR AN ACT relating to postsecondary education; to create and provide duties for the Higher Education Affordability Commission.

LEGISLATIVE BILL 381. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services to provide housing services as prescribed.

LEGISLATIVE BILL 382. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Diploma of High School Equivalency Assistance Act; to amend sections 79-2306 and 81-1201.21, Reissue Revised Statutes of Nebraska; to change provisions relating to grants; to provide a fund; to state intent relating to transfers; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-314, 32-929, 32-935, 32-936, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-329, 32-915, 32-933, and 32-1002, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Secretary of State; to change provisions relating to voter registration and provisional ballots; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 384. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to provide for reclassification of agricultural land and horticultural land as prescribed; and to provide an operative date.


A BILL FOR AN ACT relating to real property; to amend sections 25-21, 220, 76-1431, and 76-1441, Reissue Revised Statutes of Nebraska; to change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act; and to repeal the original sections.
LEGISLATIVE BILL 386. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.36, Revised Statutes Cumulative Supplement, 2014; to change a sales tax exemption for agricultural machinery and equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 387. Introduced by Schnoor, 15.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to transfer funds to the Property Tax Credit Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 388. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to provide annual adjustments for total disability income benefits; and to repeal the original section.

LEGISLATIVE BILL 389. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend section 54-628, Reissue Revised Statutes of Nebraska, and section 54-627, Revised Statutes Cumulative Supplement, 2014; to change license and inspection fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 390. Introduced by Crawford, 45; Bloomfield, 17; Chambers, 11; Coash, 27; Davis, 43; Garrett, 3; Howard, 9; Pansing Brooks, 28; Scheer, 19; Watermeier, 1.

A BILL FOR AN ACT relating to marijuana; to amend sections 28-101, 28-401, and 28-401.01, Revised Statutes Cumulative Supplement, 2014; to provide for the medical use of cannabidiol as prescribed; to create the Medical Cannabidiol Pilot Study; to provide powers and duties for the Department of Health and Human Services and the University of Nebraska Medical Center; to define and redefine terms; to change provisions of the Uniform Controlled Substances Act; to harmonize provisions; to provide a termination date; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Cumulative Supplement, 2014; to change sales tax collection fees for motor vehicles as prescribed; and to repeal the original section.
LEGISLATIVE BILL 392. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to education; to amend sections 79-413, 79-528, 79-1007.18, 79-1008.02, 79-1022, 79-1036, 79-1041, 79-10,120, 79-10,126, 79-1241.03, 79-2104, 79-2104.02, 79-2107, 79-2111, and 79-2404, Reissue Revised Statutes of Nebraska, and sections 70-651.04, 77-1736.06, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to provide and eliminate certain taxing authority of learning communities as prescribed; to change provisions relating to distribution of core services funds as prescribed; to change provisions relating to state aid calculations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-1073, 79-1073.01, and 79-10,126.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 393. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Livestock Animal Welfare Act; to amend sections 54-903 and 54-909, Reissue Revised Statutes of Nebraska, and sections 54-901 and 54-902, Revised Statutes Cumulative Supplement, 2014; to redefine terms; to change criminal penalties; to provide for animal cruelty investigation agents as prescribed; to provide powers and duties for the Director of Agriculture; to provide fees; and to repeal the original sections.

LEGISLATIVE BILL 394. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-564 and 37-568, Reissue Revised Statutes of Nebraska; to change provisions relating to interference with a person hunting, trapping, or fishing; and to repeal the original sections.

LEGISLATIVE BILL 395. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Enterprise Act; and to authorize the awarding of grants for economic development as prescribed.

LEGISLATIVE BILL 396. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to allow an income tax credit for certain long-term care insurance policy premiums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 397. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for a lead-based paint hazard reduction grant; and to authorize a grant.
LEGISLATIVE BILL 398. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2014; to exempt all tangible personal property from property tax; and to repeal the original section.

LEGISLATIVE BILL 399. Introduced by Smith, 14.

A BILL FOR AN ACT relating to transportation; to amend sections 75-301 and 75-304, Reissue Revised Statutes of Nebraska, and section 75-302, Revised Statutes Cumulative Supplement, 2014; to define a term; to restate intent; to provide powers and duties for the Public Service Commission relating to transportation network service; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1493 and 49-1494, Reissue Revised Statutes of Nebraska; to change requirements for statements of financial interest; and to repeal the original sections.

LEGISLATIVE BILL 401. Introduced by Kolterman, 24; Brasch, 16; Ebke, 32; Groene, 42; Howard, 9; Kuehn, 38; Nordquist, 7.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to adopt the College Tuition Equalization Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 402. Introduced by Baker, 30; Davis, 43; Kuehn, 38; Schilz, 47.

A BILL FOR AN ACT relating to education; to amend sections 79-1336 and 79-1337, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to distance education incentives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Davis, 43.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding elections conducted by mail; and to repeal the original section.

LEGISLATIVE BILL 404. Introduced by Davis, 43.

A BILL FOR AN ACT relating to water; to amend section 46-233, Reissue
Revised Statutes of Nebraska; to provide for evidentiary hearings relating to applications as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 405.** Introduced by Davis, 43; Howard, 9.

A BILL FOR AN ACT relating to Alzheimer's and related disorders; to create a work group; to provide a termination date; to provide powers and duties; and to declare an emergency.

**LEGISLATIVE BILL 406.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-202, Reissue Revised Statutes of Nebraska; to change provisions relating to actions for the recovery of vacant, platted, and subdivided real property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 407.** Introduced by Haar, K., 21; Davis, 43; Kolowski, 31; Nordquist, 7.

A BILL FOR AN ACT relating to public power; to amend sections 70-1001.01 and 70-1014.02, Revised Statutes Cumulative Supplement, 2014; to eliminate provisions relating to criteria for approval of certain facilities as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-1028, Revised Statutes Cumulative Supplement, 2014.

**LEGISLATIVE BILL 408.** Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1726, Reissure Revised Statutes of Nebraska; to change a penalty for failure to pay taxes; and to repeal the original section.

**LEGISLATIVE BILL 409.** Introduced by McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Schnoor, 15.

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 76-1410 and 76-1416, Reissue Revised Statutes of Nebraska; to redefine the term tenant; to change the maximum pet deposit; and to repeal the original sections.

**LEGISLATIVE BILL 410.** Introduced by Sullivan, 41; Davis, 43; Gloor, 35; Haar, K., 21; Hansen, 26; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28; Scheer, 19.

A BILL FOR AN ACT relating to the Access College Early Scholarship Program Act; to amend sections 85-2102 and 85-2104, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to eligibility; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 411. Introduced by Cook, 13.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 412. Introduced by Mello, 5.

A BILL FOR AN ACT relating to Rural Community-Based Energy Development Act; to amend sections 70-1907, Reissue Revised Statutes of Nebraska, and 70-1903, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change requirements for project developers; and to repeal the original sections.

LEGISLATIVE BILL 413. Introduced by Mello, 5.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1504, 81-1505, 81-1532, and 81-15,153, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Department of Environmental Quality; to provide for an evaluation as prescribed when issuing permits to political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 414. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 44-1095, Reissue Revised Statutes of Nebraska, and section 77-202, Revised Statutes Cumulative Supplement, 2014; to provide a property tax exemption for fraternal benefit societies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 415. Introduced by Pansing Brooks, 28; Schumacher, 22.

A BILL FOR AN ACT relating to the Uniform Interstate Family Support Act; to amend sections 42-701, 42-702, 42-703, 42-704, 42-705, 42-707, 42-708, 42-710, 42-711, 42-712, 42-713, 42-713.01, 42-713.02, 42-714, 42-717, 42-718, 42-719, 42-720, 42-721, 42-723, 42-724, 42-726, 42-729, 42-730, 42-731, 42-732, 42-733, 42-734.03, 42-734.04, 42-734.05, 42-735, 42-736, 42-737, 42-738, 42-739, 42-740, 42-741, 42-742, 42-743, 42-744, 42-745, 42-746, 42-747.01, and 42-747.03, Reissue Revised Statutes of Nebraska; to define, redefine, and eliminate terms; to provide for and change provisions relating to tribunals, proceedings, enforcement, support orders, payment, pleadings and documents, parentage of children, registration of orders, choice of law, procedures to contest, confirmation, and modification of support orders; to provide for proceedings under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance as prescribed; to harmonize provisions; to
provide for applicability; to provide severability; to repeal the original sections; and to outright repeal section 42-748, Reissue Revised Statutes of Nebraska.


A BILL FOR AN ACT relating to property; to amend sections 30-2333, 30-2353, 30-2723, 30-2742, and 30-3854, Reissue Revised Statutes of Nebraska, and sections 30-2354, 30-2715, 30-2715.01, and 76-3415, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfer of property upon death; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Nordquist, 7; Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska for pediatric cancer research.

LEGISLATIVE BILL 418. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 71-7611 and 77-2602, Revised Statutes Cumulative Supplement, 2014; to change the distribution of cigarette tax proceeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 419. Introduced by Mello, 5; Craighead, 6; Davis, 43; Haar, K., 21; Harr, B., 8; Krist, 10; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28; Schilz, 47; Schumacher, 22; Smith, 14; Stinner, 48; Watermeier, 1; Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt sales and purchases by zoos and aquariums from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 420. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Reissue Revised Statutes of Nebraska; to require acknowledgments from purchasers of real estate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by Kintner, 2; Brasch, 16; Ebke, 32; Garrett, 3; Murante, 49; Schnoor, 15; Smith, 14.

LEGISLATIVE BILL 422. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for reasonable fees and costs for proceedings involving a minor as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by Nordquist, 7; Davis, 43; Haar, K., 21; Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,235, Revised Statutes Cumulative Supplement, 2014; to change a renewable energy tax credit; and to repeal the original section.

LEGISLATIVE BILL 424. Introduced by Davis, 43; Haar, K., 21; Kolowski, 31; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Reissue Revised Statutes of Nebraska, and sections 77-105, 77-202, 77-6201, 77-6202, 77-6203, and 77-6204, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the nameplate capacity tax; to redefine terms; to change a property tax exemption; to harmonize provisions; to provide an operative date; and to repeal the original sections.
LEGISLATIVE BILL 425. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 29-3803, 29-3804, 29-4014, 47-123, 81-1850, 83-170, 83-1,107, 83-1,108, 83-1,109, 83-1,110, 83-1,118, 83-1,122, 83-1,123, 83-1,125, 83-4,111, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, and section 29-2204, Revised Statutes Cumulative Supplement, 2014; to provide for earned time; to discontinue the use of good time as prescribed; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-170, 83-173.01, 83-184, 83-1,100, 83-1,102, 83-1,110, 83-1,116, and 83-1,119, Reissue Revised Statutes of Nebraska; to define a term; to provide for violent offenders; to provide powers and duties for the Director of Correctional Services, the Parole Administrator, the Board of Parole, and parole officers; and to repeal the original sections.

LEGISLATIVE BILL 427. Introduced by Groene, 42; Davis, 43; Garrett, 3.

A BILL FOR AN ACT relating to probation; to amend sections 25-2407 and 43-2,113, Reissue Revised Statutes of Nebraska, and section 29-2259, Revised Statutes Cumulative Supplement, 2014; to provide for state payment of probation services; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 428. Introduced by Garrett, 3; Schnoor, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-3,185, Reissue Revised Statutes of Nebraska, and section 60-3,189, Revised Statutes Cumulative Supplement, 2014; to provide an exemption from motor vehicle taxation for certain veterans and their surviving spouses as prescribed; to provide for reimbursement of political subdivisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 429. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Nebraska Workers’ Compensation Act; to amend section 48-134.01, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Cumulative Supplement, 2014; to provide for medical utilization and treatment guidelines; to change provisions relating to independent medical examiners; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 430. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB530A, section 1; to appropriate funds; to repeal the original section; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
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<tbody>
<tr>
<td>LB281</td>
<td>Education</td>
</tr>
<tr>
<td>LB282</td>
<td>Government, Military and Veterans Affairs</td>
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<td>Appropriations</td>
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<td>LB310</td>
<td>Natural Resources</td>
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<td>Transportation and Telecommunications</td>
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<td>Transportation and Telecommunications</td>
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LB319  Government, Military and Veterans Affairs
LB320  Health and Human Services
LB321  Revenue
LB322  Revenue
LB323  Education
LB324  Urban Affairs
LB325  Revenue
LB326  Judiciary
LB327  Judiciary
LB328  Natural Resources
LB329  Judiciary
LB330  General Affairs
LB331  Revenue
LB332  Appropriations
LB333  Health and Human Services
LB334  Business and Labor
LB335  Health and Human Services
LB336  Banking, Commerce and Insurance
LB337  Natural Resources
LB338  Judiciary
LB339  General Affairs
LB340  Judiciary
LB341  Banking, Commerce and Insurance
LB342  Banking, Commerce and Insurance
LB343  Education
LB344  Natural Resources
LB345  Revenue
LB346  Health and Human Services
LB347  Executive Board
LB348  Banking, Commerce and Insurance
LB349  Executive Board
LB350  Revenue
LB351  Education
LB352  Banking, Commerce and Insurance
LB353  Health and Human Services
LB354  Judiciary
LB355  Education
LB356  Revenue
LB357  Revenue
LB358  Judiciary
LB359  Agriculture
LB360  Agriculture
LB361  Revenue
LB362  Judiciary
LB363  Business and Labor
LB364  Appropriations
LB365  Government, Military and Veterans Affairs
LB366  Health and Human Services
LB367  Government, Military and Veterans Affairs
NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, January 26, 2015 1:30 p.m.

LB109
LB239
LB54
LB144

(Signed) Kate Sullivan, Chairperson
Urban Affairs
Room 1510

Tuesday, January 27, 2015 1:30 p.m.

LB168
LB116
LB131
LB149

(Signed) Sue Crawford, Chairperson
Monday, January 26, 2015 1:30 p.m.

LB159
LB157
LB279
LB247

(Signed) Jim Scheer, Chairperson

Judiciary

Room 1113

Friday, January 23, 2015 1:30 p.m.

LB44
LB188
LB209
LB219

(Signed) Les Seiler, Chairperson

Banking, Commerce and Insurance

Room 1507

Tuesday, January 27, 2015 1:30 p.m.

Mark Quandahl - Department of Banking and Finance
Bruce Ramge - Department of Insurance
LB269
LB198
LB139

(Signed) Jim Scheer, Chairperson
AMENDMENT(S) - Print in Journal

Senator Sullivan filed the following amendment to LB273:

AM9

1. On page 2, line 13 strike "ten" and insert "twenty".

WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LB118.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB272

VISITOR

The Doctor of the Day was Dr. Doug Dunning from Omaha.

ADJOURNMENT

At 10:33 a.m., on a motion by Senator Kolowski, the Legislature adjourned until 11:00 a.m., Tuesday, January 20, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
NINTH DAY - JANUARY 20, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 20, 2015

PRAYER

The prayer was offered by Senator Campbell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

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<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>LB376</td>
<td>Executive Board</td>
</tr>
<tr>
<td>LB377</td>
<td>Agriculture</td>
</tr>
<tr>
<td>LB378</td>
<td>Urban Affairs</td>
</tr>
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<td>LB379</td>
<td>Education</td>
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<td>LB381</td>
<td>Appropriations</td>
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<td>Revenue</td>
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<td>Judiciary</td>
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<td>Appropriations</td>
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<td>Judiciary</td>
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<td>Revenue</td>
</tr>
</tbody>
</table>
LB392 Education
LB393 Agriculture
LB394 Natural Resources
LB395 Banking, Commerce and Insurance
LB396 Revenue
LB397 Appropriations
LB398 Revenue
LB399 Transportation and Telecommunications
LB400 Government, Military and Veterans Affairs
LB401 Education
LB402 Education
LB403 Government, Military and Veterans Affairs
LB404 Natural Resources
LB405 Health and Human Services
LB406 Judiciary
LB407 Natural Resources
LB408 Revenue
LB409 Judiciary
LB410 Education
LB411 Health and Human Services
LB412 Natural Resources
LB413 Natural Resources
LB414 Revenue
LB415 Judiciary
LB416 Judiciary
LB417 Appropriations
LB418 Appropriations
LB419 Revenue
LB420 Urban Affairs
LB421 Education
LB422 Judiciary
LB423 Revenue
LB424 Revenue
LB425 Judiciary
LB426 Judiciary
LB427 Government, Military and Veterans Affairs
LB428 Revenue
LB429 Business and Labor
LB430 Appropriations

(Signed) Bob Krist, Chairperson
Executive Board
NOTICE OF COMMITTEE HEARING(S)

Agriculture
Room 2102

Tuesday, January 27, 2015 1:30 p.m.
William Marshall III - Nebraska State Fair Board

(Signed) Jerry Johnson, Chairperson

Judiciary
Room 1113

Wednesday, January 28, 2015 1:30 p.m.
LB38
LB120
LB215
LB167
LB189

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications
Room 1113

Tuesday, January 27, 2015 1:30 p.m.
LB122
LB275
LB94

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.
BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 431.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to public lettings; to amend section 73-106, Reissue Revised Statutes of Nebraska; to change provisions relating to public school district construction; and to repeal the original section.

**LEGISLATIVE BILL 432.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to public records; to amend section 84-712, Reissue Revised Statutes of Nebraska; to change provisions relating to access to and copying of public records; and to repeal the original section.

**LEGISLATIVE BILL 433.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 28-101, Revised Statutes Cumulative Supplement, 2014; to establish the offense of false presentation of proof of liability insurance; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 434.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to personal property; to amend sections 69-401, 69-407, 69-408, and 69-409, Revised Statutes Cumulative Supplement, 2014; to require law enforcement agencies to use theft notification web sites as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 435.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to education; to adopt the Time to Teach and Time to Learn Act; and to provide operative dates.

**LEGISLATIVE BILL 436.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds for pediatric oral health services.

**LEGISLATIVE BILL 437.** Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2921, Reissue Revised Statutes of Nebraska, and sections 43-2923 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to provide for legislative findings; to codify provisions relating to best interests of the child; to change provisions relating to parenting plans created by the court; and to repeal the original sections.
LEGISLATIVE BILL 438. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2014; to change the distribution of sales and use tax revenue; to create a fund; to provide funding for schools; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 439. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-181, Reissue Revised Statutes of Nebraska, and section 53-180.05, Revised Statutes Cumulative Supplement, 2014; to change penalty provisions for certain violations relating to or committed by minors or persons who are mentally incompetent; and to repeal the original sections.

LEGISLATIVE BILL 440. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2014; to provide for a study of rates for care provided by an Alzheimer's special care unit as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 441. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to state wards; to amend sections 43-284.02, 43-285, 43-905, 43-1312.01, 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512, 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement, 2014; to require juvenile court to hold an independence hearing; to provide for health care and medical assistance as prescribed; to redefine bridge to independence program; to provide for kinship guardian assistance agreements and extended adoption assistance agreements as prescribed; to provide duties for the Department of Health and Human Services; to require certain documents and proceedings to be confidential; to provide duties for the Nebraska Children's Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 442. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate additional funds to the Property Tax Credit Cash Fund.

LEGISLATIVE BILL 443. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1125.01, Reissue Revised Statutes of Nebraska; to redefine the term support services; and to repeal the original section.
LEGISLATIVE BILL 444. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, 79-1008.01, and 79-1017.01, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to a minimum levy adjustment; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1008.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 445. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2117.01, Reissue Revised Statutes of Nebraska; to authorize the Department of Revenue to audit redevelopment plans involving tax-increment financing; to change provisions relating to reporting; and to repeal the original section.

LEGISLATIVE BILL 446. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-902, 79-934, 79-978, and 79-9,100, Reissue Revised Statutes of Nebraska; to redefine compensation; to change provisions relating to calculation of final compensation for purposes of formula annuities; and to repeal the original sections.

LEGISLATIVE BILL 447. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend sections 79-978, 79-980, 79-981, 79-982, 79-983, 79-984, 79-985, 79-986, 79-987, 79-989, 79-990, 79-991, 79-992, 79-996, 79-998, 79-9,102, 79-9,103, 79-9,105, 79-9,107, 79-9,108, 79-9,109, 79-9,111, 79-9,113, 79-9,115, and 79-9,117, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change membership of the board of trustees; to change provisions relating to administration of the retirement system and the services and benefits provided by the system; to provide a penalty; to provide immunity from liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 448. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-901, 79-902, 79-910, 79-916, 79-918, 79-942, 79-978, 79-979, and 79-988, Reissue Revised Statutes of Nebraska; to make Class V school employees members of the School Employees Retirement Act; to end current and new employee participation in the Class V retirement system; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 449. Introduced by Mello, 5.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,162 and 81-12,163, Reissue Revised Statutes of Nebraska; to change provisions relating to microloans and funding; to harmonize provisions; to repeal the original sections; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 450. Introduced by Mello, 5.

A BILL FOR AN ACT relating to tourism; to amend sections 81-3701, 81-3711, and 81-3714, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Tourism Commission; to authorize grants; to change provisions relating to use of funds; to create a fund; to state intent; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to stacking of coverage; and to repeal the original sections.

LEGISLATIVE BILL 452. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-124, Reissue Revised Statutes of Nebraska, and section 38-178, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to advertisement by credential holders; to provide for disciplinary action; and to repeal the original sections.

LEGISLATIVE BILL 453. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-395, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to motor vehicle fees and taxes; and to repeal the original section.

LEGISLATIVE BILL 454. Introduced by Garrett, 3; Craighead, 6; Schnoor, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 455. Introduced by Gloor, 35; Crawford, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section
16-222.02, Reissue Revised Statutes of Nebraska; to change provisions relating to employment of a full-time fire chief; and to repeal the original section.

**LEGISLATIVE BILL 456.** Introduced by Gloor, 35; Groene, 42; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Exchange Transparency Act; to amend section 44-8704, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to meetings of a commission; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 457.** Introduced by Gloor, 35; Scheer, 19.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1213, 81-12,146, and 81-12,147, Reissue Revised Statutes of Nebraska, and section 58-708, Revised Statutes Cumulative Supplement, 2014; to terminate a fund; to change the Site and Building Development Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 458.**Introduced by Kolterman, 24; Howard, 9.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3903, 44-3910, 44-4047, and 44-4052, Reissue Revised Statutes of Nebraska; to authorize limited lines travel insurance producer licenses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 459.** Introduced by Crawford, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Revised Statutes Cumulative Supplement, 2014; to provide for depositions of a child victim or child witness; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 460.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-117.07, 53-125, and 53-130, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-117, 53-123, 53-124, and 53-124.01, Revised Statutes Cumulative Supplement, 2014; to provide for licensure for charter bus services, limousine services, and pedal-pub vehicles; to define a term; to provide for procedures and fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 461.** Introduced by Pansing Brooks, 28; Davis, 43.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend section 72-1902, Reissue Revised Statutes of Nebraska; to change legislative intent relating to appropriations; and to repeal the original
LEGISLATIVE BILL 462. Introduced by Seiler, 33; Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-14,101.02, 49-14,101.03, and 49-14,114, Reissue Revised Statutes of Nebraska; to define a term; to change restrictions on campaigning by certain public officials and public employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 463. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to fiduciaries; to adopt the Technology Information Management Act; and to provide severability.

LEGISLATIVE BILL 464. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to liens; to amend sections 52-1307, 52-1312, and 52-1317, Reissue Revised Statutes of Nebraska; to change provisions relating to information provided on effective financing statements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to notaries public; to adopt the Electronic Notary Public Act.

LEGISLATIVE BILL 466. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to deductions of municipal sales and use tax refunds; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 467. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend sections 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Reissue Revised Statutes of Nebraska; to redefine a term; to change benefit calculation and adjustment; to eliminate certain state contributions as prescribed; to change DROP requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 468. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-701, 24-701.01, 24-703, and 24-710.13, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to change cost-of-living adjustments for judges as prescribed; to change provisions relating to
contributions by judges; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 469. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the environment; to define terms; and to provide powers and duties to the Department of Environmental Quality relating to the development of a state plan for regulating carbon dioxide emissions.

LEGISLATIVE BILL 470. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to provide an income tax credit for caregivers as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 471. Introduced by Howard, 9; Lindstrom, 18; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-2454, 71-2455, and 71-2456, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to prescription drug monitoring; to state intent relating to appropriations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 472. Introduced by Campbell, 25; Crawford, 45; Howard, 9; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to medical assistance; to amend sections 44-4225, 68-901, 68-906, 68-908, and 68-909, Revised Statutes Cumulative Supplement, 2014; to adopt the Medicaid Redesign Act; to change provisions relating to the Comprehensive Health Insurance Pool Distributive Fund; to create a fund; to adopt by reference changes to federal law; to eliminate the Medicaid Reform Council and obsolete provisions; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 68-948 and 68-949, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 473. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to eminent domain; to amend sections 57-1101 and 57-1408, Revised Statutes Cumulative Supplement, 2014; to eliminate the power of eminent domain for certain pipelines; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 474. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to motor vehicles; to amend sections
37-201, 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Mountain Lion Protection Plates; to create the Game and Parks Commission Educational Fund and provide for its use; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 475.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1012, Reissue Revised Statutes of Nebraska; to change a provision relating to the construction or acquisition of certain electric generation facilities; and to repeal the original section.

**LEGISLATIVE BILL 476.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to provide duties for county assessors and the Property Tax Administrator relating to tax-exempt real property.

**LEGISLATIVE BILL 477.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-499, Reissue Revised Statutes of Nebraska; to change provisions relating to a district maintaining the only public high school in a county as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 478.** Introduced by Baker, 30.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1223, Reissue Revised Statutes of Nebraska; to provide for bonding; and to repeal the original section.

**LEGISLATIVE BILL 479.** Introduced by Bloomfield, 17; Brasch, 16; Coash, 27; Crawford, 45; Davis, 43; Garrett, 3; Groene, 42; Kintner, 2; Krist, 10; Morfeld, 46; Schnoor, 15.

A BILL FOR AN ACT relating to veterans; to amend section 80-201, Reissue Revised Statutes of Nebraska; to change provisions relating to memorials of veterans; and to repeal the original section.

**LEGISLATIVE BILL 480.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-119, Reissue Revised Statutes of Nebraska; to change provisions relating to computing compensation; and to repeal the original section.
LEGISLATIVE BILL 481. Introduced by Kintner, 2; Craighead, 6; Ebke, 32; Garrett, 3; Lindstrom, 18; Murante, 49; Scheer, 19; Schnoor, 15.

A BILL FOR AN ACT relating to learning communities; to amend section 79-2102, Reissue Revised Statutes of Nebraska, and section 32-546.01, Revised Statutes Cumulative Supplement, 2014; to permit school districts to opt out of a learning community as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 482. Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-252, Reissue Revised Statutes of Nebraska, and sections 43-251.01, 43-276, and 43-2,129, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to placements, commitments, fingerprints, and petitions; to provide for assistance for certain juveniles; to prohibit the use of instruments of restraint as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 483. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to criminal procedure; to amend section 83-1,105.01, Reissue Revised Statutes of Nebraska, and section 29-2204, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to indeterminate sentencing; and to repeal the original sections.

LEGISLATIVE BILL 484. Introduced by Nordquist, 7; Garrett, 3; Smith, 14.

A BILL FOR AN ACT relating to county employees retirement; to amend section 23-2308, Reissue Revised Statutes of Nebraska, and section 23-2307, Revised Statutes Cumulative Supplement, 2014; to change employee and county contribution rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 485. Introduced by Stinner, 48; Bolz, 29; Davis, 43; Harr, B., 8; Hilkemann, 4; Howard, 9; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Department of Health and Human Services for child welfare; and to declare an emergency.

LEGISLATIVE BILL 486. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-123.14, Revised Statutes Cumulative Supplement, 2014; to provide for a limited bottling endorsement; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 487. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to change the duties of the Auditor of Public Accounts as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to insurance; to adopt the Transportation Network Insurance Act.

LEGISLATIVE BILL 489. Introduced by Sullivan, 41; Brasch, 16; Campbell, 25; Cook, 13; Johnson, 23; Kolowski, 31; Pansing Brooks, 28; Scheer, 19; Stinner, 48.

A BILL FOR AN ACT relating to early childhood education; to amend section 79-1104.02, Reissue Revised Statutes of Nebraska; to provide requirements for grant recipients as prescribed; and to repeal the original section.

LEGISLATIVE BILL 490. Introduced by Watermeier, 1; Craighead, 6.

A BILL FOR AN ACT relating to medical care; to adopt the Provider Orders for Life-Sustaining Treatment Act.

LEGISLATIVE BILL 491. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend sections 32-107, 32-108, 32-114, 32-115, 32-221, 32-302, 32-306, 32-307, 32-311.01, 32-314, 32-807, 32-813, 32-901, 32-904, 32-906, 32-907, 32-910, 32-912, 32-913, 32-914, 32-916, 32-917, 32-918, 32-919, 32-920, 32-921, 32-922, 32-923, 32-925, 32-927, 32-929, 32-938, 32-940, 32-945, 32-952, 32-1001, 32-1041, 32-1302, 32-1307, 32-1403, 32-1502, 32-1503, 32-1504, 32-1508, 32-1512, 32-1519, 32-1528, 32-1530, 32-1531, and 32-1532, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-308, 32-310, 32-311, 32-321, 32-325, 32-816, 32-902, 32-915, 32-933, 32-941, and 32-1002, Revised Statutes Cumulative Supplement, 2014; to provide for an election day voter registration pilot project as prescribed; to create a task force; to change provisions relating to registration, voting, and penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to register of deeds document recording fees; to amend sections 25-2154, 33-109, 52-1004, and 77-3903, Revised Statutes Cumulative Supplement, 2014; to allow additional uses of fees charged by the register of deeds office for preservation and maintenance of records; to harmonize provisions; to change fees; and to repeal the original
LEGISLATIVE BILL 493. Introduced by Nordquist, 7; Crawford, 45; Haar, K., 21; Hansen, 26; Howard, 9; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; and to provide severability.

LEGISLATIVE BILL 494. Introduced by Nordquist, 7; Crawford, 45; Haar, K., 21; Hansen, 26; Howard, 9; Kolowski, 31; Mello, 5; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to labor; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425; to change the minimum wage for persons compensated by way of gratuities; to provide duties for the Commissioner of Labor; and to repeal the original sections.

LEGISLATIVE BILL 495. Introduced by Pansing Brooks, 28; Campbell, 25; Crawford, 45; Davis, 43; Hansen, 26; Howard, 9; Mello, 5; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2014; to increase the earned income tax credit; and to repeal the original section.

LEGISLATIVE BILL 496. Introduced by Kuehn, 38; Watermeier, 1; Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents for the Yeutter Institute for International Trade and Finance.

MOTION - Print in Journal

Senator Davis filed the following motion to LB201:

MO3
Withdraw bill.
NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525
Tuesday, January 27, 2015 1:30 p.m.
John Bernthal - Coordinating Commission for Postsecondary Education
LB303
LB371
LB49
(Signed) Kate Sullivan, Chairperson

EXECUTIVE BOARD REPORT
Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Building Maintenance
Senator Hughes (Chairperson)
Senator Craighead
Senator Kolterman
Senator Mello
Senator Stinner
Senator Watermeier

Education Commission of the States
Senator Baker
Senator Scheer
Senator Sullivan

Homeland Security Policy Group
Senator Craighead
Senator Kuehn

Interstate Compact for Adult Offender Supervision
Senator Bolz

Legislative Performance Audit
Speaker Hadley
Senator Krist
Senator Kuehn
Senator Larson
Senator Mello
Senator Scheer
Senator Watermeier
RESOLUTION(S)

LEGISLATIVE RESOLUTION 28. Introduced by Friesen, 34.

WHEREAS, Nicholas Weber, a member of Troop 28 from Aurora, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. 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, 12 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, Nicholas removed the existing landscape and installed new landscaping around the Farr Building at the Hamilton County Fairgrounds in Aurora; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Nicholas Weber on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nicholas Weber.

Laid over.

LEGISLATIVE RESOLUTION 29. Introduced by Friesen, 34.

WHEREAS, Trevor Alber, a member of Troop 28 from Aurora, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Trevor 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, 12 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, Trevor built new support structures for the rabbit and poultry cages for the Hamilton County Fairgrounds in Aurora; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Trevor, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Trevor Alber on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Trevor Alber.

Laid over.

LEGISLATIVE RESOLUTION 30. Introduced by Friesen, 34.

WHEREAS, Blake Vaught, a member of Troop 28 from Aurora, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Blake 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, 12 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, Blake built five new planters with benches for the Hamilton County Fairgrounds in Aurora; and

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

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

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

1. That the Legislature congratulates Blake Vaught on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Blake Vaught.

Laid over.

LEGISLATIVE RESOLUTION 31CA. Introduced by Bloomfield, 17; Brasch, 16; Coash, 27; Groene, 42; Kintner, 2; Krist, 10; Morfeld, 46.

THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:
Section 1. At the general election in November 2016, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive full terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on terms of members of the Legislature to two consecutive full terms.

For
Against.

LEGISLATIVE RESOLUTION 32. Introduced by Krist, 10.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365, and by the One Hundred Third Legislature, First Session, 2013, in Legislative Resolution 20. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the executive board. The executive board shall appoint the chairperson and vice-chairperson of the committee. The executive board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The executive board is also
authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The Developmental Disabilities Special Investigative Committee of the Legislature shall provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center. The committee shall also continue to investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, including the determination of whether adequate funding and capacity exists for persons to be served in the community, options for service provisions for current residents of the Beatrice State Developmental Center at other twenty-four-hour care facilities in the state, and the staffing practices at twenty-four-hour care facilities and the relationship of those practices to the quality of care provided to the developmentally disabled. The committee shall also review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services by the division are no longer eligible for such services.

4. The Developmental Disabilities Special Investigative Committee of the Legislature shall issue a report with its findings as the circumstances warrant.

5. The Developmental Disabilities Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

Laid over.

LEGISLATIVE RESOLUTION 33. Introduced by Krist, 10.

WHEREAS, in 2008, the Department of Health and Human Services (DHHS) began to develop the ACCESSNebraska system. ACCESSNebraska is a system that is intended to efficiently determine public assistance eligibility and provide service delivery. Since the implementation of this system, the Legislature has conducted several hearings on bills and resolutions related to ACCESSNebraska. In these hearings, the realities and problems faced by clients navigating the ACCESSNebraska system were revealed, including long call wait times, lost documentation, erroneous public assistance decisions, and a general difficulty for clients to get the assistance they needed in a timely manner; and

WHEREAS, the One Hundred Third Legislature, Second Session, adopted Legislative Resolution 400, which created the ACCESSNebraska Special
WHEREAS, on December 15, 2014, the committee issued a report and recommendations related to ACCESSNebraska. The committee found the ACCESSNebraska system has been and continues to be plagued with problems. The committee also found ACCESSNebraska front-line workers have not been given the proper tools to complete daunting work loads; and

WHEREAS, the committee recommended among other things that the ACCESSNebraska Special Investigative Committee be continued to provide ongoing oversight for the ACCESSNebraska system.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. The ACCESSNebraska Special Investigative Committee of the Legislature is hereby authorized to study the adequacy of staffing and training of DHHS employees working within the ACCESSNebraska system, including the number of employees for local offices, the number of employees for call centers and document imaging centers, the type and amount of training received, the education levels and years of experience of employees, client access to employees, and the need for and availability of dedicated caseworkers for clients. The scope of the committee's investigation shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and use of and access to databases to allow for data matching. The committee shall also investigate the effectiveness of processes and structures used by the ACCESSNebraska system, including system design, management structure, and system goals. The committee shall also investigate the need for new or additional data collection to determine system effectiveness. The committee shall analyze the experiences of clients and their family members and examine customer service experience, access to benefits, and responses to changing family needs. The committee shall utilize existing studies and reports and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation. The committee shall issue a report with its findings and recommendations to the

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Krist, 10.

WHEREAS, the Department of Correctional Services Special Investigative Committee of the Legislature was created in LR424, One Hundred Third Legislature, Second Session; and

WHEREAS, the committee, having completed its work and issued its report on December 15, 2014, discovered additional problems within the Department of Correctional Services during the course of its LR424 study; and

WHEREAS, the Legislature believes that further study and oversight of the department is necessary in order to prevent additional mistakes and to correct inadequate department procedures and policies.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the Department of Correctional Services Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the following with respect to the Department of Correctional Services:

   (a) The adequacy of programs designed to rehabilitate inmates;

   (b) The funding history of programs designed to rehabilitate inmates;

   (c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;

   (d) The policies relating to the solitary confinement, segregation, or other isolation of inmates;

   (e) The transition of inmates from incarceration to the community at large;

   (f) The administration of good time laws;

   (g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted as a result of the evaluation or study, and the reasons if any recommendations were not adopted; and
(b) Whether or not an office of Inspector General of the Nebraska Correctional System should be created for oversight of the department.

3. That the committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2015.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Garrett - LB222, LB278, and LR23
Pansing Brooks - LB423, LB424, and LB407

VISITOR

The Doctor of the Day was Dr. Lanik from Geneva.

ADJOURNMENT

At 12:08 p.m., on a motion by Senator Schilz, the Legislature adjourned until 10:00 a.m., Wednesday, January 21, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TENTH DAY - JANUARY 21, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 21, 2015

PRAYER

The prayer was offered by Senator Kolterman.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Cook, Pansing Brooks, and Schumacher who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

SPEAKER'S ANNOUNCEMENT(S)

Pursuant to Rule 4, Section 8, LR32, LR33, and LR34 were referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, January 28, 2015 1:30 p.m.

LB63
LB165
LB267
Thursday, January 29, 2015 1:30 p.m.

LB162
LB186
LB178
LB259

Friday, January 30, 2015 1:30 p.m.

LB216
LB217
LB218
LB73
LB75
LB123

(Signed) Mike Gloor, Chairperson
Government, Military and Veterans Affairs
Room 1507

Wednesday, January 28, 2015 1:30 p.m.

LB222
LB272
LB305
LR23

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 91. Placed on General File.

(Signed) Jerry Johnson, Chairperson
Nebraska Retirement Systems

LEGISLATIVE BILL 41. Placed on General File.
LEGISLATIVE BILL 42. Placed on General File.

LEGISLATIVE BILL 126. Placed on General File with amendment.

AM12

1 1. On page 2, line 19, after the first "hundred" insert "fifty" and
2 strike "three", show as stricken, and insert "five"; and in line 27
3 before the period insert ", except that an employee receiving a one
4 hundred fifty percent employer contribution under this subdivision may
irrevocably elect to switch to a one hundred percent contribution for all future contributions".

(Signed) Jeremy Nordquist, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 35. Placed on General File with amendment.
AM6
1 1. Strike original section 1.
2 2. On page 15, line 29, strike "2017" and insert "2016"; and in line 30 strike "Laws 2014, LB749, section 295; and".
4 3. Renumber the remaining sections accordingly.

(Signed) Jim Scheer, Chairperson

Agriculture

LEGISLATIVE BILL 92. Placed on General File with amendment.
AM25
1 1. On page 2, line 6, after "sold" insert "in Nebraska".

LEGISLATIVE BILL 93. Placed on General File with amendment.
AM26
1 1. On page 6, strike lines 18 through 22.

(Signed) Jerry Johnson, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 497. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to divorce; to amend sections 42-365 and 42-366, Reissue Revised Statutes of Nebraska; to change provisions relating to distribution of marital assets; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703 and 77-2708, Revised Statutes Cumulative Supplement, 2014; to change sales and use tax provisions relating to all-terrain vehicles and utility-type vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections.
LEGISLATIVE BILL 499. Introduced by Krist, 10.

A BILL FOR AN ACT relating to behavioral and mental health services; to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 500. Introduced by Howard, 9; Krist, 10.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2014; to require application for a medicaid state plan amendment for multisystemic therapy and functional family therapy; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 501. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Legislature; to provide for use of audio or visual materials of legislative proceedings produced by a public television or radio broadcasting station for a commercial purpose or political advertising; to define terms; to provide a penalty; and to provide for injunctive relief.

LEGISLATIVE BILL 502. Introduced by Krist, 10.

A BILL FOR AN ACT relating to courts; to state intent relating to the establishment of a family court pilot project.

LEGISLATIVE BILL 503. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 29-2011.02, 29-2011.03, and 84-305, Reissue Revised Statutes of Nebraska; to provide authority to issue subpoenas and request court orders for testimony or information; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Krist, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to presentence reports and examinations; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Krist, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to change provisions relating to the Security, Privacy, and Dissemination of Criminal History Information Act; and to repeal the original section.
LEGISLATIVE BILL 506. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to increase payments to community-based developmental disability providers.

LEGISLATIVE BILL 507. Introduced by Cook, 13.

A BILL FOR AN ACT relating to teachers; to amend sections 79-808 and 79-810, Reissue Revised Statutes of Nebraska; to require certain examinations for special education teachers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 508. Introduced by Cook, 13.

A BILL FOR AN ACT relating to teachers; to provide minimum requirements for acceptance to teacher education programs as prescribed; and to provide for rules and regulations.

LEGISLATIVE BILL 509. Introduced by Cook, 13.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.06, 79-1007.07, and 79-1013, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to a poverty allowance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Cook, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to provide an income tax credit to employers of recipients of certain public assistance as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 511. Introduced by Cook, 13.

A BILL FOR AN ACT relating to schools; to state findings; and to require schools to develop return to learn protocols for pediatric cancer survivors returning to school as prescribed.

LEGISLATIVE BILL 512. Introduced by Stinner, 48; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-901, 57-903, 57-905, 57-911, 57-913, 57-914, 57-915, 57-916, 57-916.01, 57-917, 57-918, 57-919, 57-920, 57-921, 57-922, and 81-1531.01, Reissue Revised Statutes of Nebraska; to provide powers and duties to the commission regarding the monitoring and regulation of the disposal in Nebraska of out-of-state produced wastewater; to define terms; to charge an assessment; to create a fund; to provide funds
for road damage and new road infrastructure; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 513.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 514.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 515.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 516.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 517.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 518.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 519.** Introduced by Craighead, 6.

A BILL FOR AN ACT relating to schools; to amend section 79-10,107, Reissue Revised Statutes of Nebraska; to change provisions relating to leasing and use of school property as prescribed; and to repeal the original section.
Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Education Improvement Fund; to provide for best practices aid, grant programs, and assistance as prescribed; to provide duties for the State Board of Education, the State Department of Education, the Coordinating Commission for Postsecondary Education, and the Department of Labor; to change provisions relating to state aid to schools; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-2306, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 520.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education funding; to amend section 85-1920, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfers to the Nebraska Opportunity Grant Fund and the Nebraska Education Improvement Fund; to provide intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 521.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to education; to amend sections 77-1701, 77-4211, 79-528, 79-1001, 79-1003, 79-1003.01, 79-1005.01, 79-1007.05, 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14, 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01, 79-1017.01, 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, 79-1073.01, 79-2104, 79-2111, and 84-612, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-4212, Revised Statutes Cumulative Supplement, 2014; to provide, eliminate, and change provisions relating to property tax levies and credits and state aid to schools; to provide for property tax credit funds, apportionment funds, property tax relief aid, and student support aid; to provide for a transfer from the Cash Reserve Fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-4209, 77-4210, 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 522.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to education; to amend sections 79-309.01, 79-1001, 79-1003, 79-1003.01, 79-1005.01, 79-1007.05, 79-1007.06, 79-1007.08, 79-1007.12, 79-1007.14, 79-1007.15, 79-1007.18, 79-1008.01, 79-1008.02, 79-1009, 79-1015.01, 79-1017.01, 79-1018.01, 79-1022, 79-1035, 79-1035.02, 79-1036, and 84-612, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to state aid to schools; to provide for apportionment funds and student support aid; to provide for a transfer from the Cash Reserve Fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1007.04 and 79-1007.17, Reissue Revised Statutes of Nebraska.
LEGISLATIVE BILL 523. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2734.02, Revised Statutes Cumulative Supplement, 2014; to state intent; to change individual and corporate income tax rates; and to repeal the original sections.

LEGISLATIVE BILL 524. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-101, 79-8,137, 79-8,137.04, 79-1003, 79-1003.01, 79-1013, 79-2110, 79-2113, 79-2115, and 79-2120, Reissue Revised Statutes of Nebraska; to provide for information relating to eligibility for free or reduced-price lunches for students; to define and redefine terms; to change provisions relating to a summer school allowance, a poverty plan, a diversity plan, elementary learning centers, learning community funds, and certification of students relating to the Community Eligibility Provision as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 525. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 73-106, 79-215, 79-301, 79-318, 79-420, 79-760.01, 79-760.02, 79-760.06, 79-1205, 79-1315, 79-2204, and 79-2205, Reissue Revised Statutes of Nebraska, and section 71-1962, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Nebraska Early Childhood Professional Record System, advertising for bids, admission of homeless students, the deputy commissioner of education, academic content standards, adjustment of educational service unit boundaries, and the State Council on Educational Opportunity for Military Children; to eliminate provisions relating to annual school meetings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 526. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-101, Reissue Revised Statutes of Nebraska; to define a term; and to repeal the original section.

LEGISLATIVE BILL 527. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend sections 79-8,134, 79-8,137, 79-8,137.02, 79-8,137.03, 79-8,137.04, and 79-8,137.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the Attracting Excellence to Teaching Program and the Enhancing Excellence in Teaching Program; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 528. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to learning communities; to amend sections 79-413, 79-4,119, 79-4,121, 79-4,122, 79-4,124, 79-4,125, 79-4,126, 79-611, 79-1003, 79-1008.02, 79-1013, 79-1014, 79-1022, 79-1241.03, 79-2104, 79-2104.02, and 79-2117, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to transfers of parcels of land as prescribed; to provide for grants for certain purposes as prescribed; to change provide and change provisions relating to transportation of students; to redefine a term; to change and eliminate provisions relating to state aid and core services funding; to change and eliminate provisions relating to coordinating councils; to eliminate an advisory committee; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-1007.22, 79-2104.01, and 79-2104.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 529. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-1003, 79-1007.11, 79-1008.02, 79-1022, and 79-1073, Reissue Revised Statutes of Nebraska; to redefine a term and change provisions relating to calculation of formula need, a minimum levy adjustment, and distribution of funds for purposes of the Tax Equity and Educational Opportunities Support Act; to change provisions relating to calculation of certain distributions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 530. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to education; to amend section 79-11,155, Reissue Revised Statutes of Nebraska; to require recommendations by the student achievement coordinator; and to repeal the original section.

LEGISLATIVE BILL 531. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to provide requirements for publication of information relating to health insurance policies, health plans, and health maintenance organization subscriptions; to provide duties for the Department of Insurance; and to provide for civil penalties.

LEGISLATIVE BILL 532. Introduced by Hilkemann, 4; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to provide for an appropriation of funds to the University of Nebraska for construction of the Global Center for Advanced Interprofessional Learning at the University of Nebraska Medical Center.
LEGISLATIVE BILL 533. Introduced by Stinner, 48; Hilkemann, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska for operation of the Global Center for Advanced Interprofessional Learning at the University of Nebraska Medical Center.

LEGISLATIVE BILL 534. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Reissue Revised Statutes of Nebraska; to provide for limitations on General Fund expenditures as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 535. Introduced by Smith, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to provide exclusive jurisdiction over depth requirements for underground oil and natural gas pipeline facilities as prescribed.

LEGISLATIVE BILL 536. Introduced by Haar, K., 21.

A BILL FOR AN ACT relating to public power suppliers; to provide for the filing of an annual report with the Nebraska Power Review Board.

LEGISLATIVE BILL 537. Introduced by Watermeier, 1; Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to amend section 2-1588, Revised Statutes Cumulative Supplement, 2014; to appropriate funds relating to natural resources; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 538. Introduced by Legislative Performance Audit Committee: Hadley, 37; Krist, 10; Mello, 5; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 50-1206 and 50-1212, Reissue Revised Statutes of Nebraska, and sections 50-1203, 50-1204, 50-1208, 50-1209, 50-1210, 50-1211, 77-5725, and 77-5806, Revised Statutes Cumulative Supplement, 2014; to require audits of tax incentive programs under the Legislative Performance Audit Act; to change sunset dates for certain tax incentive programs; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 539. Introduced by Watermeier, 1; Krist, 10; Larson, 40; Mello, 5.

A BILL FOR AN ACT relating to government auditing; to amend sections 50-1215, 84-305, and 84-311, Reissue Revised Statutes of Nebraska, and sections 50-1213, 50-1214, 77-2711, and 77-27,119, Revised Statutes
Cumulative Supplement, 2014; to change provisions relating to access to information by the office of Legislative Audit and Auditor of Public Accounts; to change and provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 540. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2014; to adopt updated international building code standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 541. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend section 84-602.02, Reissue Revised Statutes of Nebraska; to change provisions related to a data base for expired contracts; to provide for disposal of records; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2014; to provide a sales tax exemption for purchases by county agricultural societies; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 543. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to public health and welfare; to amend section 38-1201, Reissue Revised Statutes of Nebraska, and sections 38-1217 and 68-901, Revised Statutes Cumulative Supplement, 2014; to provide for certification of community paramedics under the Emergency Medical Services Practice Act; to provide for a waiver under the Medical Assistance Act for payment of community paramedic services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 544. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,147.01 and 81-2,147.05, Reissue Revised Statutes of Nebraska; to adopt the Community Gardens Act; to define and redefine terms; to provide for applicability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 545. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-105, Revised Statutes Cumulative Supplement, 2014; to provide for additional mandatory minimum sentencing as prescribed; to
harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 546. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-101 and 28-401.01, Revised Statutes Cumulative Supplement, 2014; to authorize the administration of naloxone as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 547. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2621, Reissue Revised Statutes of Nebraska; to provide for reservation of federal funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 548. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to surgical assistants; to amend section 38-2025, Reissue Revised Statutes of Nebraska, and sections 38-101, 38-121, and 38-186, Revised Statutes Cumulative Supplement, 2014; to adopt the Surgical Assistant Practice Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 549. Introduced by Campbell, 25; Gloor, 35.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Transformation Act.

LEGISLATIVE BILL 550. Introduced by Harr, B., 8; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Municipal Equalization Fund; to amend section 13-2814, Reissue Revised Statutes of Nebraska, and sections 77-27,139.03 and 77-27,144, Revised Statutes Cumulative Supplement, 2014; to change funding; to eliminate collection fees; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 551. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to retirement; to amend section 84-1501, Reissue Revised Statutes of Nebraska; to adopt the Local Government Employees Retirement Act; to change membership on the Public Employees Retirement Board; and to repeal the original section.

LEGISLATIVE BILL 552. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304.02, Reissue Revised Statutes of Nebraska; to change a requirement for preparing a written review of all audit, accounting, or financial reports; to harmonize provisions; and to repeal the original section.
LEGISLATIVE BILL 553. Introduced by Gloor, 35.

A BILL FOR AN ACT relating to insurance; to amend section 44-3805, Reissue Revised Statutes of Nebraska, and section 44-7,105, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to dental services; and to repeal the original sections.

LEGISLATIVE BILL 554. Introduced by Business and Labor Committee: Harr, B., 8, Chairperson; Bloomfield, 17; Chambers, 11; Crawford, 45; Ebke, 32; Johnson, 23; McCollister, 20.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 555. Introduced by Harr, B., 8; Chambers, 11.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.


A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-103, 48-127, and 48-148, Reissue Revised Statutes of Nebraska; to waive workers' compensation as the exclusive remedy if an employer is willfully negligent; to harmonize provisions; and to repeal the original sections.


A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5724, Reissue Revised Statutes of Nebraska; to redefine place of employment; and to repeal the original section.


A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,245.01, Reissue Revised Statutes of Nebraska; to redefine a term; to provide an exception for certain operations preparing food for indirect sale to a consumer as prescribed; to provide a duty for the Department of Agriculture; and to repeal the original section.

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 559. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the New Markets Job Growth Investment Act; to amend section 77-1113, Revised Statutes Cumulative Supplement,
2014; to change provisions regarding how tax credits are treated; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 560.** Introduced by Williams, 36; Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska; and to create a fund.

**LEGISLATIVE BILL 561.** Introduced by Stinner, 48; Schilz, 47.

A BILL FOR AN ACT relating to irrigation districts; to amend sections 46-101, 46-102, 46-109, 46-110, 46-111, 46-115, 46-116, 46-117, 46-151, 46-179, 46-185, 46-1,145, and 46-1,160, Reissue Revised Statutes of Nebraska; to name the Irrigation District Act; to define and redefine terms; to provide procedures for determining eligibility to vote and for conducting elections by mail; to change provisions relating to elections; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 562.** Introduced by Morfeld, 46; Stinner, 48.

A BILL FOR AN ACT relating to tourism; to amend section 81-3711, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Treasures Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 563.** Introduced by McCollister, 20; Kolowski, 31; Riepe, 12.

A BILL FOR AN ACT relating to schools; to amend section 79-1091, Reissue Revised Statutes of Nebraska; to change provisions relating to the school fiscal year; and to repeal the original section.

**LEGISLATIVE BILL 564.** Introduced by Lindstrom, 18; Schilz, 47.

A BILL FOR AN ACT relating to roads; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change duties and obligations relating to the mowing of weeds along county roads; and to repeal the original section.

**LEGISLATIVE BILL 565.** Introduced by Kuehn, 38; Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to amend section 85-1412, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Cumulative Supplement, 2014; to state intent relating to appropriations for education and training in high-need fields; to provide duties for the Coordinating Commission for Postsecondary Education; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 566. Introduced by Coash, 27; Crawford, 45; Davis, 43; Lindstrom, 18; Scheer, 19.

A BILL FOR AN ACT relating to Indian child welfare; to amend sections 43-512.04, 43-1406, 43-1501, 43-1502, 43-1504, 43-1505, 43-1506, 43-1507, 43-1508, 43-1509, and 43-1514, Reissue Revised Statutes of Nebraska, and sections 43-279.01 and 43-1503, Revised Statutes Cumulative Supplement, 2014; to require inquiry by juvenile courts regarding Indian children; to provide for recognition of tribal law in paternity determinations; to change provisions of the Nebraska Indian Child Welfare Act; to provide requirements for voluntary and involuntary proceedings under the act; to define and redefine terms; to provide powers and duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 567. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to pharmacies; to amend sections 28-414.01 and 38-2871, Revised Statutes Cumulative Supplement, 2014; to permit transfer of prescription information between pharmacies as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-498.02, 60-4,131, 60-4,131.01, and 60-4,132, Revised Statutes Cumulative Supplement, 2014; to change certain administrative license revocation provisions relating to commercial drivers' licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 569. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Business Innovation Act; to amend sections 81-12,153, 81-12,157, 81-12,158, 81-12,159, 81-12,160, 81-12,161, and 81-12,166, Reissue Revised Statutes of Nebraska; to redefine a term; to change award limitations; to add provisions on confidentiality; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 570. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to golf car vehicles; to amend section 60-6,381, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the operation of golf car vehicles; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 571. Introduced by Brasch, 16; Groene, 42; Hilkemann, 4; Mello, 5; Schilz, 47.

A BILL FOR AN ACT relating to the Nebraska Tourism Commission; to
amend sections 81-3711 and 81-3714, Reissue Revised Statutes of Nebraska; to require the commission to mark significant tourism attractions; to prohibit the posting or erection of a highway tourism marker on public property; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-2,144, Reissue Revised Statutes of Nebraska; to provide duties for the state school security director relating to cyberbullying and digital citizenship issues; and to repeal the original section.

LEGISLATIVE BILL 573. Introduced by Davis, 43.

A BILL FOR AN ACT relating to health care; to amend section 84-602.02, Reissue Revised Statutes of Nebraska, and sections 49-801.01, 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Health Enterprise Zone Act; to provide for health enterprise zone tax credits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 574. Introduced by Davis, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-105, Revised Statutes Cumulative Supplement, 2014; to adopt the Intangible Personal Property Tax Act; to redefine a term; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 575. Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 13-404, 23-148, 23-2,100, 32-330, 32-528, 32-569, 32-612, 32-1037, 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-567, 32-615, 32-941, and 32-947, Revised Statutes Cumulative Supplement, 2014; to transfer and change provisions relating to filling vacancies; to change a deadline for write-in candidates; to authorize electronic means for requesting ballots to vote early; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 576. Introduced by Murante, 49.

A BILL FOR AN ACT relating to political subdivisions; to amend section 79-2117, Reissue Revised Statutes of Nebraska, and sections 32-546.01 and 32-555.01, Revised Statutes Cumulative Supplement, 2014; to change the election and membership of learning community coordinating councils; to harmonize provisions; and to repeal the original sections.
LEGISLATIVE BILL 577. Introduced by Murante, 49.

A BILL FOR AN ACT relating to counties; to amend section 23-187, Reissue Revised Statutes of Nebraska; to permit counties to regulate by ordinance the operation or conduct of peddlers, hawkers, or solicitors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 578. Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 32-227, 32-228, 32-330, 32-813, 32-952, and 32-1032, Reissue Revised Statutes of Nebraska, and sections 10-703.01, 32-208, 32-607, 32-941, and 32-1203, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to expenses of elections, election commissioners, payment and service of election workers, the voter registration register, candidate filings, statewide general election ballots, early voting, special elections by mail, and inspection of election materials; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 579. Introduced by Murante, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-695 and 60-699, Reissue Revised Statutes of Nebraska; to increase the dollar amount of damage resulting from an accident required for reporting by a peace officer; to change the dollar amount of damage resulting from an accident required for reporting by an operator as prescribed; to authorize a fee for a copy of a peace officer report; and to repeal the original sections.

LEGISLATIVE BILL 580. Introduced by Murante, 49.

A BILL FOR AN ACT relating to redistricting; to amend sections 49-1493 and 49-1499.03, Reissue Revised Statutes of Nebraska; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 581. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to motor fuels; to adopt the Nebraska Clean-burning Motor Fuel Development Act; to provide powers and duties of the State Energy Office; and to create a fund.

LEGISLATIVE BILL 582. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the focus school and program allowance; and to repeal the original section.
LEGISLATIVE BILL 583. Introduced by Schilz, 47; Kolowski, 31; Mello, 5; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to the State Energy Office; to require a state energy plan; and to provide powers and duties.

LEGISLATIVE BILL 584. Introduced by Schilz, 47; Nordquist, 7; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to amend sections 84-612 and 85-1401, Reissue Revised Statutes of Nebraska; to provide for a transfer from the Cash Reserve Fund; to state findings and intent; to create a fund; to provide powers and duties for the Coordinating Commission for Postsecondary Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 585. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 61-201 and 61-202, Reissue Revised Statutes of Nebraska; to change provisions relating to director qualifications and employment of personnel; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Morfeld, 46; Haar, K., 21; Hansen, 26; Howard, 9; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 48-215, 48-628.01, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1111, 48-1113, 48-1115, 48-1119, 48-1122, 48-1124, 49-801, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 29-401 and 48-1117, Revised Statutes Cumulative Supplement, 2014; to prohibit discrimination based upon sexual orientation, gender identity, sex, and disability as prescribed; to change the Nebraska Fair Employment Practice Act; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 587. Introduced by McCollister, 20; Nordquist, 7; Schnoor, 15.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,187, Revised Statutes Cumulative Supplement, 2014; to change the motor vehicle tax schedules; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 588. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to elections; to amend section 32-943, Reissue Revised Statutes of Nebraska, and sections 32-808 and 32-941, Revised Statutes Cumulative Supplement, 2014; to provide for application
for ballots to vote early on the Secretary of State's web site; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 589.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to education funding; to amend section 9-812, Revised Statutes Cumulative Supplement, 2014; to provide for allocation of the Nebraska Education Improvement Fund; and to repeal the original section.

**LEGISLATIVE BILL 590.** Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Reissue Revised Statutes of Nebraska; to change provisions relating to the taxable value certified by county assessors; and to repeal the original section.

**LEGISLATIVE BILL 591.** Introduced by Bolz, 29; Coash, 27; Gloor, 35; Pansing Brooks, 28.

A BILL FOR AN ACT relating to individuals with disabilities; to amend section 72-1239.01, Reissue Revised Statutes of Nebraska, and sections 68-1201 and 77-2716, Revised Statutes Cumulative Supplement, 2014; to define terms; to create the achieving a better life experience program; to provide powers and duties; to provide for adjustments to taxable income; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 592.** Introduced by Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Schumacher, 22; Seiler, 33.

A BILL FOR AN ACT relating to corrections; to amend sections 71-907, 83-171, 83-173, 83-174.01, 83-180, 83-186.01, 83-188, 83-1,100, 83-1,107, 83-1,135, 83-903, 83-904, 83-922, 83-931, 83-932, 83-933, and 83-939, Reissue Revised Statutes of Nebraska; to redefine the term mentally ill and the term dangerous sex offender; to provide a duty for the Director of Correctional Services; to provide notice and change provisions regarding release of persons who are mentally ill and dangerous as prescribed; to change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Parole Administration; to rename and transfer supervision of the Division of Community-Centered Services; to authorize and mandate the Department of Correctional Services to provide mental health care and establish certain release and reentry programs for mentally ill committed offenders; to make permanent a reentry planning pilot program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 593.** Introduced by Nordquist, 7; Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
the University of Nebraska to study current health data systems.

**LEGISLATIVE BILL 594.** Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1005, 23-2332, and 23-2332.01, Reissue Revised Statutes of Nebraska; to change provisions relating to contribution rates for police officers in cities of the primary class and for supplement county retirement plans; and to repeal the original sections.

**LEGISLATIVE BILL 595.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to schools; to create the Task Force on School Construction Assistance; to provide duties for the task force; to provide a duty to the State Department of Education to establish a data base; and to declare an emergency.

**LEGISLATIVE BILL 596.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to economic development; to amend sections 18-2102.01, 18-2116, 18-2117.01, and 84-304, Reissue Revised Statutes of Nebraska, and sections 18-2101 and 18-2103, Revised Statutes Cumulative Supplement, 2014; to change the Community Development Law; to create the Tax-increment Financing Division of the Auditor of Public Accounts and provide duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 597.** Introduced by Davis, 43.

A BILL FOR AN ACT relating to contract carriers; to amend section 75-109.01, Revised Statutes Cumulative Supplement, 2014; to adopt the Contract Carrier Safety Act; to provide civil penalties; to provide jurisdiction to the Public Service Commission; and to repeal the original section.

**LEGISLATIVE BILL 598.** Introduced by Schumacher, 22; Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Seiler, 33.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 83-173, 83-1,135, and 83-4,114, Reissue Revised Statutes of Nebraska; to provide and change powers and duties of the Director of Correctional Services and the Department of Correctional Services; to provide and change requirements regarding treatment and segregation of inmates with mental illness; to require reports; to harmonize provisions; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 599. Introduced by Ebke, 32; Brasch, 16; Groene, 42; Kintner, 2; Lindstrom, 18; Schnoor, 15.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425; to provide a minimum wage for certain young student workers; and to repeal the original section.

LEGISLATIVE BILL 600. Introduced by Ebke, 32; Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-145, Reissue Revised Statutes of Nebraska; to change provisions relating to the investment of trust funds for self-insurers; and to repeal the original section.

LEGISLATIVE BILL 601. Introduced by Bloomfield, 17; Groene, 42; Haar, K., 21; Kintner, 2; Morfeld, 46.

A BILL FOR AN ACT relating to school boards; to amend section 79-544, Reissue Revised Statutes of Nebraska; to prohibit a board member and an immediate family member from being employed with the school district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Nebraska Retirement Systems Committee: Nordquist, 7, Chairperson; Davis, 43; Groene, 42; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to retirement; to amend section 24-703, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to collection of judges retirement fees; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 603. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to firearms; to amend section 69-2404, Reissue Revised Statutes of Nebraska, and section 69-2402, Revised Statutes Cumulative Supplement, 2014; to define terms; to provide for the processing and certification of federal firearms forms as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 604. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to the Governor's Emergency Program; to amend section 81-829.42, Reissue Revised Statutes of Nebraska; to allow the Adjutant General to reimburse political subdivisions as prescribed; and to repeal the original section.
LEGISLATIVE BILL 605. Introduced by Mello, 5; Krist, 10; Seiler, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 9-262, 9-352, 9-434, 9-652, 23-135.01, 28-204, 28-305, 28-310.01, 28-311.01, 28-311.04, 28-320, 28-322.02, 28-322.03, 28-322.04, 28-393, 28-397, 28-514, 28-519, 28-620, 28-703, 28-912, 28-1102, 28-1103, 28-1104, 28-1224, 28-1344, 28-1345, 29-2204.01, 29-2266, 29-2281, 29-2308, 29-3523, 71-2228, 71-2229, 83-182.01, 83-183.01, 83-1,100, 83-1,105.01, 83-1,119, 83-1,122, 83-1,135, and 83-1,135.01, Reissue Revised Statutes of Nebraska, and sections 28-105, 28-106, 28-201, 28-309, 28-311, 28-323, 28-504, 28-518, 28-603, 28-604, 28-611, 28-611.01, 28-631, 28-638, 28-639, 28-802, 28-813.01, 28-831, 28-932, 28-1005, 28-1009, 28-1463.05, 29-1816, 29-2204, 29-2252.01, 29-2262, 29-4011, 43-412, 47-624, 68-1017, and 68-1017.01, Revised Statutes Cumulative Supplement, 2014; to change the classification of penalties and punishments as prescribed; to change sentencing provisions; to create a special legislative committee; to state intent relating to funding a sentencing data base; to change provisions and provide requirements relating to restitution; to change provisions and provide requirements relating to probation and parole; to authorize access to criminal records as prescribed; to provide duties for the Department of Correctional Services; to provide for applicability; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-413, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 606. Introduced by Mello, 5; Bolz, 29; Chambers, 11; Krist, 10; Schumacher, 22; Seiler, 33.

A BILL FOR AN ACT relating to state government; to amend sections 81-8,241, 81-8,244, 81-8,245, 83-1,135, 83-962, and 84-901, Reissue Revised Statutes of Nebraska; to adopt the Office of Inspector General of the Nebraska Correctional System Act; to change provisions relating to the Public Counsel; to require access to records by the Public Counsel; to mandate a declaration by the Governor of a correctional system overcrowding emergency as prescribed; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 607. Introduced by Mello, 5; Bolz, 29; Campbell, 25; Crawford, 45; Davis, 43; Hilkemann, 4.

A BILL FOR AN ACT relating to health; to adopt the Home Care Consumer Bill of Rights Act; and to provide a penalty.

LEGISLATIVE BILL 608. Introduced by Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1229, 77-1230, and 77-4105, Reissue Revised Statutes of Nebraska, and sections 77-123, 77-202, 77-1233.04, 77-1502, 77-2711, 77-27,119, and 77-5725, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to dates for personal property taxes, property tax
exemptions, sales tax record-keeping, and audits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 609. Introduced by Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to bridges; to adopt the Nebraska Bridge Repair Act.

LEGISLATIVE BILL 610. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 66-6,109, Reissue Revised Statutes of Nebraska; to change excise taxes as prescribed; and to repeal the original sections.

SENATOR SULLIVAN PRESIDING

LEGISLATIVE BILL 611. Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Groene, 42; Hughes, 44; Larson, 40; Scheer, 19; Schilz, 47; Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to employment; to amend section 4-114, Reissue Revised Statutes of Nebraska; to require private employers to use the E-Verify Program; and to repeal the original section.

LEGISLATIVE BILL 612. Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Garrett, 3; Groene, 42; Hughes, 44; Schilz, 47; Schnoor, 15; Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1409, Reissue Revised Statutes of Nebraska; to change provisions relating to use of force in self-protection; and to repeal the original section.

LEGISLATIVE BILL 613. Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Groene, 42; Hughes, 44; Larson, 40; Lindstrom, 18; McCollister, 20; Scheer, 19; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-27,132, Revised Statutes Cumulative Supplement, 2014; to provide duties for the Department of Revenue; to provide for decreased individual income tax rates; to change the distribution of sales and use tax revenue; and to repeal the original sections.

LEGISLATIVE BILL 614. Introduced by Kintner, 2; Bloomfield, 17; Ebke, 32; Garrett, 3; Larson, 40; Lindstrom, 18; McCollister, 20; Schilz, 47; Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2014; to change
provisions relating to the taxation of military retirement benefits; and to repeal the original section.

**LEGISLATIVE BILL 615.** Introduced by Kintner, 2; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Schilz, 47; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3507, 77-3508, and 77-3509, Revised Statutes Cumulative Supplement, 2014; to provide a property tax exemption for homesteads of certain persons; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 616.** Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to schools; to amend sections 13-903 and 79-978, Reissue Revised Statutes of Nebraska, and section 48-801, Revised Statutes Cumulative Supplement, 2014; to adopt the Independent Public Schools Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 617.** Introduced by Larson, 40; Schilz, 47.

A BILL FOR AN ACT relating to schools; to adopt the Working to Improve Nebraska Schools Act; and to provide severability.

**LEGISLATIVE BILL 618.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2301, 2-2304, 2-3601, 2-3611, 2-3612, 2-3615, 2-3627, 2-3629, 2-3634, 2-3635, 2-3735, 2-3745, 2-3746, and 2-3747, Reissue Revised Statutes of Nebraska; to provide for redesignation of districts of members of various commodities boards or commissions as prescribed; to provide for changing the number of at-large members; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 619.**Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.11, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-123.14, 53-123.16, and 53-131, Revised Statutes Cumulative Supplement, 2014; to state intent; to define terms; to provide for a special designated poker license and a poker endorsement; to provide for fees and disposition of proceeds; to provide restrictions on participants; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 620.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to public petition and participation; to amend sections 25-21,242, 25-21,243, 25-21,244, 25-21,245, and 25-21,246, Reissue Revised Statutes of Nebraska; to define and redefine
terms; to change provisions relating to a motion to dismiss; and to repeal the original sections.

**LEGISLATIVE BILL 621.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-314, Reissue Revised Statutes of Nebraska; to change the qualifications of the deputy director; and to repeal the original section.

**LEGISLATIVE BILL 622.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Niobrara Scenic River Act; to amend sections 72-2006 and 72-2007, Reissue Revised Statutes of Nebraska; to redefine a term; to change membership provisions of the Niobrara Council; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 623.** Introduced by Nordquist, 7; Baker, 30; Campbell, 25; Howard, 9; Mello, 5; Schumacher, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-484.04, Revised Statutes Cumulative Supplement, 2014; to state findings and intent; to change provisions relating to evidence of lawful status; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 624.** Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,301, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle load requirements; and to repeal the original section.

**LEGISLATIVE BILL 625.** Introduced by Krist, 10; Pansing Brooks, 28.

A BILL FOR AN ACT relating to behavioral health services; to adopt the Interstate Placement for Involuntarily Admitted Patients Agreement Act.

**LEGISLATIVE BILL 626.** Introduced by Campbell, 25.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,143 and 60-3,146, Reissue Revised Statutes of Nebraska, and sections 60-3,147, 60-3,186, 60-3,187, and 60-3,190, Revised Statutes Cumulative Supplement, 2014; to create a fund; to change motor vehicle taxes and fees and their distribution; to state intent relating to appropriations; and to repeal the original sections.
LEGISLATIVE BILL 627. Introduced by Mello, 5; Bolz, 29; Brasch, 16; Crawford, 45; Davis, 43; Gloor, 35; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Kuehn, 38; Larson, 40; Lindstrom, 18; Morfeld, 46; Nordquist, 7.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102, 48-1107.01, 48-1107.02, and 48-1111, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2014; to redefine a term; to provide and change provisions relating to pregnancy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 628. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to insurance; to provide procedures for electronic delivery of notices and documents and Internet posting of property and casualty insurance policies.

SENATOR KRIST PRESIDING

LEGISLATIVE BILL 629. Introduced by Mello, 5; Harr, B., 8; Howard, 9; Larson, 40; Lindstrom, 18; Nordquist, 7.

A BILL FOR AN ACT relating to transportation; to amend sections 75-304, 75-305, 75-306, 75-307, 75-309, 75-310, and 75-313, Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-302, and 75-311, Revised Statutes Cumulative Supplement, 2014; to provide for regulation of transportation network companies; to change powers and duties for the Public Service Commission; to define terms; to provide for a fee; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 630. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend section 29-3517, Reissue Revised Statutes of Nebraska; to provide duties for the Nebraska State Patrol regarding criminal history record information checks; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-906, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to acceptance of and assent to certain federal laws as prescribed; and to repeal the original section.

LEGISLATIVE BILL 632. Introduced by Scheer, 19; Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to prohibit employers and
associations from precluding certain contracts relating to health benefit plans; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 633. Introduced by Stinner, 48; Haar, K., 21; Nordquist, 7; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid to municipalities and counties.

LEGISLATIVE BILL 634. Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-201 and 37-405, Revised Statutes Cumulative Supplement, 2014; to provide for issuance of permits for prisoners of war as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 635. Introduced by Garrett, 3; Bloomfield, 17; Schnoor, 15.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska; to change a provision relating to where a permitholder may carry a concealed handgun; and to repeal the original section.

LEGISLATIVE BILL 636. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-421.01, Revised Statutes Cumulative Supplement, 2014; to provide for a discounted permit for deployed military and spouses while on leave as described; and to repeal the original section.

LEGISLATIVE BILL 637. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-419, Reissue Revised Statutes of Nebraska; to provide for a resident permit for spouses of persons in military service as prescribed; and to repeal the original section.

LEGISLATIVE BILL 638. Introduced by Garrett, 3; Schnoor, 15; Stinner, 48.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2434, Reissue Revised Statutes of Nebraska, and section 69-2436, Revised Statutes Cumulative Supplement, 2014; to change permit expiration provisions for members of the armed forces or their spouses as prescribed; and to repeal the original sections.
LEGISLATIVE BILL 639. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to road signs; to amend section 39-220, Reissue Revised Statutes of Nebraska; to provide for the issuance of permits to control vegetation obscuring advertising signage along highways as prescribed; to provide duties for the Department of Roads; and to repeal the original section.

LEGISLATIVE BILL 640. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to veterans; to amend section 80-413, Reissue Revised Statutes of Nebraska; to provide for retrocession of jurisdiction for land on which the Omaha National Cemetery is located; and to repeal the original section.

LEGISLATIVE BILL 641. Introduced by Garrett, 3; Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2014; to provide rights and duties for a person operating a manual or motorized wheelchair or operating a bicycle on a sidewalk or across a roadway or shoulder in a crosswalk; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 642. Introduced by Garrett, 3; Stinner, 48.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1214, 37-1278, 60-144, and 60-386, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to motorboat, motor vehicle, and trailer registration and titling; and to repeal the original sections.

LEGISLATIVE BILL 643. Introduced by Garrett, 3; Craighead, 6; Ebke, 32; Pansing Brooks, 28.

A BILL FOR AN ACT relating to cannabis; to amend section 77-4303, Reissue Revised Statutes of Nebraska; to adopt the Cannabis Compassion and Care Act; to provide for taxation as prescribed; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by Nordquist, 7; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to transportation; to adopt the Nebraska Transit and Rail Advisory Council Act.
LEGISLATIVE BILL 645. Introduced by Nordquist, 7; Campbell, 25; Cook, 13; Howard, 9; Kolowski, 31; Mello, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2014; to adopt the Early Childhood Workforce Development Opportunity Act; to provide income tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 646. Introduced by Kintner, 2; Brasch, 16; Craighead, 6; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1413, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to secret ballots; and to repeal the original section.

LEGISLATIVE BILL 647. Introduced by Nordquist, 7; Campbell, 25; Howard, 9; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.01, and 71-1902, Revised Statutes Cumulative Supplement, 2014; to prohibit discrimination relating to placement of children as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Howard, 9; Hansen, 26; Morfeld, 46; Nordquist, 7; Pansing Brooks, 28.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104.08, 43-104.13, 43-104.15, 43-104.18, 43-104.19, and 43-111, Reissue Revised Statutes of Nebraska; to provide for adoption by two adult persons jointly; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 649. Introduced by Kintner, 2; Brasch, 16; Craighead, 6; Ebke, 32; Groene, 42; Larson, 40; Lindstrom, 18; Murante, 49; Schilz, 47; Schnoor, 15.

A BILL FOR AN ACT relating to public records; to amend section 84-712.01, Reissue Revised Statutes of Nebraska; to provide that certain votes of public officials are public record; and to repeal the original section.

LEGISLATIVE BILL 650. Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to vaccinations; to amend section 71-467, Revised Statutes Cumulative Supplement, 2014; to encourage hospitals to offer vaccinations as prescribed; and to repeal the original section.
LEGISLATIVE BILL 651. Introduced by Bloomfield, 17.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2704 and 29-2709, Reissue Revised Statutes of Nebraska; to change liability for certain court costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 652. Introduced by Transportation and Telecommunications Committee: Smith, 14, Chairperson; Brasch, 16; Davis, 43; Friesen, 34; Garrett, 3; Seiler, 33.

A BILL FOR AN ACT relating to telecommunications; to amend sections 28-1311, 75-132.01, 77-2703.04, 84-712.05, 86-163, 86-435, 86-438, 86-457, 86-463, and 86-903, Reissue Revised Statutes of Nebraska, and sections 75-109.01 and 75-156, Revised Statutes Cumulative Supplement, 2014; to adopt the 911 Emergency Services Communications Act; to change the offense of interference with a public service company; to provide powers and duties for the Public Service Commission; to change provisions relating to use of funds; to terminate a certain surcharge; to change a fee; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 653. Introduced by Johnson, 23; Kolowski, 31; Nordquist, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2014; to exempt certain purchases of energy star qualified products from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 654. Introduced by Seiler, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

LEGISLATIVE BILL 655. Introduced by Davis, 43.

A BILL FOR AN ACT relating to retirement; to amend sections 4-108, 16-1020, 84-1501, 84-1503, and 84-1511, Reissue Revised Statutes of Nebraska; to adopt the Cities of the First Class Firefighters Cash Balance Retirement Act; to create funds; to change provisions relating to the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.
LEGISLATIVE RESOLUTION 35. Introduced by Ebke, 32.

WHEREAS, the founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and
WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and
WHEREAS, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and
WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and
WHEREAS, it is the solemn duty of the states to protect the liberty of our people-particularly for the generations to come-by proposing Amendments to the Constitution of the United States through a Convention of the States under Article V for the purpose of restraining these and related abuses of power.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.
2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.
3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 95. Placed on General File.

(Signed) Jim Smith, Chairperson
NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Thursday, January 29, 2015 1:30 p.m.

LB338
LB314
LB301
LB194
LB297

(Signed) Les Seiler, Chairperson

Natural Resources

Room 1525

Wednesday, January 28, 2015 1:30 p.m.

LB141
LB143

(Signed) Ken Schilz, Chairperson

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee elected Senator Watermeier as Chairperson and Senator Kuehn as Vice Chairperson.

The Building Maintenance Committee elected Senator Stinner as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB472
Bolz, Chambers, Mello, Schumacher, Seiler - LR34
Mello - LB580
Haar, K. - LB643

VISITOR

The Doctor of the Day was Dr. Ron Scott from Kearney.
ADJOURNMENT

At 12:21 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:30 a.m., Thursday, January 22, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
ELEVENTH DAY - JANUARY 22, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 22, 2015

PRAYER

The prayer was offered by Father Ryan Lewis, St. Thomas More Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Foley presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators Hilkemann, Larson, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 150. Placed on General File.

LEGISLATIVE BILL 151. Placed on General File with amendment.

AM19
1 1. On page 2, line 13, after "violations" insert "of ordinances".
2 2. On page 3, line 27, strike "violation" and insert "violations".

(Signed) Sue Crawford, Chairperson

Revenue

LEGISLATIVE BILL 170. Placed on General File.
LEGISLATIVE BILL 171. Placed on General File.

(Signed) Mike Gloor, Chairperson
LEGISLATIVE JOURNAL

Education

LEGISLATIVE BILL 99. Placed on General File.
LEGISLATIVE BILL 100. Placed on General File.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 36. Introduced by Craighead, 6.

WHEREAS, the Amazing Technicolor Show Choir of Westside High School in Omaha won the 2015 Viterbo 101 show choir competition in La Crosse, Wisconsin; and
WHEREAS, in addition to being named Grand Champion of the competition, the Amazing Technicolor Show Choir also was awarded Best Vocals, Best Choreography, and Best Male Soloist; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Amazing Technicolor Show Choir of Westside High School in Omaha for winning the 2015 Viterbo 101 show choir competition.
2. That a copy of this resolution be sent to the Amazing Technicolor Show Choir of Westside High School.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
<thead>
<tr>
<th>LB/LR</th>
<th>Committee</th>
</tr>
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<tbody>
<tr>
<td>LB431</td>
<td>Education</td>
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<tr>
<td>LB432</td>
<td>Government, Military and Veterans Affairs</td>
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<tr>
<td>LB433</td>
<td>Judiciary</td>
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<tr>
<td>LB434</td>
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<tr>
<td>LB435</td>
<td>Education</td>
</tr>
<tr>
<td>LB436</td>
<td>Appropriations</td>
</tr>
<tr>
<td>LB437</td>
<td>Judiciary</td>
</tr>
<tr>
<td>LB438</td>
<td>Revenue</td>
</tr>
<tr>
<td>LB439</td>
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<td>Health and Human Services</td>
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<td>Appropriations</td>
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<td>Education</td>
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<td>Education</td>
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LB445  Urban Affairs
LB446  Nebraska Retirement Systems
LB447  Nebraska Retirement Systems
LB448  Nebraska Retirement Systems
LB449  Appropriations
LB450  Appropriations
LB451  Banking, Commerce and Insurance
LB452  Health and Human Services
LB453  Revenue
LB454  Revenue
LB455  Urban Affairs
LB456  Banking, Commerce and Insurance
LB457  Banking, Commerce and Insurance
LB458  Banking, Commerce and Insurance
LB459  Judiciary
LB460  General Affairs
LB461  Appropriations
LB462  Government, Military and Veterans Affairs
LB463  Judiciary
LB464  Banking, Commerce and Insurance
LB465  Government, Military and Veterans Affairs
LB466  Revenue
LB467  Nebraska Retirement Systems
LB468  Nebraska Retirement Systems
LB469  Natural Resources
LB470  Revenue
LB471  Health and Human Services
LB472  Health and Human Services
LB473  Judiciary
LB474  Transportation and Telecommunications
LB475  Natural Resources
LB476  Revenue
LB477  Education
LB478  Education
LB479  Government, Military and Veterans Affairs
LB480  Business and Labor
LB481  Education
LB482  Judiciary
LB483  Judiciary
LB484  Nebraska Retirement Systems
LB485  Appropriations
LB486  General Affairs
LB487  Government, Military and Veterans Affairs
LB488  Banking, Commerce and Insurance
LB489  Education
LB490  Health and Human Services
LB491  Government, Military and Veterans Affairs
LB492  Government, Military and Veterans Affairs
LB493  Business and Labor
EXECUTIVE BOARD REPORT

The Executive Board reported the resignation of Senator Howard from the Legislature's Planning Committee and appointed Senator Cook to fill the vacancy.

(Signed) Bob Krist, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Thursday, January 29, 2015 12:00 p.m.

LB446
LB484

(Signed) Jeremy Nordquist, Chairperson

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senators Watermeier and Williams have filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

MOTION - Escort Governor

Senator Kolowski moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Kolterman, Sullivan, Scheer, Johnson, and Crawford to serve on said committee.
STATE OF THE STATE ADDRESS

"There is one consistent message I have heard in every corner of the state: property taxes are too high."
"This property tax relief will help all Nebraskans: homeowners, small business owners, and our farmers and ranchers."
"...together, we can take important steps toward providing tax relief."

President Foley, Speaker Hadley, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends, and Fellow Nebraskans.

Congratulations once again on the commencement of the 104th Nebraska Legislature. I want to commend all of you for your willingness to serve your constituents and our great state. I recognize your personal sacrifice as well your commitment to public service, which is a high and noble calling.

I look forward to working together in a spirit of collaboration, which is of course the tradition of Nebraska’s unique non-partisan institution.

Our future success as a state depends upon our ability to work together, and I look forward to continuing to work with each and every one of you.

Speaker Hadley, it’s a pleasure to work with you and I look forward to what we can do for this state. Congratulations on being chosen to serve as Speaker. The confidence your colleagues have in you speaks volumes and Nebraska is grateful for your dedication.

I also want to take a moment to recognize the Nebraska National Guard. The role of these men and women, who are truly citizen soldiers, has never been more important, has never put more pressure on families, and has never been more difficult or dangerous. We live in a dangerous world. They not only protect us by deploying to foreign regions, but they keep us safe here at home in situations like the tornados in Pilger and Beaver Crossing. We are grateful for their service and sacrifice.

Nebraska is a special place. We are more than just lines on a map. We are bound together by more than just our common geography. It’s a culture, it’s a way of life. It’s the way we treat each other with dignity, respect, and civility.

We have a great state, built by our ancestors who made Nebraska home for themselves and for their children and grandchildren. Like our ancestors before us, we have a duty to create an even better future for our kids and grandkids. And just as our ancestors before us, we have a duty to Grow Nebraska.

I’m excited to join you to take advantage of our opportunities. I am encouraged by the discussions I have had with many of you about how we Grow Nebraska.
As citizen legislators, you bring all of your life experiences to our work. I too have outside experiences, and I promised the people of Nebraska I would put my business experience to work for the state. To that end, I have worked to develop a budget, a blueprint that slows the growth of spending, provides for property tax relief, has room to make improvements in critical areas like corrections and HHS, and also funds the essential services of state government.

Let me take a moment to talk about my philosophy on the cash reserve. My budget recommendation for the next biennium does not draw down the reserves. However, right now, we have too much money there. My belief is we should work together to return more of that to the taxpayers. The remaining reserves should only be used for emergencies or one-time critical expenses.

It is easy to view a government budget as a collection of numbers in rows and columns next to agencies and programs, but behind the numbers are people’s lives. We must be mindful that every dollar is precious. The dollars that fund our budgets are dollars earned by hardworking Nebraskans. We must also be mindful that the agencies and programs are designed to serve our citizens—and many of them are people in need.

This session, we will meet, we will debate, and we will even compromise, as we set about to fund the important services for the people we represent. That is our job and we will do it with dedication and commitment.

Today, I am privileged to report on the condition of Nebraska. It should come as no surprise that I believe the state of Nebraska to be strong.

Here in the heartland we have major military installations, academic research centers, and we are at the heart of the nation's agricultural system. Nebraska is on the front lines of bioterrorism preparedness. At the University of Nebraska Medical Center our medical professionals have made national headlines with their success responding to the Ebola outbreak. I want to recognize the members of that team who are here with us today for their success and bravery: Dr. Dan Johnson and nurses Kate Boulter and Shelly Schwedhelm. Thank you!

Our people, everyday heroes all across Nebraska, are the reason the state of our state is so strong. From teachers that prepare our kids for an ever-changing world to the medical professionals at UNMC treating Ebola patients. From the law enforcement officers and firefighters who put themselves at risk each and every day to farm families that feed the world. From the volunteers who build our communities to the crews at Offutt Air Force Base and our military families that answer the call. These Nebraskans love to serve and they make our state strong.

I have long said that Nebraska’s greatest resource is our people. I know from personal experience when you hire a Nebraskan you hire someone who
has a great work ethic, is well educated, loyal, and will help your business succeed.

As I have said before: Nebraska is what America is supposed to be.

I traveled Nebraska from Chadron to Falls City and from Norfolk to Ogallala. I have listened to the people of Nebraska. I was privileged in my travels to connect with old friends like Senators Lydia Brasch, Bob Krist, Curt Friesen, and Jim Smith.

I also appreciated new friends, who supported me like Senators Dan Hughes and John Kuehn who served on my Ag Advisory Committee, and Senator Dave Bloomfield who was supportive throughout Northeast Nebraska.

Senators Campbell and Mello were gracious to meet with me about issues, and Senator Bolz came to a Lincoln event we had with Lieutenant Governor Mike Foley.

This budget, which is informed by my discussions with many of you—and by the fact that I grew up here—represents not only the priorities of Nebraskans, but their hopes for our shared future.

I’m eager to work with you on four major priorities to Grow Nebraska: First, strengthening our economy and creating jobs; second, reducing taxes; third, ease regulatory burdens; and additionally, expanding educational opportunities. All of these priorities are interconnected and are reflected in my budget recommendation.

Because it is so important that we boost our economic engine and create jobs, one of my administration’s first steps was to conduct a national job search for a new Director of Economic Development. I’m proud to have Brenda Hicks-Sorensen, join my team. Her expertise will help us realize the untapped potential in our state, and we will be well-served with her track record of recruiting businesses. We want the world to know Nebraska welcomes business investment and has good jobs in great communities, and Brenda will help get the message out.

But creating jobs is more than just a marketing focus or incentives. We need to evaluate what we are doing to encourage small business to expand and grow. We need to have a plan to attract business investment as well as business relocations. We need to be strategic and aggressive about trade opportunities.

And there is no better place to start expanding export opportunities than with agriculture.

Our farmers and ranchers are feeding the world. According to Ronnie Green at the University of Nebraska, by 2050 there will be two billion more people on the face of this earth and because of rising standards of living, we will
have to produce one hundred percent more food. Seventy percent of that will have to come from productivity and innovation. Our farmers and ranchers are the most productive and innovative in the world. Nebraska is number one in cattle on feed, number two in ethanol production, number three in corn production, and we are the fourth largest state for overall agriculture production. And I look forward to working with Senator Johnson and the Agriculture Committee to expand upon these successes.

This budget provides additional funds for more export trade missions in both the Department of Economic Development and the Department of Agriculture, and under my administration these departments will work more closely together than ever before.

Job creation, in part, depends on a tax climate that encourages growth. We have a lot of work to do to stay competitive with neighboring states. And staying competitive is something that is often overlooked when we talk about jobs. We need to attract new individuals and families to Nebraska.

We have a great way of life and great jobs to offer. Now, we need to highlight that and invite people to make a home in Nebraska. Unemployment in Nebraska is about 3 percent, which is a blessing and a challenge. A recent State Chamber study said retaining a skilled workforce is one of the top concerns of our business leaders. We have long discussed the problem of brain drain, and I can tell you as a dad that I want all roads to lead back to Nebraska. To do that we need to remove the obstacles.

Which is just one reason why we must reduce taxes.

According to one national business news network, we are the third overall highest taxed state behind only California and New York. Think about that for a second. We can do better.

Our high tax reality does not just hit the wallets of our citizens—it creates a reputation. It discourages new business investment. Our high taxes also discourage people from choosing Nebraska as a place to live, work and raise a family.

There is one consistent message I have heard in every corner of the state: property taxes are too high. My budget adds $60 million each year to the property tax credit relief fund—an increase of nearly 43 percent—for a grand total of $400 million in property tax relief this biennium. This property tax relief will help all Nebraskans: homeowners, small business owners, and our farmers and ranchers.

An example of someone we can help is Roger Brandt. Roger is a farmer from Carroll up in Wayne County who is here with us today. Last spring, Roger showed me his tax assessments for the three pieces of property he owns. His assessments increased between 36 to nearly 50 percent for each parcel in just one year. That is not sustainable. That is why I also want to
work with you to reduce the ag land valuation. I have funded a phased in approach in my budget to reduce valuations from 75% to 65%.

We did not get to be a high tax state overnight, and we won’t get taxes down overnight either. But together, we can take important steps toward providing tax relief.

I do want to take a minute to talk about funding our priorities. One of the most important things we do in government is take care of our most vulnerable citizens. As elected officials we give a voice to the voiceless. In Nebraska, we can—we must—do better.

My administration is conducting a national job search for a new CEO of Health and Human Services. I am looking for a transformational leader to reform the culture. State government needs to work for the children who are in the care of the state, for individuals who are in state facilities, and for all those who rely on government services.

We need a culture in our state agencies that is people-centric. The people who need our help do not fit neatly into the silos we have created. We need a system that cares for the entire person, helps them reach their full potential and if possible helps them live a life free of public assistance.

There are people who will continue to need our help. We must serve them effectively and with dignity and respect. When we start getting better outcomes for people, our costs will come down too.

Many people who receive services just need a hand up to get back on their feet. We have to prevent government from getting in their way. Last year, I met Susanne Shald in McCook. Susanne is widowed and her three kids receive health insurance through Medicaid. She works hard and is intent on teaching her kids a strong work ethic like her father taught her. So when her 16-year-old daughter got a job and was informed that if she earned more than $6,000 a year, she would lose her health insurance, Susanne was infuriated. I don’t blame her. Susanne and her family have joined me here today. Susanne and her children put faces on our need for a common sense approach in government—one that does not create disincentives for people and families to work.

Next, it is time to pursue comprehensive reform in our corrections system, another department in need of a cultural change. Scott Frakes will be joining my administration as the new Director of the Department of Corrections. He brings over 32 years of experience starting as a corrections officer and working through the uniformed ranks before moving into management. I am confident that he will help chart a new course for this agency.

Inmates released early by mistake threaten not only the public safety, but also the public’s trust in their government. Nobody in corrections wanted these mistakes to occur, but they did, and we have got to do better.
Under Director Frakes, we will create a culture of accountability, common sense, and excellence. The Department of Corrections will seek to improve its rehabilitation and reentry programs to address recidivism. We will immediately evaluate our short term and long term needs and set out on a course of reform to this system.

This budget leaves room to address immediate reform needs in corrections.

Many of you here today have worked to tackle the issues in corrections. There is no branch of government that has cornered the market on good ideas or solutions for this issue. We have to work together, executive, legislative, and judicial for comprehensive reform that includes addressing sentencing and good time laws, mental health, and management of these facilities. I will work with Scott Frakes to get a full picture of what we need to do; and I look forward to sitting down with the leadership of this body to set a time table we can agree on to make substantive changes.

This budget holds the growth of our state spending to a little more than 3 percent over the next 2 years. That is a slower rate of growth than the approximately 6.5 percent in the last biennium.

We will fund our priorities, but in a way that is sustainable. We grow our revenues about 5 percent a year on average. If we can restrain government’s growth, we can afford to put money back in the pockets of taxpayers. In turn, taxpayers will be able to afford more goods and services, businesses will expand and we will Grow Nebraska.

Another way I have taken action to drive operational excellence in every corner of state agencies is a private sector solution to create the position of Chief Operating Officer. I have hired Felix Davidson, United States Marine Corps Captain and a business executive with a proven track record of success in change management and process improvement.

I have one more tax relief proposal—an important one. Like many of you, I believe we need to eliminate the state income taxes on the retirement benefits of our military families. I have left room in this budget package to work with Chairman Gloor and the Revenue Committee to give our veterans relief. Chairman Gloor, I thank you for your service in the U.S. Air Force, and I know you understand how important it is to take care of our veterans. From the crews at Offutt Air Force Base to the National Guard Armory in Scottsbluff, we cannot thank our men and women in uniform enough, and we do not want to lose these treasured individuals to other states.

Besides high taxes and lost talent, our business leaders say overregulation is a top concern. We all want clean air, clean water, and safe working conditions, but we must also apply common sense so that we do not create barriers for our businesses creating jobs.

When we get our property tax bill we can see exactly how much we are
paying. The cost of regulation, however, is hidden—but it’s a job killer all the same. As governor, I will stand up to the overregulation forced on us by Washington. Whether it is new health care mandates on employers, EPA overreach on carbon emissions and the Waters of the US, or the delay of the Keystone XL pipeline, Washington just does not get it.

I have urged Congress and President Obama to swiftly approve the Keystone XL pipeline. It will bring much-needed tax revenue to Nebraska counties not only during construction, but for years to come.

And back here at home, we want to set a good example. I will be asking all of my state agency directors to make it a priority to innovate ways to reduce regulatory burdens and bureaucratic delays. Proper regulation protects our health and safety. Overregulation delays progress and growth. We can do better and we will.

As we seek to create jobs, slow the growth of government, reduce taxes and fight burdensome regulations, we must also continue to strengthen our education system.

As we balance our budget, we must ensure we put a priority on proper school funding and improving educational outcomes.

In particular I have talked a lot about career and vocational training. Every manufacturer I have talked to has said they cannot find enough skilled labor, and that is a barrier to expanding. To address this I propose an investment in innovation.

My budget includes funding a pilot program—$250,000 each year—to form a public-private partnership to create a career and vocational training program. Good-paying jobs in the skilled labor force, agriculture, and manufacturing are a great option for our young people. I visited Ash Grove Cement in Louisville and they were telling me if you get at 2-year electrician’s degree out of high school, you will start working for them at $22 or $23 per hour. Stay there a year and pass 2 tests and you will be making $28 an hour. Now think about that, that’s a 21-year-old making $56,000 a year plus full benefits. That’s the start of a great career.

As I mentioned before, we honor the service of our national guard. My budget recommendation also includes an additional $120,000 per year for a total of more than $488,000 of tuition assistance for the patriots who serve in the Nebraska National Guard. We need to help them further their education as well.

As we work together, I want you to know about the culture we are fostering in my administration. Every day, I want my team to ask a couple of questions: How can I serve the people of Nebraska better today? As well as, what can we do to make Nebraska a place people want to be?
While many of us in this chamber have differing political philosophies or come from different ends of the state, I know we are united. We are united in our desire to make Nebraska a better place for our communities and for our children and grandchildren. We are united in our desire to make Nebraska a place where people want to be.

From the Native Americans who nurtured our rich land; to the pioneer homesteaders; to the founders of our great businesses, universities, farms and ranches, our ancestors built more than a state.

They built a community that reflects the best of America. Our ancestors made sacrifices for future generations, for the greater good of Nebraska. And so we too will focus on the future.

We will harness the spirit of our UNMC heroes and all the nurses and doctors across the state.

We will call upon the dedication of police officers and firefighters in Nebraska’s cities and towns.

We will harness the determination of Roger Brandt and Nebraska’s Veterans.

And we will call upon the hard work and aspirations of Susanne Shald and her family and all of the hard working families across Nebraska.

We will work together fueled by their strength and acting on their behalf. We will Grow Nebraska.

Thank you. God Bless you and God Bless the people of this great state.

The committee escorted Governor Pete Ricketts from the Chamber.

**BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 656.** Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, sections 22, 44, and 112; Laws 2013, LB530A, section 1; Laws 2014, LB905, sections 52, 54, and 59; and Laws 2014, LB907A, section 3; to define terms; to provide, change, and eliminate provisions relating to appropriations; to repeal the original sections; and to declare an emergency.
LEGISLATIVE BILL 657. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2017; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 658. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2015-16 and FY2016-17; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 659. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2015-16 and FY2016-17; to define terms; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 660. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements and a request for funding; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 661. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 13-2610 and 81-1354.05, Reissue Revised Statutes of Nebraska, and section 9-1,101, Revised Statutes Cumulative Supplement, 2014; to provide fund transfers; to create a fund; to change and provide uses of funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 662.Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to provide for transfers; to repeal the original section; and to declare an emergency.
LEGISLATIVE BILL 663. Introduced by Speaker Hadley, 37; at the request of the Governor.

A BILL FOR AN ACT relating to judges' salaries; to amend section 24-201.01, Revised Statutes Cumulative Supplement, 2014; to change the salary of Supreme Court judges; to provide an operative date; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Thursday, January 29, 2015 1:30 p.m.

Brian Barels - Nebraska Natural Resources Commission
Stan Clouse - Nebraska Natural Resources Commission
Steven Huggenberger - Nebraska Natural Resources Commission
Thomas Knutson - Nebraska Natural Resources Commission
Don Kraus - Nebraska Natural Resources Commission
Tom Palmertree - Nebraska Natural Resources Commission
Scott Smathers - Nebraska Natural Resources Commission
Lindsey Smith - Nebraska Natural Resources Commission
Walter Dennis Strauch - Nebraska Natural Resources Commission
Loren Taylor - Nebraska Natural Resources Commission
LB206
LB207

Friday, January 30, 2015 1:30 p.m.

Joel G. Christensen - Nebraska Natural Resources Commission
LB164

(Signed) Ken Schilz, Chairperson

Government, Military and Veterans Affairs
Room 1507

Thursday, January 29, 2015 1:30 p.m.

LB61
LB132
LB138
LB427

(Signed) John Murante, Chairperson
COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL  65. Placed on General File.
LEGISLATIVE BILL 177. Placed on General File.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1003
Friday, January 30, 2015 1:30 p.m.
LB430

(Signed) Heath Mello, Chairperson
Judiciary
Room 1113
Friday, January 30, 2015 1:30 p.m.
LB299
LB434
LB244
LB245

(Signed) Les Seiler, Chairperson

ANNOUNCEMENT(S)
The Legislature's Planning Committee elected Senator Cook as Chairperson.
The Legislature's Planning Committee elected Senator Schumacher as Vice Chairperson.

VISITORS
Visitors to the Chamber were 15 members from the Nebraska Cattlemen's Young Leaders.
The Doctor of the Day was Dr. George Voigtlander from Pawnee City.
ADJOURNMENT

At 10:39 a.m., on a motion by Senator Davis, the Legislature adjourned until 10:00 a.m., Friday, January 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TWELFTH DAY - JANUARY 23, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 23, 2015

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Kuehn and McCoy who were excused; and Senators K. Haar, B. Harr, and Kintner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

<table>
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<tr>
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<tr>
<td>LB281</td>
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LB558 Agriculture
LB559 Revenue
LB560 Appropriations
LB561 Government, Military and Veterans Affairs
LB562 Government, Military and Veterans Affairs
LB563 Education
LB564 Transportation and Telecommunications
LB565 Appropriations
LB566 Judiciary
LB567 Health and Human Services
LB568 Transportation and Telecommunications
LB569 Appropriations
LB570 Transportation and Telecommunications
LB571 Government, Military and Veterans Affairs
LB572 Education
LB573 Revenue
LB574 Revenue
LB575 Government, Military and Veterans Affairs
LB576 Government, Military and Veterans Affairs
LB577 Government, Military and Veterans Affairs
LB578 Government, Military and Veterans Affairs
LB579 Transportation and Telecommunications
LB580 Executive Board
LB581 Natural Resources
LB582 Education
LB583 Natural Resources
LB584 Appropriations
LB585 Natural Resources
LB586 Judiciary
LB587 Revenue
LB588 Government, Military and Veterans Affairs
LB589 Education
LB590 Education
LB591 Revenue
LB592 Judiciary
LB593 Appropriations
LB594 Nebraska Retirement Systems
LB595 Education
LB596 Urban Affairs
LB597 Transportation and Telecommunications
LB598 Judiciary
LB599 Business and Labor
LB600 Business and Labor
LB601 Education
LB602 Judiciary
LB603 Judiciary
LB604 Government, Military and Veterans Affairs
LB605 Judiciary
LB606 Judiciary
LB607 Health and Human Services
LB608 Revenue
LB609 Transportation and Telecommunications
LB610 Revenue
LB611 Business and Labor
LB612 Judiciary
LB613 Revenue
LB614 Revenue
LB615 Revenue
LB616 Education
LB617 Education
LB618 Agriculture
LB619 General Affairs
LB620 Judiciary
LB621 Government, Military and Veterans Affairs
LB622 Natural Resources
LB623 Transportation and Telecommunications
LB624 Transportation and Telecommunications
LB625 Judiciary
LB626 Transportation and Telecommunications
LB627 Business and Labor
LB628 Banking, Commerce and Insurance
LB629 Transportation and Telecommunications
LB630 Judiciary
LB631 Health and Human Services
LB632 Banking, Commerce and Insurance
LB633 Appropriations
LB634 Natural Resources
LB635 Judiciary
LB636 Natural Resources
LB637 Natural Resources
LB638 Judiciary
LB639 Transportation and Telecommunications
LB640 Government, Military and Veterans Affairs
LB641 Transportation and Telecommunications
LB642 Transportation and Telecommunications
LB643 Judiciary
LB644 Transportation and Telecommunications
LB645 Revenue
LB646 Government, Military and Veterans Affairs
LB647 Judiciary
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LB649 Government, Military and Veterans Affairs
LB650 Health and Human Services
LB651 Judiciary
LB652 Transportation and Telecommunications
LB653 Revenue
LB654 Appropriations
LB655 Nebraska Retirement Systems
LR35   Government, Military and Veterans Affairs

   (Signed)  Bob Krist, Chairperson
   Executive Board

NOTICE OF COMMITTEE HEARING(S)
   Agriculture

   Room 2102

Tuesday, February 3, 2015 1:30 p.m.

LB128
LB242

   (Signed)  Jerry Johnson, Chairperson

MESSAGE FROM THE GOVERNOR

   January 22, 2015

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

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

Contingent upon your approval, the following individual is being appointed
   to the Board of Parole:

Randall L. Rehmeier, 705 Wildwood Lane, Nebraska City, NE 68410

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

   Sincerely,
   (Signed)  Pete Ricketts
   Governor

Enclosure

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Nordquist has filed a Potential Conflict
   of Interest Statement under the Nebraska Political Accountability and
   Disclosure Act. The statement is on file in the Clerk of the Legislature's
   Office.
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 22, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blaney, Joseph
   Everytown for Gun Safety Action Fund
Boelen, Holley
   Bruning Law Group
Bonilla, Chenise
   Council of State Governments - Justice Center
Brady, Justin J.
   Radcliffe, Walter H. of Radcliffe and Associates
Bromm, Curt/Bromm & Associates
   Education Service Unit #3
Bromm, Jason
   Bromm, Curt/Bromm & Associates
Bruning Law Group
   TracFone Wireless, Inc.
Cookson, David D.
   Bruning Law Group
Hoffman, Scott J.
   ABATE of Nebraska, Inc. (Withdrawn 01/19/2015)
Jensen Rogert Associates, Inc.
   Capitol Management Group
Joekel, Tiffany
   Coalition for a Strong Nebraska (Withdrawn 01/16/2015)
Meyer, Trudy
   Nebraska Society of Certified Public Accountants
Mueller Robak
   Audubon Nebraska
   Data Recognition Corporation
Nelson, John E
   Nebraska Association of Former State Legislators
Overcash, James A.
   Associated General Contractors - Nebraska Building Chapter
Pappas, James E.
   Independent Cattlemen of Nebraska (ICON)
Pelka, Marc
   Council of State Governments - Justice Center
Radcliffe, Walter H. of Radcliffe and Associates
   Nebraska Operators of Music and Amusements (NOMA)
NetWorks, Inc.
Reiman, Charlene
   SourceGas Distribution, LLC
Sanford, Robert A.
   Nebraska Domestic Violence Sexual Assault Coalition
Spohn, Katherine J.
   Bruning Law Group
Wilson-Jones, Elliott
   Council of State Governments - Justice Center
Zych, Michelle
   Women's Fund of Greater Omaha, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

UNANIMOUS CONSENT - Room Change

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 10, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

MOTION - Withdraw LB201

Senator Davis offered his motion, MO3, found on page 226, to withdraw LB201.

The Davis motion to withdraw the bill prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Senator Chambers offered the following motion:
MO4
Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 3. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

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

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 37. Introduced by Seiler, 33.

WHEREAS, Luke Chamberlain, a member of Troop 192 from Hastings, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to achieve 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting
experience, Luke 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, 12 of which are in required areas. Luke earned 64 merit badges; and
WHEREAS, to achieve the rank of Eagle Scout, it is also necessary to complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Luke built six tables, assembled a tool shed, and planted three fruit trees for the Hastings Middle School garden, donating a total of 102 hours of community service; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Luke, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Luke Chamberlain on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Luke Chamberlain.

Laid over.
Government, Military and Veterans Affairs

Room 1507

Friday, January 30, 2015 2:00 p.m.

Dana Miller - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Carol E. Schlegel - Nebraska Tourism Commission
Daryl L. Bohac - Military Department
John Hilgert - Department of Veterans Affairs
Jim Heine - State Fire Marshal
Samuel Seever - State Personnel Board
Christopher Waddle - State Personnel Board

(Signed) John Murante, Chairperson

Banking, Commerce and Insurance

Room 1507

Monday, February 2, 2015 1:30 p.m.

LB286
LB352
LB252
LB226

Tuesday, February 3, 2015 1:30 p.m.

LB464
LB180
LB298
LB458

(Signed) Jim Scheer, Chairperson

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Coash has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB83 and LB623
Schilz - LB423
Coash - LB329 and LB268
Howard - LB346
Kolterman - LB178
Baker, Craighead, Mello, Nordquist, Schnoor, Watermeier - LB190

VISITORS

Visitors to the Chamber were Senator Hadley's wife, Marilyn, from Kearney
and Randy and Betty Steufen, from Vermillion, SD.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:57 a.m., on a motion by Speaker Hadley, the Legislature adjourned
until 10:00 a.m., Monday, January 26, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
The prayer was offered by Pastor Russ Foust, Grace United Methodist Church, Kennard.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Bolz, B. Harr, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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Rehmeier, Randall L. - Board of Parole - Judiciary

(Signed) Bob Krist, Chairperson
Executive Board
NOTICE OF COMMITTEE HEARING(S)
Urban Affairs
Room 1510

Tuesday, February 3, 2015 1:30 p.m.
LB295
LB304
LB266

Tuesday, February 10, 2015 1:30 p.m.
LB197
LB300
LB324
LB420

Tuesday, February 17, 2015 1:30 p.m.
LB455
LB378
LB540

Tuesday, February 24, 2015 1:30 p.m.
LB596
LB238
LB445

(Signed) Sue Crawford, Chairperson

MOTION - Print in Journal

Senator Scheer filed the following motion to LB50:
MO5
Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 91. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 41. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 42. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Committee AM12, found on page 238, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Committee AM6, found on page 239, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 38. Introduced by Seiler, 33; Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Schumacher, 22.

PURPOSE: The purpose of this resolution is to examine the statutes governing prisons and parole to ensure that the Board of Parole is independent from the Department of Correctional Services. Such a review was recommended by the Department of Correctional Services Special Investigative Committee of the Legislature in its report released on December 15, 2014. This study shall include, but not be limited to, the following issues:

1. Harmonizing and potentially amending certain statutes to ensure clarity and consistency of definitions and procedures; and
2. Recommending consolidation and reorganization of statutory provisions concerning jail, prison, probation, parole, and other aspects of the criminal justice system to the Revisor of Statutes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.
LEGISLATIVE RESOLUTION 39. Introduced by Seiler, 33; Bolz, 29; Chambers, 11; Krist, 10; Mello, 5; Schumacher, 22.

PURPOSE: The purpose of this resolution is to examine the Nebraska Mental Health Commitment Act, the Sex Offender Commitment Act, and the Nebraska Treatment and Corrections Act in order to ensure that the evaluation procedures regarding potentially mentally ill and dangerous inmates and potentially dangerous sex offenders are clear and consistent. Such a review was recommended by the Legislative Performance Audit Committee in its report released on November 17, 2014, entitled "Nebraska Department of Correctional Services: Disciplinary Process, Programs, and Commitment Processes." This interim study shall include the following issues:

1. Harmonizing and potentially amending certain statutes to ensure clarity and consistency of the definitions and procedures;
2. Examining whether the Nebraska Mental Health Commitment Act would benefit from the more formal notification processes as contained in the Sex Offender Commitment Act; and
3. Potentially clarifying definitions to ensure that any differences are intentional and desired.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Monday, February 2, 2015 1:30 p.m.

LB351
LB590
LB58
LB444
LB522
Tuesday, February 3, 2015 1:30 p.m.

LB323
LB182
LB563
LB343
LB534

(Signed) Kate Sullivan, Chairperson
Agriculture
Room 1524

Tuesday, February 10, 2015 1:30 p.m.

LB176
LB175

(Signed) Jerry Johnson, Chairperson
Transportation and Telecommunications
Room 1113

Monday, February 2, 2015 1:30 p.m.

LB231
LB312
LB313

Tuesday, February 3, 2015 1:30 p.m.

LB642
LB624
LB53

(Signed) Jim Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 92. Title read. Considered.

Committee AM25, found on page 239, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 93. Title read. Considered.

Committee AM26, found on page 239, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 95. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 150. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 151. Title read. Considered.

Committee AM19, found on page 271, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 170. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 171. Title read. Considered.

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

LEGISLATIVE BILL 99. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 100. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.
LEGISLATIVE BILL 65. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File.
LEGISLATIVE BILL 6. Placed on Select File.
LEGISLATIVE BILL 7. Placed on Select File.
LEGISLATIVE BILL 8. Placed on Select File.
LEGISLATIVE BILL 9. Placed on Select File.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Business and Labor
Room 2102

Monday, February 2, 2015 1:30 p.m.

LB251
LB494
LB611
LB599

(Signed) Burke Harr, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 40. Introduced by Coash, 27; Bolz, 29; Campbell, 25; Haar, K., 21; Hansen, 26; Morfeld, 46; Pansing Brooks, 28.

WHEREAS, Russell D. Brehm was born in Lincoln, Nebraska, on May 31, 1921; and
WHEREAS, in 1952, Russell founded the Douglas Theatre Company which started with a single drive-in theater in Omaha and grew to a chain of 101 movie screens; and
WHEREAS, in 2000, Russell was honored by the National Theatre Owners Association as the Theatre Owner of the Year; and
WHEREAS, under Russell's leadership, the Douglas Theatre Company sponsored an annual Make-A-Wish Academy Awards event that consistently raised over $100,000 for the Make-A-Wish Foundation; and
WHEREAS, Russell started a relationship with Clinton Elementary School in Lincoln where he transported the entire student body to the theater for a Christmas party which included a movie, treats, and a gift for each student; and

WHEREAS, Russell was a life-long supporter and fan of the University of Nebraska, especially University of Nebraska football where he had been a season ticket holder since the early 1950's; and

WHEREAS, during Russell's lifetime, he only missed one home football game prior to the 2014 season due to being hospitalized; and

WHEREAS, Russell received the Clarence E. Swanson Memorial Award from the University of Nebraska-Lincoln Athletic Department in 2005, and the University of Nebraska Alumni Achievement Award in 1995; and

WHEREAS, Russell and his late wife, Louise, established a scholarship fund that awards scholarships for students to attend college and become teachers; and

WHEREAS, at age 24, Russell was the youngest man ever elected to the Lancaster County Board of Commissioners where he served for three terms; and

WHEREAS, Russell was a World War II veteran and a member of the American Legion; and

WHEREAS, Russell D. Brehm passed away on January 20, 2015.

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

1. That the Legislature recognizes the contributions of Russell D. Brehm and extends its sympathy to his family.

2. That a copy of this resolution be sent to the family of Russell D. Brehm.

Laid over.

LEGISLATIVE RESOLUTION 41. Introduced by Campbell, 25; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; 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; Koltermann, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; 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 clinical skill, training, educational ability, and readiness of the Nebraska Biocontainment Patient Care Unit at the University of Nebraska Medical Center (UNMC) has received national and international recognition for Nebraska as a leader in the fight against Ebola; and

WHEREAS, the United States Department of State, United States Centers for Disease Control and Prevention, United States Department of Defense, and United States Department of Health and Human Services have
identified the Nebraska Biocontainment Patient Care Unit as one of the premier facilities for treating Ebola patients; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit has been called a national asset by the United States Department of State for its readiness and expertise to treat Ebola patients; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit has responded to hundreds of requests from hospitals across the nation seeking consultations, second opinions, and requests for assistance to train their staffs to help them better prepare to deal with Ebola and other highly infectious diseases; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit is recognized across the nation as the "gold standard" in treating Ebola and in training staff to respond to highly infectious diseases in the United States and around the world; and

WHEREAS, UNMC had the vision and expertise to create the Nebraska Biocontainment Patient Care Unit in 2005 to protect and serve the state and nation against the threat of highly infectious diseases; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit's dedicated and expert staff of nurses, lab workers, respiratory therapists, pharmacists, care technicians, and physicians selflessly treat patients who have contracted a highly infectious disease to restore their health; and

WHEREAS, the members of the Nebraska Ebola Team were named 2014 Midlanders of the Year by the Omaha World-Herald for their dedication and contributions in the nation's fight against Ebola; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit is the largest unit of its kind in the nation and has worked closely with global, federal, state, and local agencies and organizations to deliver care and protect our country; and

WHEREAS, as hospitals across the nation asked the Nebraska Biocontainment Patient Care Unit to help them prepare to defend against Ebola, the unit immediately released all its treatment protocols and training materials in a timely and effective manner; and

WHEREAS, to help meet the crisis demand for highly infectious disease protocol procedures, the Nebraska Biocontainment Patient Care Unit collaborated with Apple, Inc. to develop and distribute protocols and other state-of-the-art training materials through Apple iTunes for professionals, facilities, and the public; and

WHEREAS, since the Ebola crisis began to affect United States communities in the summer of 2014, more than 40 civilian and military hospital teams from across the nation have sought and received specialized intense training from UNMC in highly infectious disease protocols to better prepare and protect their communities; and

WHEREAS, the Nebraska Biocontainment Patient Care Unit is a Nebraska asset and a national leader in global preparedness and readiness to respond to highly infectious disease threats.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the Nebraska Biocontainment Patient Care Unit for its service to our state, nation, and world.
2. That the Legislature urges the Nebraska congressional delegation to work with federal agencies to support efforts in Congress to establish a national training center in highly infectious diseases at the University of Nebraska Medical Center.
3. That a copy of this resolution be sent to the University of Nebraska Board of Regents, the University of Nebraska Medical Center, and Nebraska Medicine.

Laid over.

LEGISLATIVE RESOLUTION 42. Introduced by Friesen, 34.

WHEREAS, the Central City Care Center in Central City provides Nebraskans with professional and compassionate care and support which is invaluable to our state; and
WHEREAS, the Central City Care Center recently received a deficiency-free survey from the Department of Health and Human Services for its nursing facility; and
WHEREAS, in unannounced onsite inspections, the Central City Care Center was in full compliance in the areas of operational care, treatment, and physical plant standards; and
WHEREAS, the Central City Care Center's deficiency-free survey illustrates the staff's commitment to high quality of care for their residents.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Central City Care Center on receiving a deficiency-free survey from the Department of Health and Human Services.
2. That a copy of this resolution be sent to the Central City Care Center and its administrator, Katherine Klingsporn.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)
Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Ebke, Groene, Kintner, Schnoor - LB31
Coash - LB62 and LB64
Crawford - LB484
Davis, Krist, McCoy, Morfeld, Schumacher - LB31
Davis, Scheer, Smith - LB190
Koltermann - LB364
Watermeier - LB187
VISITORS

Visitors to the Chamber were 6 seventh and eighth-grade students and teacher from Papillion; 70 members of A.B.A.T.E. of Nebraska from across the state; and 27 Career Student Organization State Officers of FCCLA, FBLA, HOSA, SkillsUSA, FFA, and FEA, from across the state.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Bolz, the Legislature adjourned until 10:00 a.m., Tuesday, January 27, 2015.

Patrick J. O'Donnell
 Clerk of the Legislature
FOURTEENTH DAY - JANUARY 27, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 27, 2015

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Campbell who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 88. Placed on General File.

(Signed) Les Seiler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 159. Placed on General File.
LEGISLATIVE BILL 247. Placed on General File.
LEGISLATIVE BILL 279. Placed on General File.

(Signed) Jim Scheer, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 220. Placed on General File.
The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Rhonda K. Lahm, Director - Department of Motor Vehicles

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

(Signed) Jim Smith, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, February 4, 2015 1:30 p.m.

LB20
LB62
LB64
LB255
LB614
LB454

Thursday, February 5, 2015 1:30 p.m.

LB69
LB156
LB228
LB246

Friday, February 6, 2015 1:30 p.m.

LB153
LB191
LB249
LB278

Wednesday, February 11, 2015 1:30 p.m.

LB321
LB322
LB331
LB372
Thursday, February 12, 2015 1:30 p.m.
LB210
LB277
LB345
LB615

Wednesday, February 18, 2015 1:30 p.m.
LB419
LB280
LB357

Thursday, February 19, 2015 1:30 p.m.
LB230
LB293
LB350
LB384

Friday, February 20, 2015 1:30 p.m.
LB200
LB256
LB284
LB285

Wednesday, February 25, 2015 1:30 p.m.
LB396
LB423
LB408
LB510
LB538

Thursday, February 26, 2015 1:30 p.m.
LB325
LB356
LB361
LB521
LB523

Friday, February 27, 2015 1:30 p.m.
LB386
LB391
LB428
LB453
Wednesday, March 4, 2015 1:30 p.m.

LB470
LB495
LB559
LB608

Thursday, March 5, 2015 1:30 p.m.

LB398
LB414
LB424
LB476

Friday, March 6, 2015 1:30 p.m.

LB438
LB542
LB610
LB653

Wednesday, March 11, 2015 1:30 p.m.

LB645
LB573
LB591

Thursday, March 12, 2015 1:30 p.m.

LB574
LB466
LB550

Wednesday, March 18, 2015 1:30 p.m.

LB26
LB587
LB613

(Signed) Mike Gloor, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, February 4, 2015 12:00 p.m.

John Dinkel - Nebraska Investment Council

LB594
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 91. Placed on Select File.

LEGISLATIVE BILL 41. Placed on Select File with amendment.
ER2
1 1. On page 1, line 2, strike "redefine" and insert "change the size
2 of a"; and in line 3 strike "the".

LEGISLATIVE BILL 42. Placed on Select File.

LEGISLATIVE BILL 126. Placed on Select File with amendment.
ER1
1 1. On page 1, line 2, after the semicolon insert "to change the
2 applicability of certain county retirement provisions;"; and in line 3
3 after the semicolon insert "to provide for an irrevocable election
4 regarding future contributions;".

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR41 was referred to the Reference
Committee.

MOTION - Withdraw LB50

Senator Scheer offered his motion, MO5, found on page 300, to withdraw
LB50.

The Scheer motion to withdraw the bill prevailed with 38 ayes, 0 nays, 10
present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 177. Title read. Considered.

Senator Smith offered the following amendment:
FA1
On page 2, lines 14 and 15, strike "public power district" and insert "public-
owned electric utility".

Senator Smith withdrew his amendment.
Senator Smith offered the following amendment:
FA2
On page 2, strike lines 13-16, and insert, "No person who is a full-time or part-time employee of the district shall be eligible to serve as a member of the Board of Directors and no employed officer of a publicly-owned electric utility may serve as a member of the Board of Directors of any publicly-owned electric utility."

Senator Pansing Brooks offered the following amendment to the Smith amendment:
FA3
Amend FA2
On line 3, after "Directors" insert "of that district"

The Pansing Brooks amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The Smith amendment, as amended, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 8 nays, 4 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 2.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 3.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 4.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 5.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 6.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 7.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 8.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 9.** Advanced to Enrollment and Review for Engrossment.
COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 112. Indefinitely postponed.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 4, 2015 1:30 p.m.

LB10
LB205
LB224

Thursday, February 5, 2015 1:30 p.m.

LB319
LB514
LB575
LB578

Friday, February 6, 2015 1:30 p.m.

LB552
LB503
LB539
LB621

(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Wednesday, February 4, 2015 1:30 p.m.

LB328
LB585

(Signed) Ken Schilz, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 43. Introduced by Craighead, 6.

WHEREAS, Westside High School received a 2014 NebraskARTS Award presented by Nebraskans for the Arts; and
WHEREAS, Nebraskans for the Arts annually recognizes select schools that make a notable and worthwhile contribution to the arts and arts education in the state of Nebraska; and
WHEREAS, the award event was held in the State Capitol rotunda on October 14, 2014, and included student artwork displays and performances from the honored schools; and
WHEREAS, Westside High School's performing arts department is a wonderful example of successful collaboration between directors, actors, musicians, and crew members; and
WHEREAS, Westside High School's visual arts department is a leader in developing and promoting self-expression while expanding students' aesthetic and intellectual abilities through the creation of art; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Westside High School for receiving a 2014 NebraskARTS Award.
2. That a copy of this resolution be sent to Westside High School.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB118:
AM77
(Amendments to Standing Committee amendments, AM74)
1 1. On page 1, line 13, after the period insert "Public accommodations, research institutions, tobacco retail outlets, and cigar shops provide revenue for the state and local governments and provide employment opportunities for the public.

Senator Larson filed the following amendment to LB118:
AM76
1 1. Strike section 8.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LR41 Health and Human Services
UNANIMOUS CONSENT - Add Cointroducer(s)

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

McCoy - LB652
Hughes - LB31
Morfeld - LB110
Davis - LB439
Crawford, Garrett, Kintner - LB20
Garrett, Kintner, Krist - LB267
Crawford, Kintner, Krist - LB454
Crawford, Krist - LB614
Hilkemann, Kuehn - LB190
McCoy - LB187
Kintner - LB29 and LB30

VISITORS

Visitors to the Chamber were 5 producers with the Nebraska Cattlemen.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Wednesday, January 28, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FIFTEENTH DAY - JANUARY 28, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 28, 2015

PRAYER

The prayer was offered by Senator Riepe.

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 McCoy who was excused; and Senators B. Harr, Larson, Mello, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 157. Placed on General File.

(Signed) Jim Scheer, Chairperson

Urban Affairs

LEGISLATIVE BILL 149. Placed on General File.
LEGISLATIVE BILL 168. Placed on General File.

(Signed) Sue Crawford, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 40. Placed on General File.

(Signed) Jeremy Nordquist, Chairperson
MOTION(S) - Confirmation Report(s)

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 312:

Department of Motor Vehicles
Rhonda K. Lahm, Director

Voting in the affirmative, 38:

Baker Craighead Hansen Kuehn Schumacher
Bloomfield Crawford Hilkemann Lindstrom Seiler
Bolz Ebke Howard McCollister Smith
Brasch Friesen Hughes Murante Stinner
Campbell Garrett Johnson Nordquist Sullivan
Chambers Groene Kintner Riepe Williams
Coash Haar, K. Kolterman Schilz
Cook Hadley Krist Schnoor

Voting in the negative, 0.

Present and not voting, 4:

Davis Gloor Kolowski Scheer

Excused and not voting, 7:

Harr, B. McCoy Morfeld Watermeier
Larson Mello Pansing Brooks

The appointment was confirmed with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 88. Title read. Considered.

Senator Chambers offered the following motion:
MO6 Indefinitely postpone.

SENATOR GLOOR PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.
Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 5:

Bloomfield  Ebke  Murante  Schnoor  Schumacher

Voting in the negative, 38:

Baker  Friesen  Hilkenmann  Larson  Schilz
Bolz  Garrett  Howard  Lindstrom  Seiler
Campbell  Gloor  Hughes  McCollister  Stinner
Coash  Groene  Johnson  Mofeld  Sullivan
Cook  Haar, K.  Kintner  Nordquist  Watermeier
Craighed  Hadley  Kolowski  Pansing  Brooks  Williams
Crawford  Hansen  Kolterman  Riepe
Davis  Harr, B.  Kuehn  Scheer

Present and not voting, 4:

Brasch  Chambers  Krist  Smith

Excused and not voting, 2:

McCoy  Mello

The Chambers motion to indefinitely postpone failed with 5 ayes, 38 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**

**Judiciary**

**LEGISLATIVE BILL 43.** Placed on General File with amendment.

AM72

1 1. On page 2, line 10, after "guardian" insert "or a standby guardian".
2 2. On page 3, line 12, after the first "guardian" insert "and upon compliance with any rules promulgated by the Supreme Court"; in line 17 after "notification" insert "and upon compliance with any rules promulgated by the Supreme Court"; in line 18 after the second "guardianship" insert "appointment" and after the period insert "A standby guardian shall complete the training required by section 30-2601.01 at the time or times required by rules promulgated by the Supreme Court or as otherwise provided by order of the county court";
3 3. and after line 18 insert the following new subsection:
(f) The Public Guardian shall not be appointed as a standby
guardian.
3. On page 5, line 24, after the first "ward" insert ", any current,
suspended, or former conservator or guardian of the ward, ".

LEGISLATIVE BILL 190. Placed on General File with amendment. AM48
1. On page 3, line 18, after the semicolon insert "and"; strike
2 lines 19 and 20 and show the old matter as stricken; and in line 21
3 strike "(11)"; show as stricken, and insert "(10)".

LEGISLATIVE BILL 219. Placed on General File with amendment. AM43
1. On page 2, line 4, strike "eighteen" and insert "nineteen".
2. On page 16, lines 2 and 3, strike "the Uniform Deployed Parents
Custody and Visitation Act and"; and in line 3 after "43-2923" insert "or
the Uniform Deployed Parents Custody and Visitation Act if such act
applies".
6. On page 20, lines 10 and 11, strike "the Uniform Deployed Parents
Custody and Visitation Act and"; and in line 11 before "and" insert "or
the Uniform Deployed Parents Custody and Visitation Act if such act
applies".

(Signed) Les Seiler, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510

Wednesday, February 4, 2015 1:30 p.m.
LB366
LB355
LB346

Thursday, February 5, 2015 1:30 p.m.
LB320
LB405
LB440

Friday, February 6, 2015 1:30 p.m.
LB543
LB89
LB147
Wednesday, February 11, 2015 1:30 p.m.
LB471
LB452
LB567

Thursday, February 12, 2015 1:30 p.m.
LB80
LB315

Wednesday, February 18, 2015 1:30 p.m.
LB490
LB335
LB607

Thursday, February 19, 2015 1:30 p.m.
LB243
LB441
LB199
LB296

Friday, February 20, 2015 1:30 p.m.
LB196
LB549

(Signed) Kathy Campbell, Chairperson
Judiciary
Room 1113

Wednesday, February 4, 2015 1:30 p.m.
LB663
LB602
LB648
LB647
LB586

(Signed) Les Seiler, Chairperson
AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB168:
AM51
1 1. On page 7, line 22; and page 9, line 15, after "based" insert "primarily".

Senator Crawford filed the following amendment to LB151:
AM85
1 1. On page 3, line 27, after "owner" insert "of the trust property".

Senator Larson filed the following amendment to LB118:
AM98
(Amendments to Standing Committee amendments, AM97)
1 1. On page 1, line 13, after the period insert "Public accommodations, research institutions, tobacco retail outlets, and cigar shops provide revenue for the state and local governments and provide employment opportunities for the public.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 44. Introduced by Kolterman, 24.

WHEREAS, York Public Schools received a 2014 NebraskARTS Award presented by Nebraskans for the Arts; and
WHEREAS, Nebraskans for the Arts annually recognizes select schools that make a notable and worthwhile contribution to the arts and arts education in the state of Nebraska; and
WHEREAS, the award event was held in the State Capitol rotunda on October 14, 2014, and included student artwork displays and performances from the honored schools; and
WHEREAS, York Public Schools demonstrates a high education standard and enriches the lives of its students through the arts; and
WHEREAS, York Public Schools offers over 40 opportunities for students to take part in fine art activities; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates York Public Schools for receiving a
2014 NebraskARTS Award.
2. That a copy of this resolution be sent to York Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 45. Introduced by Craighead, 6.

WHEREAS, Michael B. Yanney has been selected as a 2015 winner of the
Excellence in Mentoring Award given by MENTOR: The National
Mentoring Partnership; and
WHEREAS, Michael was one of the primary advocates for launching the
Midlands Mentoring Partnership, an organization that seeks to increase the
number and quality of mentoring programs available for youth in Omaha; and
WHEREAS, Michael and his wife, Dr. Gail Walling Yanney, founded
Partnership 4 Kids, an after-school mentoring program currently serving
over 5,000 youths in Omaha; and
WHEREAS, Michael was presented with the award by United States
Senator Ben Sasse at a special dinner at the Library of Congress.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates Michael B. Yanney for winning the
Excellence in Mentoring Award.
2. That a copy of this resolution be sent to Michael B. Yanney.

Laid over.

MOTION - Print in Journal

Senator Baker filed the following motion to LB432:
MO7
Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Chambers offered the following
motion:
MO8
Reconsider the vote to indefinitely postpone.

SENATOR COASH PRESIDING
Senator Chambers requested a roll call vote on his motion to reconsider.

The Chambers motion to reconsider failed with 2 ayes, 33 nays, 11 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO9
Bracket until February 13, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 23 not voting.

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

Voting in the affirmative, 2:
Murante Schumacher

Voting in the negative, 37:

Baker Friesen Hilkemann Larson Schilz
Bolz Garrett Howard Lindstrom Stinner
Campbell Gloor Hughes McCollister Sullivan
Coash Groene Johnson Morfeld Watermeier
Cook Haar, K. Kintner Nordquist Williams
Craighead Hadley Koltermann Pansing Brooks
Crawford Hansen Krist Riepe
Ebke Harr, B. Kuehn Scheer

Present and not voting, 5:
Bloomfield Brasch Chambers Davis Smith

Excused and not voting, 5:
Kolowski McCoy Mello Schnoor Seiler

The Chambers motion to bracket failed with 2 ayes, 37 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO10
Reconsider the vote to bracket until February 13, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.
Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 5:

Bloomfield    Chambers    Davis    Ebke    Murante

Voting in the negative, 34:

Baker    Friesen    Harr, B.    Krist    Riepe
Bolz    Garrett    Hilkemann    Kuehn    Schumacher
Campbell    Gloor    Howard    Lindstrom    Stinner
Coash    Groene    Hughes    McCollister    Sullivan
Cook    Haar, K.    Johnson    Morfeld    Watermeier
Craighead    Hadley    Kintner    Nordquist    Williams
Crawford    Hansen    Kolterman    Pansing Brooks

Present and not voting, 2:

Brasch    Smith

Excused and not voting, 8:

Kolowski    McCoy    Scheer    Schnoor
Larson    Mello    Schilz    Seiler

The Chambers motion to reconsider failed with 5 ayes, 34 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Education

The Education 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.

John Bernthal - Coordinating Commission for Postsecondary Education


LEGISLATIVE BILL 18. Placed on General File.

LEGISLATIVE BILL 109. Placed on General File with amendment.

AM66

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 85-502.01, Reissue Revised Statutes of Nebraska, 3 is amended to read:
4 85-502.01 (1) A person who enrolls in a public college or university in this state and who is either a veteran as defined in Title 38 of the 5 United States Code section 80-401.01 and was discharged or released from 6 a period of not fewer than ninety days of service in the active military, 7 naval, or air service less than three years before the date of initial 8 enrollment, a spouse or dependent of such a veteran, has been off active 9 duty for two years or less or an eligible recipient entitled to 10 educational assistance of such a veteran as provided in 38 U.S.C. 3311(b) 11 (9) or 38 U.S.C. 3319, as such sections existed on January 1, 2015, who 12 is a spouse or dependent of such a veteran who enrolls in a public 13 college or university in this state shall be considered a resident 14 student notwithstanding the provisions of section 85-502 if the person is 15 (a) registered to vote in Nebraska and (b) demonstrates objective 16 evidence of intent to be a resident of Nebraska.
17 (2) A person who is an eligible individual under 38 U.S.C. 3679(c) 18 (2), as such section existed on January 1, 2015, or who is a spouse or 19 dependent of such a veteran under and who is younger than eighteen years 20 of age is not required to comply with subdivision (1)(a) of this section 21 until he or she attains eighteen years of age.
22 (3) This section does not apply to a veteran who qualifies for 23 benefits pursuant to 38 U.S.C. 3317, as such section existed on January 24 1, 2014. This subsection does not affect the applicability of this 25 section with respect to the spouse or dependent of such a veteran.
26 (4) For purposes of this section, objective evidence of intent to 27 be a resident of Nebraska includes either a Nebraska driver's license or 1 state identification card or a Nebraska motor vehicle registration.

(Signed) Kate Sullivan, Chairperson
Banking, Commerce and Insurance

LEGISLATIVE BILL 198. Placed on General File.
(Signed) Jim Scheer, Chairperson
General Affairs

LEGISLATIVE BILL 118. Placed on General File with amendment.
AM97
1 1. Insert the following new sections:
2 Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is 3 amended to read:
4 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to 5 protect the public health and welfare by prohibiting smoking in public 6 places and places of employment with limited exceptions for public 7 accommodations, research, tobacco retail outlets, and cigar shops. The 8 limited exceptions permit smoking in public places where the public would
reasonably expect to find persons smoking, including guestrooms which are
subject to expectations of privacy like private residences, institutions
engaged in research related to smoking, and tobacco retail outlets and
cigar shops which provide the public legal retail outlets to sample, use,
and purchase tobacco products and products related to smoking. The act
shall not be construed to prohibit or otherwise restrict smoking in
outdoor areas. The act shall not be construed to permit smoking where it
is prohibited or otherwise restricted by other applicable law, ordinance,
or resolution. The act shall be liberally construed to further its
purpose.
Sec. 7. If any section in this act or any part of any section is
declared invalid or unconstitutional, the declaration shall not affect
the validity or constitutionality of the remaining portions.
2. On page 3, line 2, strike "in triplicate original" and show as
stricken; and in line 30 after the period insert "The rules and
regulations existing on August 1, 2014, applicable to cigar bars shall
apply to cigar shops until amended or repealed by the commission."
3. On page 4, after line 30; and page 6, after line 7, insert the
following new subsection:
"(3)(a) The Legislature finds that allowing smoking in tobacco
retail outlets as a limited exception to the Nebraska Clean Indoor Air
Act does not interfere with the original intent that the general public
and employees not be unwillingly subjected to second-hand smoke since
employees have ample other opportunities for similar employment at other
establishments and the general public would not frequent those
establishments and should reasonably expect that there would be second-
hand smoke in a tobacco retail outlet and could choose to avoid such
exposure.
(b) It is the intent of the Legislature to allow smoking in tobacco
retail outlets that meet specific statutory criteria. This exception to
the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with
the intent of the act to protect public places and places of
employment."
4. Renumber the remaining sections and correct the repealer
accordingly.

(Signed) Tyson Larson, Chairperson
Banking, Commerce and Insurance

LEGISLATIVE BILL 269. Placed on General File with amendment.
AM68
1. On page 2, reinstate the stricken matter beginning with "A" in
line 10 through "director" in line 12 and after the reinstated matter
insert "and maintained and updated at least annually on the board's web
site in a printable format."

(Signed) Jim Scheer, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Thursday, February 5, 2015 1:30 p.m.

LB104
LB337
LB469

Friday, February 6, 2015 1:30 p.m.

Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission
LB203

(Signed) Ken Schilz, Chairperson

Judiciary
Room 1113

Thursday, February 5, 2015 1:30 p.m.

Randall L. Rehmeier - Board of Parole
LB651
LB504
LB505
LB630

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

The Banking, Commerce and Insurance 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.

Bruce Ramge, Director - Department of Insurance

The Banking, Commerce and Insurance 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.

Mark Quandahl, Director - Department of Banking and Finance


(Signed) Jim Scheer, Chairperson

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB88:

FA4
After the period in line 15 page 2 insert the following sentence: "In the case where either of the persons applying for the issuance of a marriage license has minor children the fifty dollar fee shall be waived."

Senator Kintner filed the following amendment to LB88:

AM110
1 1. On page 2, line 13, strike beginning with "of" though "dollars"
2 and show the old matter as stricken; on line 15 after the period insert "
3 Such fee shall be set by each county board in an amount ranging between
4 thirty and fifty dollars."

Senator Larson filed the following amendment to LB111:

AM107
1 1. Strike section 15.

Senator Larson filed the following amendment to LB619:

AM102
1 1. Strike section 9.

Senator Larson filed the following amendment to LB330:

AM101
1 1. Strike section 18.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis, Hughes, Murante, Scheer, Stinner, Williams - LB187
Schilz - LB187
Bloomfield, Davis, Friesen, Groene, Johnson, Kolterman - LR23
Baker, Hil kemann, Hughes, Kuehn, McCoy, Williams - LR23
Craighead, Ebke, Lindstrom, Mc Collister, Schnoor, Stinner - LR23
Visitors to the Chamber were 25 students and teacher from Little Priest Tribal College, Winnebago.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature
SIXTEENTH DAY - JANUARY 29, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 29, 2015

PRAYER

The prayer was offered by Bishop Brian Maas, Nebraska Synod - Evangelical Lutheran Church in America, Omaha.

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 Senator McCoy who was excused; and Senators Hansen, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

MESSAGE FROM THE GOVERNOR

January 28, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Department of Correctional Services:

Scott R. Frakes, P.O. Box 94661, Lincoln, NE 68509

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

(Signed) Pete Ricketts
Governor

Enclosure

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 24, 25, 27, 28, 29, and 30 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 24, 25, 27, 28, 29, and 30.

MOTION - Withdraw LB432

Senator Baker offered his motion, MO7, found on page 327, to withdraw LB432.

The Baker motion to withdraw the bill prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Chambers offered the following motion: MO11
Recommit to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

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

Voting in the affirmative, 5:

Bloomfield  Brasch  Davis  Ebke  Murante

Voting in the negative, 39:

Baker  Garret  Howard  Lindstrom  Schilz
Bolz  Gloor  Hughes  McCollister  Schnoor
Campbell  Groene  Johnson  Mello  Schumacher
Coash  Haar, K.  Kintner  Morfeld  Seiler
Cook  Hadley  Kolowski  Nordquist  Stinner
Craighead  Hansen  Krist  Pansing Brooks  Sullivan
Crawford  Harr, B.  Kuehn  Riepe  Williams
Friesen  Hilkemann  Larson  Seheer
Present and not voting, 2:

Chambers  Smith

Excused and not voting, 3:

Kolterman  McCoy  Watermeier

The Chambers motion to recommit to committee failed with 5 ayes, 39 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 46. Introduced by Coash, 27.

WHEREAS, John G. Boosalis, a gunner in the United States Navy during World War II, along with a pilot and a radioman, crashed into the Pacific Ocean on February 27, 1943 when their airplane engine failed; and

WHEREAS, upon crashing into the ocean, John and the other two crew members launched a rubber life raft and were able to take a small number of sundry articles before their plane sank; and

WHEREAS, John spent two days and two nights in the life raft rowing toward an island approximately 25 miles in the distance; and

WHEREAS, during these two days and two nights in the life raft, John endured sunburn, lack of water, long hours of rowing, and badly blistered hands; and

WHEREAS, on the third day, John and his crew landed on Erromango Island where they were able to find stagnant water to drink and fruit and crab to eat; and

WHEREAS, while on the island, John and his crew befriended several people living on the island who were able to provide them with additional food and water; and

WHEREAS, while on the island, John suffered swollen and blistered feet, endured festered sores on his body, and contracted malaria and was ill for several days; and

WHEREAS, a rancher from Australia who lived on the other end of the island was able to radio naval headquarters about the location of John and the two other crew members; and

WHEREAS, after spending nearly a month on Erromango Island, John was returned to his Navy squadron.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes and thanks John G. Boosalis for his service and sacrifice while serving in the United States Navy during World War II.
2. That a copy of this resolution be sent to John G. Boosalis.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications

Room 1113

Monday, February 9, 2015 1:30 p.m.
LB474
LB597
LB31

Tuesday, February 10, 2015 1:30 p.m.
LB498
LB570
LB641

(Signed) Jim Smith, Chairperson
Executive Board
Room 2102

Friday, February 6, 2015 12:00 p.m.
LR32
LR33
LR34

(Signed) Bob Krist, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 94. Placed on General File.
LEGISLATIVE BILL 122. Placed on General File.

(Signed) Jim Smith, Chairperson
Revenue

LEGISLATIVE BILL 52. Placed on General File.

LEGISLATIVE BILL 260. Placed on General File.

LEGISLATIVE BILL 261. Placed on General File with amendment. AM44
1 1. Strike sections 5 and 18.
2 2. Renumber the remaining sections and correct internal references accordingly.

(Signed) Mike Gloor, Chairperson

Business and Labor

LEGISLATIVE BILL 271. Placed on General File with amendment. AM27 is available in the Bill Room.

The Business and Labor 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.

John Albin, Commissioner - Department of Labor


(Signed) Burke Harr, Chairperson

Revenue

The Revenue 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.

Ruth A. Sorensen, Property Tax Administrator - Department of Revenue


(Signed) Mike Gloor, Chairperson

SPEAKER HADLEY PRESIDING
MOTION - Escort Chief Justice

Senator Howard moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Coash, Ebke, Howard, Schumacher, and Seiler to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, and fellow Justices of the Nebraska Supreme Court. I would like to thank the members of this legislative body, and specifically thank Speaker Galen Hadley, for inviting me to address you this morning.

It is an honor for me to report on the accomplishments of the judicial branch during the past year and to discuss the future of the courts. First, let me introduce my fellow Justices.

To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice Lindsey Miller-Lerman of Omaha.

To my immediate left is Kenneth Stephan of Lincoln. And to Justice Stephan’s left is Justice William Cassel of O’Neill.

Justice William Connolly of Hastings and Justice Michael McCormack of Omaha are unable to be with us.

Today I will speak to you about change in the Judicial Branch’s service to children in the courts; sentencing alternatives; guardianships; and access to justice across Nebraska.

Service to Young People

Throughout the nation states are reforming their juvenile justice systems. Here in Nebraska, young people who are charged in juvenile court with breaking the law and status offenses are the focus of our juvenile justice system.

With the passage of LB 561 in 2013, and in line with those national reform efforts, the Legislature transferred to the Office of Probation Administration, a division of the Nebraska court system, the responsibility for supervision of most of these juvenile law violators. Previously, these juveniles were under the supervision of the Department of Health and Human Services and were frequently made wards of the State in order to gain access to rehabilitative services.

This shift of direction is based on these fundamental principles: 1) fewer young people should be made wards of the state, be incarcerated, or placed in group homes; 2) more youth should be provided with treatment in their homes and local communities; 3) parents and guardians should always be involved in their children’s rehabilitation; and 4) local community providers
of mental health, substance abuse, and other services should be utilized whenever possible.

In Nebraska, approximately 1,000 fewer juveniles are state wards today than in 2012, and the number of service providers around the state has increased over 45%. I note several projects deserving special recognition.

The first of those projects is the “crossover” program in Douglas County, which successfully redirected approximately 170 children from the juvenile justice system last year. The crossover program identifies children who fall under the umbrella of both the child welfare and juvenile justice systems.

Rather than having a child simultaneously go through two systems, the crossover program provides a way to address the needs of both the child and the systems together. This enables us to focus on the rehabilitation of children and their families without redundant hearings and duplicative supervision.

In the past year Gage, Lancaster, and Dodge Counties initiated similar crossover programs. Sarpy County will do so this year. Probation supports the efforts of each of these counties and, as prescribed by last year’s LB 464, will provide leadership and technical assistance to crossover projects in other counties in the state.

In another promising program, Senator Bob Krist and State Court Administrator Corey Steel are part of a committee working with the National Juvenile Detention Alternative Initiative, known as JDAI. That committee is examining statewide juvenile detention practices in order to ensure that only those young people who pose a true community safety risk are incarcerated.

This national initiative seeks to provide alternatives to detention so that a juvenile’s delinquent behavior can more appropriately be addressed. The pilot sites in Douglas and Sarpy Counties have had great success in reducing the number of juveniles in detention.

When Douglas County began JDAI in 2011, its detention center averaged nearly 200 juveniles daily. But through the efforts of JDAI, the daily average has been reduced by approximately 50%. Likewise, Sarpy County’s staff-secure facility had previously housed between 20-25 juveniles per day, but now also averages half that number. This was accomplished by county, state, and private partnerships as well as the Legislature’s leadership and commitment to providing funding for counties to develop detention alternatives.

Similarly, in 2011 nearly 450 boys were admitted to the Youth Rehabilitation and Treatment Center at Kearney; in 2014, that number was approximately 175. In 2011, 140 girls were admitted to YRTC at Geneva; in 2014, that number was approximately 50. This significant reduction is a direct result of the efforts of our juvenile courts and probation staff, providing intervention and treatment services closer to home for young people and their families.

However, many challenges remain. Specifically, probation’s limited ability to access Federal programs such as Medicaid and Title IV-E Reimbursements promotes over-reliance on the state’s general fund rather than maximizing Federal dollars already available to Nebraska. Also, foster care, especially in greater Nebraska, is badly needed. The judiciary and the
probation system support state planning efforts and legislation to rectify both of these issues.

Sentencing Alternatives

The courts and probation are also involved in adult criminal justice reform. This past year the Judicial Branch, in cooperation with the Legislative and Executive Branches and other state institutions, participated in the Council of State Government’s Justice Reinvestment Working Group (CSG).

CSG’s comprehensive analysis of Nebraska’s adult criminal justice system offers new strategies and policy reforms intended to improve the state’s delivery of justice services. Particularly worth mentioning is CSG’s finding that people sentenced to probation have lower recidivism rates than people sentenced to prison for similar offenses. CSG also emphasized the value of increasing the use of sentencing alternatives.

Today I will speak about two effective sentencing alternatives available in our courts. Because 80% or more of the individuals involved in the justice system struggle with alcohol or drug abuse, both of these sentencing alternatives target adult offenders whose criminality often correlates to their use of alcohol and drugs.

The first sentencing alternative is problem-solving courts. This is one of the most successful and cost-effective responses to the problem of addiction and associated crime, both nationally and in Nebraska. The second alternative is the Specialized Substance Abuse Supervision program, otherwise known as SSAS. However, as mentioned in the CSG report, while both SSAS and the problem-solving courts are showing positive outcomes, they are not available in all areas of the state.

First, I will address problem-solving courts. Nebraska currently has 16 problem-solving courts including drug, young adult, and DUI courts that served over 1,000 people in 2014. Assuming that half of these individuals would have been sentenced to incarceration, the cost savings to taxpayers was a minimum of $15 million.

A 2012 statewide evaluation of Nebraska’s drug courts reported that 95% of those who successfully completed the program remained crime-free one year post-graduation. Drug courts emphasize education and employment. This has resulted in 95% of active participants being gainfully employed or attending school full-time.

The second alternative I mentioned is the SSAS program. SSAS provides an opportunity for otherwise prison-bound substance abusers to be intensively supervised by probation while receiving treatment.

Like problem-solving courts, SSAS has been shown to lower recidivism. Last year I reported that 91% of the individuals who were successfully discharged from SSAS in 2013 continued to remain crime-free one year later. This trend hasn’t changed. SSAS participants also have a very high rate of employment, with an average of 94% of SSAS graduates gainfully employed.

In 2014, LB 907 was enacted authorizing 16 new SSAS officers. Adding these officers has doubled the capacity of the SSAS program. It will cost just under $2.5 million to supervise individuals within SSAS this year,
which is a substantial savings when compared to the cost of incarceration.

Thank you to Senators Krist, Mello, and Cook for assisting with this legislation.

Because of LB 907, probation was not only able to expand SSAS, but was also able to open new reporting centers in Grand Island, Columbus, and Norfolk. This brought the total number of reporting centers across the state to eleven. These reporting centers, located in Sarpy, Otoe, Douglas, Lancaster, Dawson, Buffalo, Dakota, Scotts Bluff, Platte, Hall, and Madison Counties, offer over 150 rehabilitative and support services to individuals who are under supervision.

LB 907 also provided funding to begin to identify mental health issues frequently suffered by individuals involved in the criminal justice system. Previously unavailable mental health services were made accessible to probationers, problem-solving court participants, and parolees who were in need of treatment.

I would like to thank the six behavioral health regions and numerous public and private entities who have joined with probation to increase access to these behavioral health services. Of particular note are the substance abuse and mental health services now available in rural areas, thanks to video technology assistance provided by the University of Nebraska Medical Center and Boys Town which have agreed to assist us in greater Nebraska.

Whether through sentencing alternatives, specialized programs, services, or technology, the courts and probation continue to collaborate with the other two branches of government. We also work with both public and private entities to confront these criminal justice challenges as we strive to improve the lives and safety of all Nebraskans.

**Guardianship**

I will now briefly turn to legal guardianships in Nebraska. Both the Legislative and Judicial Branches took steps in 2014 to address the needs of some of Nebraska’s most vulnerable populations: incapacitated or dependent adults and children.

During the 2014 session, the Legislature approved the Public Guardianship Act. Prior to the passage of the Act, a suitable guardian was not always available when needed. The creation of the Office of Public Guardian changes that. A special thanks to Senator Coash for the sponsorship of LB 920, along with Senators Brasch, Davis, Schilz, Seiler, Watermeier, and several former senators who worked to make the Office of Public Guardian a reality.

The State Court Administrator has hired a director for the Office of Public Guardian, who is currently working to carry out the charge it was given. The work will be expedited, to the extent possible, to prepare for appointments yet this year. The office will also recruit, educate, and support current and future guardians and conservators throughout the State of Nebraska.

**Access to Justice Across Nebraska**

**Clerks**

I would like to discuss access to justice. First, I would like to recognize
our partnership with Nebraska’s county officials in exploring innovative ways to provide consistent access to all our courts.

The Judicial Branch has established a pilot program in Polk County where the county court clerk magistrate, who is a state employee, will also serve as the county’s clerk of the district court. The program’s goal is to increase efficiency by offering all court clerk services within one office.

This program was initiated by the county and is the result of cooperation between county officials, area judges, and Judicial Branch staff. The pilot project was made possible through state legislation passed several years ago, which allows county officials and the Administrative Office of the Courts to work together to provide essential court office functions.

**Centralized Case Management and E-filing**

This type of innovation is possible due to Nebraska’s statewide computerized court case management system, known as JUSTICE. We are fortunate to be one of the few states that has established a statewide system which enables us to share and analyze case information across jurisdictional boundaries and promotes consistency for attorneys and citizens who interact with the courts. Last year marked the 20th anniversary of the inception of the JUSTICE system.

One of the many benefits of a statewide case management system is the ability to provide online access to court records 24 hours a day, 7 days a week, 365 days a year. This access allows people to attend to court business on their own schedules and reduces the time it takes for court staff to process data and payments. Available online services include the ability to pay traffic tickets and court fines and conduct court case information searches. Court documents can conveniently be e-filed and viewed online instead of necessitating travel to one of Nebraska’s 93 courthouses.

An average of 16,000 payments on civil, criminal, and traffic cases totaling over $1.5 million are made online each month. And each month nearly 40,000 documents are e-filed by attorneys and litigants. This use of technology results in numerous efficiencies within the court system, reducing staff time and ultimately benefiting all Nebraska’s citizens.

**Self-Represented Litigants**

But these access success stories are counter-balanced by access challenges. A major challenge is the number of people needing or choosing to represent themselves in court. Self-represented litigants are often unfamiliar with the law and court processes and frequently find themselves at a disadvantage when navigating the court system.

The Supreme Court’s Committee on Self-Represented Litigation has spent countless hours developing forms and instructions to assist these individuals. This year the Committee was awarded a grant from the “Center on Court Access to Justice for All” to conduct a strategic planning process.

Court of Appeals’ Chief Judge Frankie Moore of North Platte has assembled a planning committee which includes all entities offering free legal assistance to low income Nebraskans and others who choose to represent themselves in court. We are very pleased to partner with Legal Aid, the Nebraska State Bar Association, Nebraska’s public libraries, and
both the University of Nebraska College of Law and Creighton Law School in addressing these issues.

Although we are making great strides, one factor contributing to the increase in self-represented litigation in many areas of Nebraska is a lack of attorneys. Last year members of this body added important language into LB 907, allowing rural attorneys in underserved communities to apply for assistance with student loan repayment. We have great hopes that this type of financial assistance will be of mutual benefit to our newly-graduated attorneys and to our rural communities. Again, I applaud the recent efforts of the Legislature in the passage of LB 907.

Language Access

In previous years I have called your attention to the increasing need for language access in our courts. The Judicial Branch continues to contend with the need for more language interpretation and translation services.

Pursuant to state statute, interpreters are used for all appropriate court proceedings in both criminal and civil cases. Interpretation is frequently necessary not only for defendants, but for victims, witnesses, parents of juveniles, and those interacting with probation.

In 2014, we supplied interpreters in 46 different languages for approximately 24,000 appointments in courtrooms and probation offices across the state. This is an increase of 20% over our 2013 numbers.

Spanish remains the language with the greatest demand for interpretation services. After Spanish, our most used languages are: Nuer, Arabic, Vietnamese, Somali, and American Sign. New to Nebraska’s courts this past year were: Bengali and Telugu, spoken in India; Kirundi a Bantu language spoken in Central and Southern Africa; and Sorani, a Kurdish dialect spoken in Iran and Iraq.

Conclusion

Last year I reported to you that Nebraska’s Judicial Branch was growing, was dynamic, and was busy. This past year, we were busier and even more dynamic. Our judges and our court and probation staff remain committed to the American values of equal protection, due process of law, and equal access to justice for all our citizens.

The Supreme Court is proud of the many accomplishments of our court family. We appreciate the support the Legislature has provided to the Judicial Branch, and we look forward to continuing to work with you, our constitutional partners, in serving Nebraska in 2015.

Again, thank you for the opportunity to speak with you today.

The committee escorted the Chief Justice from the Chamber.
NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113
Friday, February 6, 2015 1:30 p.m.

LB385
LB409
LB416
LB221

(Signed) Les Seiler, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 35. Placed on Select File with amendment.
ER3
1 1. On page 1, strike beginning with "Laws" in line 1 through "and"
2 in line 2; and strike beginning with "to" in line 4 through the semicolon
3 in line 5.

LEGISLATIVE BILL 92. Placed on Select File.

LEGISLATIVE BILL 93. Placed on Select File with amendment.
ER4
1 1. On page 1, line 5, strike "commercial fertilizer"; and in line 8
2 after the first semicolon insert "to change provisions relating to a
3 fund;".

LEGISLATIVE BILL 95. Placed on Select File.
LEGISLATIVE BILL 150. Placed on Select File.
LEGISLATIVE BILL 151. Placed on Select File.
LEGISLATIVE BILL 170. Placed on Select File.
LEGISLATIVE BILL 171. Placed on Select File.
LEGISLATIVE BILL 99. Placed on Select File.
LEGISLATIVE BILL 100. Placed on Select File.

LEGISLATIVE BILL 65. Placed on Select File with amendment.
ER5
1 1. On page 1, strike beginning with "change" in line 2 through
2 "boards" in line 3 and insert "provide powers and duties for county
3 boards upon termination of a township board".

(Signed) Matt Hansen, Chairperson
LEGISLATIVE BILL 142. Placed on General File with amendment.
AM45
1 1. Strike original sections 2 and 7 and insert the following new
2 section:
3 Sec. 2. The Aquatic Invasive Species Program is created. Funds
4 identified to support the program shall be used for aquatic invasive
5 species activities which may include monitoring and sampling waters of
6 the state for aquatic invasive species, hiring personnel, purchasing
7 equipment to inspect and decontaminate conveyances, providing additional
8 enforcement, education, and research relating to aquatic invasive
9 species, and conducting aquatic invasive species projects as needed.
10 2. On page 2, line 28, strike "vessel" and insert "motorboat".
11 3. Renumber the remaining sections accordingly.

(Signed) Ken Schilz, Chairperson

CONFlict OF INTEREsT STaTEmEnT(S)

Pursuant to Rule 1, Sec. 19, Senator Bolz has filed a Potential Conflict of
Interest Statement under the Nebraska Political Accountability and
Disclosure Act. The statement is on file in the Clerk of the Legislature's
Office.

GEnErAl FiLe

LEGISLATIVE BILL 88. Senator Chambers offered the following
motion:
MO12
Reconsider the vote to recommit to committee.

Senator Chambers moved for a call of the house. The motion prevailed with
24 ayes, 3 nays, and 22 not voting.

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

Voting in the affirmative, 7:

Bloomfield  Chambers  Ebke  Murante
Brasch  Davis  Garrett

Voting in the negative, 35:
The Chambers motion to reconsider failed with 7 ayes, 35 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

**MOTION - Adjournment**

Senator Chambers moved to adjourn until 9:00 a.m., June 30, 2015.

**SENATOR GLOOR PRESIDING**

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

The Chambers motion to adjourn failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 88.** Senator Chambers offered the following motion:

**Bracket until April 15, 2015.**

**SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 3 nays, and 30 not voting.
Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 6:

Bloomfield  Davis  Murante  
Brasch  Garrett  Schumacher  

Voting in the negative, 31:

Baker  Friesen  Hilkemann  Larson  Schnoor  
Bolz  Gloor  Howard  Lindstrom  Stinner  
Campbell  Groene  Hughes  McCollister  Sullivan  
Coash  Haar, K.  Johnson  Morfeld  
Cook  Hadley  Kintner  Pansing Brooks  
Craighead  Hansen  Kolowski  Riepe  
Crawford  Harr, B.  Kuehn  Schilz  

Present and not voting, 2:

Chambers  Smith  

Excused and not voting, 10:

Ebke  Krist  Mello  Scheer  Watermeier  
Kolterman  McCoy  Nordquist  Seiler  Williams  

The Chambers motion to bracket failed with 6 ayes, 31 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO14  Reconsider the vote to bracket.  

The Chambers motion to reconsider failed with 6 ayes, 19 nays, 8 present and not voting, and 16 excused and not voting.

Pending.

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

Senator Johnson filed the following amendment to LB92:

AM89  

1 1. Strike original section 1 and all amendments thereto and insert  
2 the following new section:  
3 Section 1. Section 2-4323, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 2-4323 (1) Every retailer licensee shall file, not later than the
last day of January and July of each year, a semiannual tonnage report on
forms provided by the department, setting forth the number of net tons of
each agricultural liming material sold in Nebraska during the preceding
six-month period, which report shall cover the periods from July 1 to
December 31 and January 1 to June 30, and such other information as the
director shall deem necessary. All persons required to be licensed
pursuant to the Agricultural Liming Materials Act shall file such report
regardless of whether any inspection fee is due. Upon filing the report,
such person shall pay the inspection fee at the rate prescribed pursuant
to this section. Within thirty days following the expiration of each
license, each retailer licensee shall submit on a form furnished and
approved by the department an annual statement setting forth, by county
name, the number of net tons of each agricultural liming material sold by
him or her for use in this state during the previous twelve-month period.
The Such statement shall be accompanied by payment of an inspection fee
shall be at the rate fixed by the director but not exceeding ten cents
per ton. The fee shall be set at an amount to cover the expenses of the
inspection provided in section 2-4325 and the costs of administering this
section. The minimum inspection fee required pursuant to this section
shall be five dollars, and no inspection fee shall be paid more than once
for any one product. In the fee shall be paid by the retailer licensee
and in the case of agricultural lime slurry, the fee shall be paid on the
base lime material only.
(2) If a person fails to report and pay the fee required by
subsection (1) of this section by January 31 and July 31, the fee shall
be considered delinquent and the person owing the fee shall pay an
additional administrative fee of twenty-five percent of the delinquent
amount for each month it remains unpaid, not to exceed one hundred
percent of the original amount due. The department may waive the
additional administrative fee based upon the existence and extent of any
mitigating circumstances that have resulted in the late payment of such
fee. The purpose of the additional administrative fee is to cover the
administrative costs associated with collecting fees, and all money
collected as an additional administrative fee shall be remitted to the
State Treasurer for credit to the Fertilizers and Soil Conditioners
Administrative Fund. Failure to make an accurate statement of tonnage or
to pay the inspection fee or comply as provided in this subsection shall
constitute sufficient cause for the cancellation of all product
registrations or licenses on file for such person.
(3) The director department shall annually make information
available in such form as he or she may deem proper concerning publish
and make available, to each agricultural liming material registrant or
licensee and to any other interested person upon his or her request, a
composite report showing the tons of agricultural liming material sold in
each county in this state. Such report shall in no way divulge the
operation of any registrant or licensee.
NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Friday, February 6, 2015 1:30 p.m.

LB253

(Signed) Les Seiler, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 17, 2015 1:30 p.m.

LB311
LB568
LB579

Monday, February 23, 2015 1:30 p.m.

LB248
LB373
LB517

Tuesday, February 24, 2015 1:30 p.m.

LB644
LB317
LB192

Monday, March 2, 2015 1:30 p.m.

LB629
LB399

Tuesday, March 3, 2015 1:30 p.m.

LB639
LB564
LB623

Monday, March 9, 2015 1:30 p.m.

LB609
LB626
Tuesday, March 10, 2015 1:30 p.m.

LB535
LB652

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 160. Placed on General File.
LEGISLATIVE BILL 241. Placed on General File.

LEGISLATIVE BILL 17. Indefinitely postponed.

(Signed) Tyson Larson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 272. Placed on General File.

LEGISLATIVE BILL 305. Placed on General File with amendment.
AM112
1 1. Insert the following new section:
2 Sec. 3. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

(Signed) John Murante, Chairperson

CONFlict OF INTEREsT STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Baker has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Kintner filed the following amendment to LB88:
AM131
1 1. On page 2, line 13, strike beginning with "of" through "dollars"
2 and show the old matter as stricken; in line 15 after the period insert "
3 Such fee shall be set by each county board in an amount up to thirty-
4 five dollars.".
UNANIMOUS CONSENT - Room Change

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 17, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

MOTION - Print in Journal

Senator Campbell filed the following motion to LB346:
MO15
Suspend the rules, Rule 3, Section 14, to permit cancellation of the hearing scheduled for February 4, 2015.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Campbell, Morfeld, Scheer, Watermeier - LR23
Coash, Hughes, Kintner - LB427
Bloomfield - LB118
Coash, Mello - LR23
Krist - LB187
Groene - LB651
Bloomfield - LB427

VISITORS

Visitors to the Chamber were 4 members of the Nebraska State Bar Association: Amie Martinez, Bob Rossiter, Liz Neeley, and Sam Clinch; and Senator Krist's wife, Peggy Krist.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Friday, January 30, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
SEVENTEENTH DAY - JANUARY 30, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 30, 2015

PRAYER

The prayer was offered by Pastor Gregg Gahan, Craig Alder Grove Parish, Craig.

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 Senator McCoy who was excused; and Senators Craighead, Kintner, Kolowski, Krist, Smith, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 1524

Tuesday, February 17, 2015 1:30 p.m.

LB377
LB360
LB389
LB359

Room 2102

Tuesday, February 24, 2015 1:30 p.m.

LB544
LB558
LB393
LEGISLATIVE BILL 177. Placed on Select File with amendment.

ER7
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 70-619, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 70-619 (1) The corporate powers of the district shall be vested in
6 and exercised by the board of directors of the district. No person shall
7 be qualified to hold office as a member of the board of directors unless
8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
9 of the subdivision from which a director is to be elected if such
10 chartered territory is subdivided for election purposes as provided in
11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
12 combined subdivisions from which directors are to be elected at large as
13 provided in section 70-612 or (b) he or she is a retail customer duly
14 certified in accordance with subsection (3) of section 70-604.03.
15 (2) No person who is a full-time or part-time employee of the
district shall be eligible to serve as a member of the board of directors
of that district and no employed officer of a publicly owned electric
utility may serve as a member of the board of directors of any publicly
owned electric utility. No person who is a full-time or part-time employee
of the district shall be eligible to serve as a member of the board of
directors unless such person (a) resigns or (b) assumes an unpaid leave
of absence for the term as a member. The employing district shall grant
such leave of absence when requested by any employee for the purpose of
the employee serving as a member of the board of directors. A No
person shall be qualified to be a member of more than one such district
board, except that a director of a rural public power district may serve
as a director of another public power district formed or organized for
the purpose of generating electric energy or transmitting electric energy
exclusively for resale to some other public power districts, rural
electric cooperatives, and membership associations or municipalities. No
member of a governing body of any one of the municipalities within the
areas of the district may not be qualified to serve on the original
board of directors under sections 70-603 to 70-609.
7 Sec. 2. Original section 70-619, Revised Statutes Cumulative
8 Supplement, 2014, is repealed.
9 2. On page 1, line 1, strike "districts".

(Signed) Matt Hansen, Chairperson
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Final Reading.
LEGISLATIVE BILL 2. Placed on Final Reading.
LEGISLATIVE BILL 3. Placed on Final Reading.
LEGISLATIVE BILL 4. Placed on Final Reading.
LEGISLATIVE BILL 5. Placed on Final Reading.
LEGISLATIVE BILL 6. Placed on Final Reading.
LEGISLATIVE BILL 7. Placed on Final Reading.
LEGISLATIVE BILL 8. Placed on Final Reading.
LEGISLATIVE BILL 9. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMUNICATION(S)

January 27, 2015

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

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

Contingent upon your approval, as per § 72-1240, the Nebraska Investment Council has appointed the following individual as the State Investment Officer for the Nebraska Investment Council:

Michael W. Walden-Newman, 1301 Lincoln Mall, #801, Lincoln, NE 68508

Governor Heineman approved his appointment on November 18, 2014. The aforementioned appointee is respectfully submitted for your consideration. Copies of the background information are included for your review.

Sincerely,

(Signed) Gail Werner-Robertson
Chairwoman

Enclosure
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 29, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bredenkamp, Troy
Nebraska Rural Electric Association

Heckman, Drew
Human Rights Campaign

Husch Blackwell LLP
Enhanced Capital

Pappas, James E.
League of Human Dignity
Planned Parenthood of the Heartland

Persad, Xavier
Human Rights Campaign

Peters, William E.
Burlington Northern Sante Fe (BNSF) Railway Company

Warbelow, Sarah
Human Rights Campaign

Ward, Tammy J.
Tabitha (Withdrawn 01/28/2015)

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 209. Indefinitely postponed.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 47. Introduced by Coash, 27.

WHEREAS, Norman Geske was born in Sioux City, Iowa, on October 31, 1915; and
WHEREAS, Norman received his bachelor of arts degree at the University of Minnesota in 1938 and his master's degree at the New York University
Institute of Fine Arts in 1953. Norman also received an honorary doctorate degree from Doane College in 1969; and

WHEREAS, Norman was drafted into the United States Army during World War II and participated in the Normandy Invasion; and

WHEREAS, Norman came to Lincoln in 1950 as the assistant director of the University of Nebraska's University Art Galleries and was named director in 1956; and

WHEREAS, Norman retired as the director of the Sheldon Museum of Art in 1983 but remained active in the arts community; and

WHEREAS, among Norman's proudest accomplishments was the establishment of the Sheldon Film Theater, now named the Mary Riepma Ross Media Arts Center; and

WHEREAS, Norman received many honors in his life including the Governor's Arts Award, the Mayor's Arts Award from the City of Lincoln, the Distinguished Service Award from the University of Nebraska at Kearney, the Sower's Award from the Lincoln Community Foundation, and the NEBRASKAland Foundation Pioneer Award; and

WHEREAS, Norman Geske passed away on September 6, 2014.

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

1. That the Legislature recognizes Norman Geske's service and support of the arts and extends its sympathy to his family.
2. That a copy of this resolution be sent to the family of Norman Geske.

Laid over.

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 329:

Coordinating Commission for Postsecondary Education
  John Bernthal

Voting in the affirmative, 36:

Baker  Crawford  Hilkemann  McCollister  Seiler
Bloomfield  Davis  Howard  Mello  Stinner
Bolz  Friesen  Hughes  Nordquist  Sullivan
Brasch  Garrett  Johnson  Pansing  Brooks  Williams
Campbell  Gloor  Kintner  Riepe
Chambers  Groene  Kolterman  Scheer
Coash  Haar, K.  Kuehn  Schnoor
Cook  Hansen  Lindstrom  Schumacher

Voting in the negative, 0.

Present and not voting, 6:
The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 332:

Department of Insurance
Bruce Ramge, Director

Voting in the affirmative, 34:

Baker  Ebke  Howard  Lindstrom  Schumacher
Bloomfield  Friesen  Hughes  McCollister  Smith
Bolz  Garrett  Johnson  Morfeld  Stinner
Brasch  Gloor  Kintner  Nordquist  Sullivan
Campbell  Haar, K.  Kolterman  Riepe  Watermeier
Cook  Hansen  Kuehn  Scheer  Williams
Crawford  Hilkemann  Larson  Schnoor

Voting in the negative, 0.

Present and not voting, 10:

Chambers  Davis  Hadley  Mello  Pansing Brooks
Coash  Groene  Harr, B.  Murante  Seiler

Excused and not voting, 5:

Craighead  Kolowski  Krist  McCoy  Schilz

The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.
Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 333:

Department of Banking and Finance
Mark Quandahl, Director

Voting in the affirmative, 37:

Baker    Davis    Howard    McCollister    Smith
Bloomfield    Ebke    Hughes    Mello    Stinner
Brasch    Friesen    Johnson    Morfeld    Sullivan
Campbell    Garrett    Kintner    Riepe    Watermeier
Coash    Gloor    Koltermann    Scheer    Williams
Cook    Haar, K.    Kuehn    Schnoor
Craighed    Hansen    Larson    Schumacher
Crawford    Hilkemann    Lindstrom    Seiler

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Bolz    Hadley    Murante    Pansing Brooks
Groene    Harr, B.    Nordquist

Excused and not voting, 4:

Kolowski    Krist    McCoy    Schilz

The appointment was confirmed with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Schumacher offered his amendment, FA4, found on page 333.

Senator Schumacher withdrew his amendment.

Senator Kintner withdrew his amendment, AM110, found on page 333.

Senator Kintner offered his amendment, AM131, found on page 352.

Senator Chambers offered the following amendment to the Kintner amendment:

FA5
Amend AM131
Strike "thirty" and insert "twenty" on line 3.
Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 43:

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

Present and not voting, 2:

Chambers    Davis

Excused and not voting, 4:

Kolowski    McCoy       Mello       Watermeier

The Chambers amendment lost with 0 ayes, 43 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO17
Reconsider the vote taken on FA5.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 4 nays, and 21 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:
The Chambers motion to reconsider failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Kintner amendment:
FA7
Amend AM131
In lines 3 and 4 strike "up to thirty-five dollars" and insert "five dollars".

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 0 ayes, 29 nays, 8 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following motion:
MO18
Reconsider the vote taken on FA7.

Pending.

MOTION - Suspend Rules

Senator Campbell offered her motion, MO15, found on page 353, to suspend the rules, Rule 3, Section 14, to permit cancellation of the hearing on LB346 scheduled for February 4, 2015.

The Campbell motion to suspend the rules prevailed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.
AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB65:
AM67
1 1. Insert the following new section:
  2 Sec. 3. Since an emergency exists, this act takes effect when passed
  3 and approved according to law.

COMMITTEE REPORT(S)
  Health and Human Services

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

Todd Bartee - Nebraska Child Abuse Prevention Fund Board
Mary Fran Flood - Nebraska Child Abuse Prevention Fund Board

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

(Signed) Kathy Campbell, Chairperson

Natural Resources

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

Brian Barels - Nebraska Natural Resources Commission
Stan Clouse - Nebraska Natural Resources Commission
Steven Huggenberger - Nebraska Natural Resources Commission
Thomas Knutson - Nebraska Natural Resources Commission
Don Kraus - Nebraska Natural Resources Commission
Tom Palmertree - Nebraska Natural Resources Commission
Scott Smathers - Nebraska Natural Resources Commission
Lindsey Smith - Nebraska Natural Resources Commission
Walter Dennis Strauch - Nebraska Natural Resources Commission
Loren Taylor - Nebraska Natural Resources Commission

Aye: 7 Friesen, Hughes, Kolowski, Lindstrom, McCollister, Schilz,
Schnoor. Nay: 0. Absent: 0. Present and not voting: 1 Johnson.

(Signed) Ken Schilz, Chairperson
AM118
1 1. Strike original section 2 and insert the following new sections:
2 Sec. 2. (1) Beginning sixty days after the effective date of this
3 act, in addition to the occupation tax imposed pursuant to section
4 77-3004, an additional occupation tax shall be levied upon the business
5 of operating a mechanical amusement device that:
6 (a) Accepts currency, coins, tokens, or other value in exchange for
7 play;
8 (b) Awards a monetary prize or anything redeemable for a monetary
9 prize;
10 (c) Is played by a player using a touch screen, computer mouse,
11 touch pad, light pen, laser, or device of similar function by which the
12 player competes against software running the device; and
13 (d) Has not been adjudicated by a court of competent jurisdiction
14 within the State of Nebraska to not constitute a gambling device as
15 defined in subdivision (5) of section 28-1101. Any such adjudication
16 shall be by way of a final order in which the Tax Commissioner has been
17 made a party to the action and written notice shall have been provided to
18 the Attorney General at the commencement of the action.
19 (2) Any operator of such mechanical amusement device shall pay the
20 occupation tax. If an operator believes that a mechanical amusement
21 device is not taxable under subsection (1) of this section, the burden is
22 on the operator to prove to the Tax Commissioner that such device does
23 not have one or more of the characteristics required for taxability under
24 subsection (1) of this section. Such proof may be made by, among other
25 things, a showing that the software running the game remains constant
26 with the nature of a game that had its software at issue in a judicial
27 case, not overturned by appeal, in which the State of Nebraska was party,
28 the issue was litigated, and the final order found that the particular
29 game is more controlled by the player than not, and thus is predominantly
30 a game of skill.
31 (3) The amount of the occupation tax shall be equal to ten percent
32 of the gross revenue derived from the operation of any mechanical
33 amusement device described in subsection (1) of this section. The Tax
34 Commissioner shall collect such occupation tax concurrently with
35 collection of the state sales tax in the same manner as the state sales
9 tax is collected.
10 (4) For purposes of this section, gross revenue means the total
11 aggregate receipts received from the operation of any mechanical
12 amusement device described in subsection (1) of this section without any
13 reduction for prizes, discounts, taxes, or expenses and includes receipts
14 from admission costs, any consideration necessary for participation, and
15 the value of any free tickets, games, or plays used.
16 (5) The occupation tax imposed in this section shall not apply to
17 any device not within the definition of a gambling device as defined in
18 subdivision (5) of section 28-1101 or to any device that is specifically
19 authorized by law.
20 (6) For purposes of this section, the fact that the device is played
21 or connected via league or tournament play shall play no factor in
22 determining whether the occupation tax imposed by this section is due.
23 Sec. 11. Since an emergency exists, this act takes effect when
24 passed and approved according to law.

(Signed) Mike Gloor, Chairperson
Nebraska Retirement Systems

LEGISLATIVE BILL 446. Placed on General File.

(Signed) Jeremy Nordquist, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525
Monday, February 9, 2015 1:30 p.m.
LB582
LB509
LB530
LB524

Tuesday, February 10, 2015 1:30 p.m.
LB421
LB481
LB96
LB392
LB528
LB529
BILL ON FIRST READING

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

LEGISLATIVE BILL 220A. 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 220, One Hundred Fourth Legislature, First Session, 2015.
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Frakes, Scott R. - Director, Department of Correctional Services - Judiciary
Walden-Newman, Michael W. - State Investment Officer, Nebraska
Investment Council - Nebraska Retirement Systems

(Signed) Bob Krist, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB88:
AM155
1 1. On page 2, line 13, strike "fifty" and insert "thirty-five".

Senator Kintner filed the following amendment to LB88:
AM158
1 1. On page 2, line 13, strike "fifty" and insert "thirty".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB294

VISITORS

Visitors to the Chamber were Kaylee Hartman and Sara Antes from Syracuse.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 12:14 p.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Monday, February 2, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
EIGHTEENTH DAY - FEBRUARY 2, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 2, 2015

PRAYER

The prayer was offered by Senator Crawford.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hughes and Murante who were excused; and Senators Craighead, Gloor, K. Haar, Kolowski, Kuehn, Stinner, Sullivan, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 36 and 37 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 36 and 37.

GENERAL FILE

LEGISLATIVE BILL 159, Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.
LEGISLATIVE BILL 279. Title read. Considered.
Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 220. Title read. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 220A. Title read. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 157. Title read. Considered.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 149. Title read. Considered.
Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 168. Title read. Considered.
Senator Crawford offered her amendment, AM51, found on page 326.
The Crawford amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.
Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 7 present and not voting, and 8 excused and not voting.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 430. Placed on General File.
(Signed) Heath Mello, Chairperson
NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Wednesday, February 11, 2015 12:00 p.m.
Michael W. Walden-Newman - Nebraska Investment Council
LB467
LB468

(Signed) Jeremy Nordquist, Chairperson

Business and Labor

Room 2102

Monday, February 9, 2015 1:30 p.m.
LB334
LB627
LB306
LB493

Monday, February 23, 2015 1:30 p.m.
LB556
LB134
LB133
LB276

Monday, March 2, 2015 1:30 p.m.
LB363
LB388
LB158
LB600

Monday, March 9, 2015 1:30 p.m.
LB429
LB288
LB554
LB555
LB480

(Signed) Burke Harr, Chairperson
BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 142A.** 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 142, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

**LEGISLATIVE BILL 18A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 18, One Hundred Fourth Legislature, First Session, 2015.

GENERAL FILE

**LEGISLATIVE BILL 40.** Title read. Considered.

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

**LEGISLATIVE BILL 43.** Title read. Considered.

Committee AM72, found on page 323, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

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

**LEGISLATIVE BILL 190.** Title read. Considered.

Committee AM48, found on page 324, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO19
Indefinitely postpone.

SPEAKER HADLEY PRESIDING

Pending.
AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB18:

AM169

1 1. On page 2, lines 19 through 26, strike the new matter and
2 reinstate the stricken matter; and after line 30 insert the following new
3 subsection:
4 "(4)(a) On and after July 1, 2016, every public and private school
5 shall provide each student entering the seventh grade and each student
6 entering the junior year of high school and the student’s parent or legal
7 guardian with information about meningococcal disease and its vaccine.
8 Such information shall include:
9 (j) The causes and symptoms of meningococcal disease, how the
10 disease is spread, and the places where parents and guardians may obtain
11 additional information; and
12 (ii) Current recommendations from the United States Centers for
13 Disease Control and Prevention regarding the receipt of vaccines for
14 meningococcal disease and where the vaccination may be received.
15 (b) This subsection shall not be construed to require the Department
16 of Health and Human Services or any public or private school to provide
17 meningococcal vaccination to students.
18 (c) The Department of Health and Human Services shall prepare the
19 informational materials required in this subsection.
20 (d) This subsection does not create a private right of action."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Riepe - LB244 and LB245
Kintner - LB184 and LB289
Chambers - LB245 and LB244

VISITOR

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator K. Haar, the Legislature adjourned
until 9:00 a.m., Tuesday, February 3, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Pastor Bob Lawrence, Auburn Church of Christ, Auburn.

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 Kintner and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Banking, Commerce and Insurance

Room 1507

Tuesday, February 17, 2015 1:30 p.m.

LB48
LB213
LB628

Monday, February 23, 2015 1:30 p.m.

LB375
LB515
LB457
Tuesday, February 24, 2015 1:30 p.m.

LB234
LB451
LB51

Monday, March 2, 2015 1:30 p.m.

LB11
LB79
LB124

Tuesday, March 3, 2015 1:30 p.m.

LB67
LB223
LB336

Monday, March 9, 2015 1:30 p.m.

LB341
LB488

Tuesday, March 10, 2015 1:30 p.m.

LB193
LB348
LB395

(Signed) Jim Scheer, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Johnson has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 167. Placed on General File.
LEGISLATIVE BILL 194. Placed on General File.
LEGISLATIVE BILL 301. Placed on General File.

LEGISLATIVE BILL 314. Placed on General File with amendment.
AM126
1 1. On page 4, lines 6 and 13, strike "Concurrent original jurisdiction with the district court" and insert "Exclusive original jurisdiction with the district court."

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 40 and 42.

GENERAL FILE

LEGISLATIVE BILL 88. Senator Chambers renewed his motion, MO18, found on page 363, to reconsider the vote taken on FA7.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Kintner asked unanimous consent to withdraw his amendment, AM131, found on page 352 and considered on page 361, and replace it with his substitute amendment, AM185. No objections. So ordered.

1 1. On page 2, line 13, strike "fifty" and insert "twenty-five".

The Kintner amendment was adopted with 32 ayes, 5 nays, 10 present and not voting, and 2 excused and not voting.

Senator Krist withdrew his amendment, AM155, found on page 368.

Senator Kintner withdrew his amendment, AM158, found on page 368.

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

Voting in the affirmative, 32:
Advanced to Enrollment and Review Initial with 32 ayes, 7 nays, 8 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 190.** Senator Chambers renewed his motion, MO19, found on page 372, to indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Chambers offered the following motion:

**MO20**

Bracket until April 15, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

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

Voting in the affirmative, 3:

Cook       Haar, K.       Pansing Brooks

Voting in the negative, 39:
Present and not voting, 5:

Baker    Campbell    Chambers    Harr, B.    Howard

Excused and not voting, 2:

Ebke    Schilz

The Chambers motion to bracket failed with 3 ayes, 39 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO21
Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 48. Introduced by Kintner, 2.

WHEREAS, the Nebraska Masonic Home was incorporated in 1888 and established on September 1, 1903, in Plattsmouth to provide loving and dignified care and to enhance the quality of life for Nebraskans; and

WHEREAS, the Nebraska Masonic Home recently received a deficiency-free survey from the Department of Health and Human Services for both its nursing care facility and assisted living center; and

WHEREAS, in unannounced onsite inspections, the Nebraska Masonic Home was in full compliance in the areas of operational care, treatment, and physical plant standards; and

WHEREAS, the deficiency-free survey illustrates the commitment that the employees of the Nebraska Masonic Home have to the residents and their families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Nebraska Masonic Home on receiving a deficiency-free survey from the Department of Health and Human Services.
2. That a copy of this resolution be sent to the Nebraska Masonic Home and its administrator, Mary Vrbka.

Laid over.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Wednesday, February 11, 2015 1:30 p.m.
LB536
LB583

Thursday, February 12, 2015 1:30 p.m.
Donald P. Batie - Nebraska Natural Resources Commission
LB310
LB622

Wednesday, February 18, 2015 1:30 p.m.
Owen A. Palm - Nebraska Natural Resources Commission
LB208
LB394

(Signed) Ken Schilz, Chairperson
Judiciary
Room 1113

Wednesday, February 11, 2015 1:30 p.m.
Gerard A. (Fred) Ruiz - Crime Victim's Reparations Committee
Michelle Schindler - Crime Victim's Reparations Committee
LB483
LB172
LB173

Thursday, February 12, 2015 1:30 p.m.
LB290
LB119
NINTEENTH DAY - FEBRUARY 3, 2015

Darrell E. Fisher - Nebraska Commission on Law Enforcement and Criminal Justice
Scott R. Frakes - Department of Correctional Services

(Signed) Les Seiler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 190. Senator Schumacher offered the following amendment:
FA8
After the word "section" in line 4 at page 3 insert ", as shall a person receiving the benefits of a spouse of a member of the United States Armed Forces under the law of the United States."

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

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

The Chair declared the call raised.

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

Voting in the affirmative, 37:

Baker   Friesen   Hughes   McCollister   Smith
Bloomfield Garrett Johnson Mello Stinner
Bolz     Gloor    Kintner Morfeld Sullivan
Brasch   Haar, K. Kolowski Nordquist Watermeier
Campbell Hadley Koltermann Riepe Williams
Craighead Harr, B. Krist Scheer
Crawford Hilkemann Kuehn Schumacher
Ebke     Howard Lindstrom Seiler

Voting in the negative, 4:

Chambers Cook Groene Pansing Brooks

Present and not voting, 5:

Coash Hansen McCoy Murante Schnoor

Excused and not voting, 3:

Davis Larson Schilz

Advanced to Enrollment and Review Initial with 37 ayes, 4 nays, 5 present
and not voting, and 3 excused and not voting.

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

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

Garrett - LB288  
Davis - LB231

**VISITORS**

Visitors to the Chamber were members of the NSEA Retired from across the state.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Wednesday, February 4, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature
The prayer was offered by Senator Williams.

ROLL CALL

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

The roll was called and all members were present except Senators Chambers and K. Haar who were excused; and Senators Cook, Craighead, Hilkemann, Howard, Kolowski, Murante, Schilz, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

ATTORNEY GENERAL’S OPINION

Opinion 15-001

SUBJECT: Authority Of A City To Amend An Economic Development Program Under The Local Option Economic Development Act

REQUESTED BY: Senator Colby Coash
Nebraska State Legislature

WRITTEN BY: Doug Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

You are considering introducing legislation to clarify the authority of a city council or village board to amend an economic development program under the Local Option Municipal Economic Development Act. Neb. Rev. Stat. §§ 18-2701 to 18-2739 (2012). The Act, in general, authorizes a city or village to propose an economic development program and to use such
funds as may be necessary for economic development activities if the program is approved by a majority of the registered voters of the city or village voting upon the question. The Act constitutes the enabling legislation to permit cities and villages to exercise the authority granted by Neb. Const. art. XIII, § 2.

You state that if the Legislature amends the Act to add a qualifying business or eligible activity after the voters have approved a particular economic development plan, this results in confusion about what action a city must then take to include the new business or activity in the plan. You have requested our opinion on two questions concerning amendment of an economic development plan. First, you ask whether, in such a circumstance (if the Legislature amends the Act to add a qualifying business or eligible activity), a city council may amend the plan to include the new business or activity as provided under § 18-2714(2) or whether the change must first be approved by the voters as provided in § 18-2714(3). Second, you ask whether Neb. Const. art. XIII, § 2 would prohibit amendment of the Act so as to instead authorize the city council to amend the plan without voter approval.

Discussion

Reviewing the relevant statutes of the Act, Neb. Rev. Stat. § 18-2705 defines “economic development program” to mean a “project or program utilizing funds derived from local sources of revenue for the purpose of providing direct or indirect financial assistance to a qualifying business . . . .” Section 18-2709 then defines “qualifying business” as a business which derives its principal source of income from that statute’s list of eligible sources. There are several steps in the adoption of an economic development program. Section 18-2710 requires the city’s governing body to prepare a proposed plan which includes the “description of the types of businesses and economic activities that will be eligible under the program for the city’s assistance.” Section 18-2712 provides that the city must present the plan at a public hearing and then adopt the proposed plan and any amendments by resolution. The city must also submit the question of the adoption of the proposed economic development plan to the registered voters at an election and, if a majority of those voting on the issue vote in favor of the question, the city then establishes the program by ordinance. §§ 18-2713 and 18-2714.

Question 1. If the Legislature amends the Act to add a qualifying business or eligible activity, can a city amend the plan to include the new business or activity or does the change have to be approved by the voters?

In our view, it appears from the language of the Act that it was the intent of the Legislature to require voter approval of a specific, detailed economic development plan. Here, pursuant to Neb. Rev. Stat. § 18-2710, the city’s proposed plan must describe “the types of businesses and economic
activities that will be eligible under the program for the city’s assistance.”
As discussed above, the city must propose those types of qualifying businesses and economic development activities which are within the statutory definitions found at §§ 18-2705 and 18-2709. The governing body’s resolution adopting the proposed plan must include either the full text of the proposed plan or it may be incorporated by reference and both the resolution and the proposed plan must be filed with the city clerk’s office where it is available for public review. § 18-2712. The question of the adoption of the economic development program is then submitted to the registered voters at an election and, if a majority of those voting vote in favor of the question, the governing body then implements the program “upon the terms set out in the resolution.” §18-2713. Further, the economic development program is adopted by ordinance “in conformity with the terms of such program as set out in the original enabling resolution.” §18-2714(1).
Thus, these statutes indicate the Legislature’s overall intent that the voters approve a specific program containing a description of eligible businesses and activities and the city then adopts the program approved by the voters.

As to amendment of the approved plan, § 18-2714(3) provides:

The governing body of a city shall not amend the economic development program so as to fundamentally alter its basic structure or goals, either with regard to the qualifying businesses that are eligible to participate, the local sources of revenue used to fund the program, the uses of the funds collected, or the basic terms set out in the original enabling resolution, without submitting the proposed changes to a new vote of the registered voters of the city in the manner provided for in section 18-2713.

When construing a statute, courts should attempt to discover legislative intent from the language of the act and give effect to that intent. Tracfone Wireless, Inc. v. Nebraska Public Service Comm’n, 279 Neb. 426, 433, 778 N.W.2d 452, 459 (2010); Peterson v. Minden Beef Co., 231 Neb. 18, 434 N.W.2d 681 (1989). Statutory language should generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. State v. Mena-Rivera, 280 Neb. 948, 791 N.W.2d 613 (2010); Sorensen v. Meyer, 220 Neb. 457, 370 N.W.2d 173 (1985). And, a court will “construe statutes relating to the same subject matter together to maintain a sensible and consistent scheme, so that effect is given to every provision. Tracfone Wireless, Inc. at 433, 778 N.W.2d at 459.

With these rules of statutory construction in mind, it seems to us that the language of § 18-2714(3) is plain, direct and unambiguous and requires voter approval before the city may amend the plan to include a new qualifying business or activity. You point out that § 18-2714(2) allows a city to amend its ordinance “to conform to the provisions of any existing or future state or federal law.” You suggest that this provision might allow the city to act without voter approval if the Legislature later amends the Act to
add a qualifying business or eligible activity. However, it appears to us that subsection (3) is the more specific provision with regard to changing the qualifying businesses that are eligible to participate. Furthermore, even if the language of § 18-2714 requires construction, requiring voter approval is consistent with the overall intent of the Legislature that the voters approve a specific plan and that the city then adopt that plan approved by the voters. Therefore, while the language of subsection (2) may result in some confusion, we conclude that the better answer to your first question is that, under the current statutory scheme, the voters must approve a change in the eligible businesses and activities of an economic development plan. If you wish to clarify that the city may amend the plan without voter approval, you may then wish to consider introducing legislation to that effect.

**Question 2. Does Neb. Const. art. XIII, art. 2 prohibit amendment of the Act to clearly authorize the city to amend the economic development plan with regard to the description of eligible businesses and activities without first obtaining voter approval?**

Neb.Const. art. XIII, § 2 provides, in pertinent part, that “the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question.” “Constitutional provisions are not open to construction as a matter of course; construction is appropriate only when it has been demonstrated that the meaning of the provision is not clear and that construction is necessary.” Conroy v. Keith County Board of Equalization, 288 Neb. 196, 204, 846 N.W.2d 634, 641 (2014).

While the constitutional provision does provide that the Legislature may enact enabling legislation to authorize cities to appropriate funds for a project or program “subject to approval by a vote of a majority of the registered voters,” there is no language in art. XIII, § 2 with regard to amendment of an economic development plan. The details of the enabling legislation are left to the Legislature and the current requirements for the content of the plan, the eligibility of businesses, and the amendment of the plan are found in the statutes enacted by the Legislature. An argument could thus be made that the general language of art. XIII, § 2 does not preclude the Legislature from changing the current statutory requirements for amendment of an economic development plan. On the other hand, the one constitutional limitation on a city’s authority to appropriate funds for an economic development plan is the approval of the voters. As it is not clear whether this pertains to amendment of a plan as well as the original adoption of a plan, an argument could be made that legislation allowing the city to amend the plan without voter approval is contrary to the constitutional grant of authority to the Legislature.
Conclusion

In our opinion, for the reasons stated above, the current statutes require voter approval before a city may amend its economic development plan to include a new qualifying business or activity. You may wish to consider introducing legislation to clarify that a city may amend its plan without voter approval. However, while a plausible argument can be made that Neb. Const. art. XIII, § 2 does not preclude such legislation, it is unclear whether such legislation would be found constitutional.

Sincerely,

DOUG PETERSON
Attorney General

(Signed) Lynn A. Melson
Assistant Attorney General

pc. Patrick J. O’Donnell
Clerk of the Nebraska Legislature
09-508-29

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 116. Placed on General File with amendment.
AM192
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 31-735, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:
4 31-735 (1) On the first Tuesday after the second Monday in September
5 which is at least fifteen months after the judgment of the district court
6 creating a sanitary and improvement district and on the first Tuesday
7 after the second Monday in September each two years thereafter, the board
8 of trustees shall cause a special election to be held, at which election
9 a board of trustees of five in number shall be elected. The board of
10 trustees shall have five members except as provided in subsection (2) of
11 this section. Each member elected to the board of trustees shall be
12 elected to a term of two years and shall hold office until such member's
13 successor is elected and qualified. Any person desiring to file for the
14 office of trustee may file for such office with the election
15 commissioner, or county clerk in counties having no election
16 commissioner, of the county in which the greater proportion in area of
17 the district is located not later than fifty days before the election. If
18 such person will serve on the board of trustees as a designated
19 representative of a limited partnership, general partnership, limited
20 liability company, public, private, or municipal corporation, estate, or
21 trust which owns real estate in the district, the filing shall indicate
22 that fact and shall include appropriate documentation evidencing such
23 fact. No filing fee shall be required. A person filing for the office of
24 trustee to be elected at the election held four years after the first
election of trustees and each election thereafter shall designate whether
district or whether he or she is a candidate for election by all of the
owners of real estate located in the district. If a person filing for the
office of trustee is a designated representative of a limited
partnership, a general partnership, a limited liability company, a
public, private, or municipal corporation, an estate, or a trust which
owns real estate in the district, the name of such entity shall accompany
the name of the candidate on the ballot in the following form: (Name of
candidate) to represent (name of entity) as a member of the board. The
name of each candidate shall appear on only one ballot.
The name of a person may be written in and voted for as a candidate
for the office of trustee, and such write-in candidate may be elected to
the office of trustee. A write-in candidate for the office of trustee who
will serve as a designated representative of a limited partnership, a
general partnership, a limited liability company, a public, private, or
municipal corporation, an estate, or a trust which owns real estate in
the district shall not be elected to the office of trustee unless (a)
each vote is accompanied by the name of the entity which the candidate
will represent and (b) within ten days after the date of the election the
candidate provides the county clerk or election commissioner with
appropriate documentation evidencing his or her representation of the
to entity. Votes cast which do not carry such accompanying designation shall
not be counted.
A trustee shall be an owner of real estate located in the district
or shall be a person designated to serve as a representative on the board
of trustees if the real estate is owned by a limited partnership, a
general partnership, a limited liability company, a public, private, or
municipal corporation, an estate, or a trust. Notice of the date of the
election shall be mailed by the clerk of the district not later than
sixty-five days prior to the election to each person who is entitled to
vote at the election for trustees whose property ownership or lease
giving a right to vote is of record on the records of the register of
deeds as of a date designated by the election commissioner or county
clerk, which date shall be not more than seventy-five days prior to the
election.
(2)(a) For any sanitary and improvement district, a person whose ownership or right to vote becomes of record or is received after
the date specified pursuant to subsection (1) of this section may vote
when such person establishes his or her right to vote to the
satisfaction of the election board. At the first election and at the
election held two years after the first election, any person may cast one
vote for each trustee for each acre of unplatted land or fraction thereof
and one vote for each platted lot which he or she may own in the
district.
(b) This subdivision applies to a district until the board of
trustees amends its articles of association pursuant to subdivision (2)
of this section. At the election held four years after the first
election of trustees, two members of the board of trustees shall be
16 elected by the legal property owners resident within such sanitary and
17 improvement district and three members shall be elected by all of the
18 owners of real estate located in the district pursuant to this section.
19 Every resident property owner may cast one vote for a candidate for each
20 office of trustee to be filled by election of resident property owners
21 only. Such resident property owners may also cast one vote for each
22 acre of unplatted land or fraction thereof and for each platted lot owned
23 within the district for a candidate for each office of trustee to be
24 filled by election of all property owners. For each office of trustee to
25 be filled by election of all property owners of the district, every legal
26 property owner not resident within such sanitary and improvement district
27 may cast one vote for each acre of unplatted land or fraction thereof and
28 one vote for each platted lot which he or she owns in the district. At
29 the election held eight years after the first election of trustees and at
30 each election thereafter, three members of the board of trustees shall be
31 elected by the legal property owners resident within such sanitary and
1 improvement district and two members shall be elected by all of the
2 owners of real estate located in the district pursuant to this section,
3 except that if more than fifty percent of the homes in any sanitary and
4 improvement district are used as a second, seasonal, or recreational
5 residence, the owners of such property shall be considered legal property
6 owners resident within such district for purposes of electing trustees,
7 and at the election held six years after the first election of trustees
8 and at each election thereafter, three members of the board of trustees
9 shall be elected by the legal property owners resident within such
10 sanitary and improvement district and two members shall be elected by all
11 of the owners of real estate located in the district pursuant to this
12 section. If there are not any legal property owners resident within such
13 district or if not less than ninety percent of the area of the district
14 is owned for other than residential uses, the five members shall be
15 elected by the legal property owners of all property within such district
16 as provided in this section.
17 (c) Any public, private, or municipal corporation owning any land or
18 lot in the district may vote at such election the same as an
19 individual. If more than fifty percent of the homes in any sanitary and
20 improvement district are used as a second, seasonal, or recreational
21 residence, the owners of such property shall be considered legal property
22 owners resident within such district for purposes of electing trustees.
23 For purposes of voting for trustees, each condominium apartment under a
24 condominium property regime established prior to January 1, 1984, under
25 the Condominium Property Act or established after January 1, 1984, under
26 the Nebraska Condominium Act shall be deemed to be a platted lot and the
27 lessee or the owner of the lessee's interest, under any lease for an
28 initial term of not less than twenty years which requires the lessee to
29 pay taxes and special assessments levied on the leased property, shall be
30 deemed to be the owner of the property so leased and entitled to cast the
31 vote of such property. When ownership of a platted lot or unplatted land
1 is held jointly by two or more persons, whether as joint tenants, tenants
2 in common, limited partners, members of a limited liability company, or
any other form of joint ownership, only one person shall be entitled to
cast the vote of such property. The executor, administrator, guardian, or
trustee of any person or estate interested shall have the right to vote.
No corporation, estate, or irrevocable trust shall be deemed to be a
resident owner for purposes of voting for trustees. Should two or more
persons or officials claim the right to vote on the same tract, the
election board shall determine the party entitled to vote. Such board
shall select one of their number chairperson and one of their number
clerk. In case of a vacancy on such board, the remaining trustees shall
fill the vacancy on such board until the next election.
(d) For any sanitary and improvement district which has been in
existence for at least ten years, which has less than seventy property
owners entitled to vote for trustees, which has at least two resident
property owners, and in which less than ten percent of the area of the
district is owned for other than residential uses, the board of trustees
may amend its articles of association as provided in section 31-740.01 to
provide for a reduction in the number of trustees on the board from five
members to three members to be effective at the beginning of the term of
office for the board of trustees elected at the next election. At the
next election and at each election thereafter, two members of the board
of trustees shall be elected by the legal property owners resident within
such sanitary and improvement district and one member shall be elected by
all of the owners of real estate located in the district pursuant to this
section. Every resident property owner may cast one vote for a candidate
for each office of trustee to be filled by election of resident property
owners only. Such resident property owners may also each cast one vote
for each acre of unplatted land or fraction thereof and for each platted
lot owned within the district for a candidate for the office of trustee
to be filled by election of all property owners. For the office of
trustee to be filled by election of all property owners of the district,
every legal property owner not resident within such sanitary and
improvement district may cast one vote for each acre of unplatted land or
fraction thereof and one vote for each platted lot which he or she owns
in the district.
(3) The election commissioner or county clerk shall hold any
election required by subsection (1) of this section by sealed mail ballot
by notifying the board of trustees on or before July 1 of a given year.
The election commissioner or county clerk shall, at least twenty days
prior to the election, mail a ballot and return envelope to each person
who is entitled to vote at the election and whose property ownership or
lease giving a right to vote is of record with the register of deeds as
of the date designated by the election commissioner or county clerk,
which date shall not be more than seventy-five days prior to the
election. The ballot and return envelope shall include: (a) The names and
addresses of the candidates; (b) room for write-in candidates; and (c)
instructions on how to vote and return the ballot. Such ballots shall be
returned to the election commissioner or county clerk no later than 5
p.m. on the date set for the election.
LEGISLATIVE BILL 266. Placed on General File with amendment.
AM122
1 1. On page 17, line 27, strike "two-mile" and insert "one-mile".

(Signed) Sue Crawford, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, February 11, 2015 1:30 p.m.

LB282
LB283
LB365
LB403

Thursday, February 12, 2015 1:30 p.m.

LB105
LB106
LB492
LB561

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Tim Hofbauer - State Emergency Response Commission
Dana Miller - State Emergency Response Commission


The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Carol E. Schlegel - Nebraska Tourism Commission

The Government, Military and Veterans Affairs 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.

Daryl L. Bohac, Adjutant General - Military Department


The Government, Military and Veterans Affairs 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.

John Hilgert, Director - Department of Veterans Affairs


The Government, Military and Veterans Affairs 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.

Jim Heine - State Fire Marshal


The Government, Military and Veterans Affairs 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.

Samuel Seever - State Personnel Board
Christopher Waddle - State Personnel Board


(Signed) John Murante, Chairperson
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR43 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR43.

MOTION(S) - Confirmation Report(s)

Senator B. Harr moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 339:

Department of Labor
John Albin, Commissioner

Voting in the affirmative, 35:
Baker Ebke Harr, B. Lindstrom Schnoor
Bloomfield Friesen Johnson McCollister Schumacher
Bolz Garrett Kintner McCoy Seiler
Brasch Gloor Koltermann Mello Smith
Campbell Groene Krist Nordquist Sinner
Crawford Hadley Kuehn Pansing Brooks Sullivan
Davis Hansen Larson Riepe Williams

Voting in the negative, 0.

Present and not voting, 4:
Coash Hughes Morfeld Scheer

Excused and not voting, 10:
Chambers Craighead Hilkemann Kolowski Schilz
Cook Haar, K. Howard Murante Watermeier

The appointment was confirmed with 35 ayes, 0 nays, 4 present and not voting, and 10 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 364:
Nebraska Child Abuse Prevention Fund Board
Todd Bartee
Mary Fran Flood

Voting in the affirmative, 33:
Voting in the negative, 0.

Present and not voting, 8:

Coash   Hughes   Larson   Scheer
Groene   Kintner   Morfeld   Smith

Excused and not voting, 8:

Chambers   Haar, K.   Howard   Murante
Craighead   Hilkemann   Kolowski   Watermeier

The appointments were confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 364:

**Nebraska Natural Resources Commission**
Brian Barels  
Stan Clouse  
Steven Huggenberger  
Thomas Knutson  
Don Kraus  
Tom Palmertree  
Scott Smathers  
Lindsey Smith  
Walter Dennis Strauch  
Loren Taylor

Voting in the affirmative, 35:

Baker   Friesen   Hughes   McCollister   Schnoor
Bloomfield   Garrett   Johnson   McCoy   Schumacher
Bolz   Gloor   Kintner   Mello   Seiler
Brasch   Groene   Koltermann   Nordquist   Stinner
Campbell   Hadley   Krist   Pansing Brooks   Stinner
Crawford   Hansen   Kuehn   Scheer   Sullivan
Ebke   Harr, B.   Lindstrom   Schilz   Williams
Voting in the negative, 0.

Present and not voting, 6:

Coash  Davis  Morfeld
Cook  Larson  Riepe

Excused and not voting, 8:

Chambers  Haar, K.  Howard  Murante
Craighed  Hilkemann  Kolowski  Watermeier

The appointments were confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

GENERAL FILE

**LEGISLATIVE BILL 430.** Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 247.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 219.** Title read. Considered.

Committee AM43, found on page 324, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 18.** Title read. Considered.

Senator Groene offered his amendment, AM169, found on page 373.

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

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 19:
Voting in the negative, 27:

Baker    Davis    Kolowski    Nordquist    Stinner
Bolz     Gloor    Krist      Pansing     Brooks    Sullivan
Campbell Hadley  Kuehn       Riepe       Williams  
Coash    Hansen   McCollister Schumacher
Cook     Harr, B. Mello      Seiler
Crawford Johnson Morfeld    Smith

Excused and not voting, 3:

Chambers Haar, K. Howard

The Groene amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 28 ayes, 13 nays, 5 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 18A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 7 nays, 9 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 109.** Title read. Considered.

Committee AM66, found on page 329, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Monday, February 23, 2015 1:30 p.m.

LB656
LB657
LB658
COMMITTEE REPORT(S)
Agriculture

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

William Marshall III - Nebraska State Fair Board


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

Greg Ibach, Director - Department of Agriculture


RESOLUTION(S)

LEGISLATIVE RESOLUTION 49. Introduced by Cook, 13.

WHEREAS, Zaiid Sharif Zakir Ibn El Gaines Liwaru died on January 24, 2015, in a car accident in Omaha; and
WHEREAS, Zaiid was the son of Sharif Zakir Liwaru and Gabrielle Gaines-Liwaru; and
WHEREAS, Zaiid was born in Omaha and attended Omaha Public Schools, graduating from Omaha North High School in 2013; and
WHEREAS, Zaiid was involved in the National Honor Society, the National Society of Black Engineers, and held various leadership positions in high school; and
WHEREAS, Zaiid initially studied at the University of Nebraska Omaha and then studied at Metropolitan Community College; and
WHEREAS, at his memorial service, Zaiid was remembered for his love of art and for his optimism, humor, and generosity; and
WHEREAS, Zaiid was also remembered as being smart, involved, outgoing, and open to different people, different places, and offbeat ways of doing things. Zaiid was described by his mother as "a connector and a lover of all souls".
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature extends its sympathy to the family of Zaiid Sharif Zakir Ibn El Gaines Liwaru.
2. That a copy of this resolution be sent to the family of Zaiid Sharif Zakir Ibn El Gaines Liwaru.

Laid over.

LEGISLATIVE RESOLUTION 50. Introduced by Cook, 13.

WHEREAS, Gene Haynes has been named a 2015 Distinguished NEBRASKAlander by the NEBRASKAland Foundation; and
WHEREAS, Gene has spent over 48 years in the Omaha Public School system including as a teacher, coach, and principal; and
WHEREAS, Gene began his teaching career at Omaha Technical High School in 1967 and coached the school's basketball team for 13 years; and
WHEREAS, Gene became the first African-American head basketball coach in the State of Nebraska in 1971; and
WHEREAS, Gene moved to Omaha North High School in 1987 to serve as the school's assistant principal and athletic director; and
WHEREAS, Gene has been the principal of Omaha North High School since 2001; and
WHEREAS, on October 24, 2014, Gene R. Haynes Street was named in his honor near Omaha North High School.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Gene Haynes for being named a 2015 Distinguished NEBRASKAlander by the NEBRASKAland Foundation.
2. That a copy of this resolution be sent to Gene Haynes.

Laid over.

LEGISLATIVE RESOLUTION 51. Introduced by Johnson, 23.

WHEREAS, Ryan Mueller, a history and government teacher at Wahoo Public High School, has won the Veterans of Foreign Wars (VFW) Nebraska Citizenship Education Teacher of the Year Award for grades nine through twelve; and
WHEREAS, each year, the Nebraska VFW recognizes three exceptional teachers for their outstanding commitment to teach Americanism and patriotism to their students; and
WHEREAS, Ryan was nominated by the principal of Wahoo Public High School for his service to the Close-Up Foundation, County Government Day, Nebraska Student Vote, the Veteran's Day Assembly, and his work in the classroom promoting patriotism and citizenship; and
WHEREAS, Ryan will be presented with the award at the VFW State Convention in Norfolk on June 6, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Ryan Mueller for winning the Veterans of Foreign Wars Nebraska Citizenship Education Teacher of the Year Award.
2. That a copy of this resolution be sent to Ryan Mueller.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.
Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 118. Title read. Considered.
Committee AM97, found on page 330, was offered.
Senator Larson withdrew his amendments, AM77 and AM98, found on pages 318 and 326.
Senator Larson offered the following amendment to the committee amendment:
AM221
(Amendments to Standing Committee amendments, AM97)
1 1. On page 1, lines 6 and 7, strike "public accommodations" and 2 insert "guestrooms and suites"; and in line 9 after "guestrooms" and 3 insert "and suites".
4 2. On page 2, line 9, after the period insert "The products that 5 tobacco retail outlets sell are legal for customers who meet the age 6 requirement. Customers should be able to try them within the tobacco 7 retail outlet, especially given the way that tobacco customization may 8 occur in how tobacco is blended and cigars are produced.".
9 3. Insert the following new amendment:
10 4. On page 4, line 25; and page 6, line 2, after the period insert " 11 Cigar shops are a variation of a tobacco retail outlet, which has a 12 liquor license. The issue of whether a liquor license shall be granted to
a cigar shop is an entirely separate issue that deals with an entire separate chapter of state law. Whether a liquor license is granted is at the recommendation of the local governing body and the discretion of the Nebraska Liquor Control Commission."

The Larson amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were members of the AFL-CIO from across the state; and members from Scottsbluff/Gering Chamber, Scotts Bluff Leadership Class, Sidney Area Chamber, Cheyenne County Leadership Class, and Dawes County Entrepreneur Leadership Training Academy.

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

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Thursday, February 5, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FIRST DAY - FEBRUARY 5, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 5, 2015

PRAYER

The prayer was offered by Pastor Gail Madson, Bethlehem Lutheran Church, Wahoo.

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 Senator Davis who was excused; and Senators Howard, Mello, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 159. Placed on Select File with amendment.
ER8
1 1. On page 1, line 3, after the second semicolon insert "to
2 harmonize provisions;".

LEGISLATIVE BILL 279. Placed on Select File with amendment.
ER13
1 1. On page 9, line 15, after "determines" insert "(1)".
2 2. On page 11, line 19; and page 15, line 28, strike "section" and
3 insert "subsection".
4 3. On page 12, line 18, strike "(b)", show as stricken, and insert "
5 (ii)"; and in line 19 strike "(2)".
6 4. On page 13, line 12, strike "(2)"; and in line 21 strike
7 "section", show as stricken, and insert "subsection".
8 5. On page 14, line 22, strike "(b)" and insert "(ii)"; and in line
9 29 after "years" insert an underscored comma.
10 6. On page 17, line 3, after "years" insert an underscored comma.
11 7. On page 18, line 1, strike "section", show as stricken, and
12 insert "subsection".
13 8. On page 31, line 12, after "21-20,180.01" insert a comma.

LEGISLATIVE BILL 220. Placed on Select File.
LEGISLATIVE BILL 220A. Placed on Select File.
LEGISLATIVE BILL 157. Placed on Select File.
LEGISLATIVE BILL 149. Placed on Select File.

LEGISLATIVE BILL 168. Placed on Select File with amendment.
ER9
1 1. On page 1, line 3, strike "49-4028" and insert "19-4028".

LEGISLATIVE BILL 40. Placed on Select File with amendment.
ER10
1 1. On page 7, line 19; and page 12, line 7, after "form" insert an
2 underscored comma.
3 2. On page 11, line 28, strike "and" and show as stricken.

LEGISLATIVE BILL 43. Placed on Select File.
LEGISLATIVE BILL 88. Placed on Select File.

LEGISLATIVE BILL 190. Placed on Select File with amendment.
ER11
1 1. On page 1, strike beginning with "regarding" in line 3 through
2 "members" in line 4.

LEGISLATIVE BILL 430. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

John Dinkel - Nebraska Investment Council
Aye: 5 Groene, Kolowski, Kolterman, Mello, Nordquist. Nay: 0. Absent: 1
Davis. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 44 and 45 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 44 and 45.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

Committee AM68, found on page 331, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 122. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Senator Chambers offered the following motion:

MO23
Bracket until April 15, 2015.

The Chambers motion to bracket failed with 3 ayes, 24 nays, 17 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO24
Reconsider the vote to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.
Advanced to Enrollment and Review Initial with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 312. Placed on General File.
LEGISLATIVE BILL 313. Placed on General File.

LEGISLATIVE BILL 45. Placed on General File with amendment.

AM65
1 1. Strike original sections 2 and 3 and insert the following new
2 sections:
3 Section 1. Section 60-366, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 60-366 (1) Any nonresident owner who desires to register a motor
6 vehicle or trailer in this state shall register in the county where the
7 motor vehicle or trailer is domiciled or where the owner conducts a bona
8 fide business.
9 (2) A nonresident owner, except as provided in subsections (3) and
10 (4) of this section, owning any motor vehicle or trailer which has been
11 properly registered in the state, country, or other place of which the
12 owner is a resident, and which at all times, when operated or towed in
13 this state, has displayed upon it the license plate or plates issued for
14 such motor vehicle or trailer in the place of residence of such owner,
15 may operate or permit the operation or tow or permit the towing of such
16 motor vehicle or trailer within the state without registering such motor
17 vehicle or trailer or paying any fees to this state.
18 (3)(a) Except as otherwise provided in subdivision (c) of this
19 subsection, any nonresident owner gainfully employed or present in
20 this state, operating a motor vehicle or towing a trailer in this state,
21 shall register such motor vehicle or trailer in the same manner as a
22 Nebraska resident, after thirty days of continuous employment or presence
23 in this state, unless the state of his or her legal residence grants
24 immunity from such requirements to residents of this state operating a
25 motor vehicle or towing a trailer in that state.
26 (b) Except as otherwise provided in subdivision (c) of this
27 subsection, any nonresident owner who operates a motor vehicle or
28 tows a trailer in this state for thirty or more continuous days shall
29 register such motor vehicle or trailer in the same manner as a Nebraska
30 resident unless the state of his or her legal residence grants immunity
31 from such requirements to residents of this state operating a motor
32 vehicle or towing a trailer in that state.
33 (c) Any nonresident owner of a film vehicle may operate the film
34 vehicle for up to one year without registering the vehicle in this state.
35 (4)(a) The Department of Motor Vehicles or the Department of Revenue
36 may determine (i) that a limited liability company, partnership,
37 corporation, or other business entity that is organized under the laws of
38 another state or country and that owns or holds title to a recreational
vehicle is a shell company used to avoid proper registration of the recreational vehicle in this state and (ii) that the recreational vehicle is controlled by a Nebraska resident.

(b) Factors that the Department of Motor Vehicles or the Department of Revenue may consider to determine that the limited liability company, partnership, corporation, or other business entity is a shell company used to avoid proper registration of the recreational vehicle in this state include, but are not limited to:

(i) The limited liability company, partnership, corporation, or other business entity lacks a business activity or purpose;
(ii) The limited liability company, partnership, corporation, or other business entity does not maintain a physical location in this state;
(iii) The limited liability company, partnership, corporation, or other business entity does not employ individual persons and provide those persons with Internal Revenue Service Form W-2 wage and tax statements; or
(iv) The limited liability company, partnership, corporation, or other business entity fails to file federal tax returns or fails to file a state tax return in this state.

(c) Factors that the Department of Motor Vehicles or the Department of Revenue may consider to determine that the recreational vehicle is controlled by a Nebraska resident include, but are not limited to:

(i) A Nebraska resident was the initial purchaser of the recreational vehicle;
(ii) A Nebraska resident operated or stored the recreational vehicle in this state for any period of time;
(iii) A Nebraska resident is a member, partner, or shareholder or is otherwise affiliated with the limited liability company, partnership, corporation, or other business entity purported to own the recreational vehicle; or
(iv) A Nebraska resident is insured to operate the recreational vehicle.

(d) If the Department of Motor Vehicles or the Department of Revenue makes the determinations described in subdivision (4)(a) of this section, there is a rebuttable presumption that:

(i) The Nebraska resident in control of the recreational vehicle is the actual owner of the recreational vehicle;
(ii) Such Nebraska resident is required to register the recreational vehicle in this state and is liable for all motor vehicle taxes, motor vehicle fees, and registration fees as provided in the Motor Vehicle Registration Act; and
(iii) The purchase of the recreational vehicle is subject to sales or use tax under section 77-2703.

(e) The Department of Motor Vehicles or the Department of Revenue shall notify the Nebraska resident who is presumed to be the owner of the recreational vehicle that he or she is required to register the recreational vehicle in this state, pay any applicable taxes and fees for proper registration of the recreational vehicle under the Motor Vehicle
30 Registration Act, and pay any applicable sales or use tax due on the
31 purchase under the Nebraska Revenue Act of 1967 no later than thirty days
1 after the date of the notice.
2 (f)(i) For a determination made by the Department of Motor Vehicles
3 under this subsection, the Nebraska resident who is presumed to be the
4 owner of the recreational vehicle may accept the determination and pay
5 the county treasurer as shown in the notice, or he or she may dispute the
6 determination and appeal the matter. Such appeal shall be filed with the
7 Director of Motor Vehicles within thirty days after the date of the
8 notice or the determination will be final. The director shall appoint a
9 hearing officer who shall hear the appeal and issue a written decision.
10 Such appeal shall be in accordance with the Administrative Procedure Act.
11 Following a final determination in the appeal in favor of the Department
12 of Motor Vehicles or if no further appeal is filed, the Nebraska resident
13 shall owe the taxes and fees determined to be due, together with any
14 costs for the appeal assessed against the owner.
15 (ii) For a determination made by the Department of Revenue under
16 this subsection, the Nebraska resident who is presumed to be the owner of
17 the recreational vehicle may appeal the determination made by the
18 Department of Revenue, and such appeal shall be in accordance with
19 section 77-2709.
20 (g) If the Nebraska resident who is presumed to be the owner of the
21 recreational vehicle fails to pay the motor vehicle taxes, motor vehicle
22 fees, registration fees, or sales or use tax required to be paid under
23 this subsection, he or she shall be assessed a penalty of fifty percent
24 of such unpaid taxes and fees. Such penalty shall be remitted by the
25 county treasurer or the Department of Revenue to the State Treasurer for
26 credit to the Highway Trust Fund.
27 Sec. 3. Original sections 60-366 and 60-3,104, Revised Statutes
28 Cumulative Supplement, 2014, are repealed.
29 Sec. 4. The following section is outright repealed: Section 60-383,
30 Reissue Revised Statutes of Nebraska.
31 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 181. Placed on General File with amendment.
AM204
1 1. On page 2, line 19, after "vehicles" insert "owned and".
   (Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB177:
AM154
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 70-619, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 70-619 (1) The corporate powers of the district shall be vested in
6 and exercised by the board of directors of the district. No person shall
7 be qualified to hold office as a member of the board of directors unless
8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
9 of the subdivision from which a director is to be elected if such
10 chartered territory is subdivided for election purposes as provided in
11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
12 combined subdivisions from which directors are to be elected at large as
13 provided in section 70-612 or (b) he or she is a retail customer duly
14 certified in accordance with subsection (3) of section 70-604.03.
15 (2) No person who is a full-time or part-time employee of the
16 district shall be eligible to serve as a member of the board of directors
17 of that district and no employed officer of any entity that is part of
18 the public power industry may serve as a member of the governing board of
19 any entity that is part of the public power industry unless such person
20 (a) resigns or (b) assumes an unpaid leave of absence for the term as a
21 member. The employing district or entity that is part of the public power
22 industry shall grant such leave of absence when requested by any employee
23 for the purpose of the employee serving as a member of such the board. A
24 of directors. No person shall be qualified to be a member of more than
25 one such district board, except that a director of a rural public power
26 district may serve as a director of another public power district formed
27 or organized for the purpose of generating electric energy or
1 transmitting electric energy exclusively for resale to some other public
2 power districts, rural electric cooperatives, and membership associations
3 or municipalities. No member of a governing body of any one of the
4 municipalities within the areas of the district may not shall be
5 qualified to serve on the original board of directors under sections
6 70-603 to 70-609.
7 Sec. 2. Original section 70-619, Revised Statutes Cumulative
8 Supplement, 2014, is repealed.

Senator Nordquist filed the following amendment to LB40:
AM224 is available in the Bill Room.

MESSAGE(S) FROM THE GOVERNOR

February 4, 2015

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

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

Contingent upon your approval, the following individual is being appointed

to the Board of Parole:

Teresa L. Bittinger, 504 Groff Avenue, Benedict, NE 68316
The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

COMMITEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 180. Placed on General File.
LEGISLATIVE BILL 298. Placed on General File.
LEGISLATIVE BILL 352. Placed on General File.

(Signed) Jim Scheer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 260. Title read. Considered.
Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 261. Title read. Considered.
Committee AM44, found on page 339, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 271. Title read. Considered.
Committee AM27, found on page 339, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 142. Title read. Considered.
Committee AM45, found on page 347, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.
Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.
LEGISLATIVE BILL 142A. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 160. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 241. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 272. Title read. Considered.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems
Room 1525

Tuesday, February 24, 2015 12:00 p.m.

LB655
LB551

Thursday, March 5, 2015 12:00 p.m.

Presentation of Omaha School Employees Retirement System actuarial valuation report as required by section 79-987

LB448
LB447

(Signed) Jeremy Nordquist, Chairperson

Appropriations

Room 1003

Tuesday, February 24, 2015 1:30 p.m.

Agency 45 - Barber Examiners, Board of
Agency 30 - Electrical Board, State
Agency 74 - Power Review Board, Nebraska
Agency 41 - State Real Estate Commission
Senator Krist filed the following amendment to LB70:

AMENDMENT(S) - Print in Journal

AM235

(Amendments to Standing Committee amendments, AM118)

1 1. Insert the following new section:

Section 1. Section 9-1006, Revised Statutes Cumulative Supplement, 2014, is amended to read:

9-1006 The Compulsive Gamblers Assistance Fund is created. The fund
5 shall include revenue transferred from the State Lottery Operation Trust  
6 Fund under section 9-812 and the Charitable Gaming Operations Fund under  
7 section 9-1,101, revenue credited under section 3 of this act, and any  
8 other revenue received by the division or commission for credit to the  
9 fund from any other public or private source, including, but not limited  
10 to, appropriations, grants, donations, gifts, devises, bequests, fees, or  
11 reimbursements. The commission shall administer the fund for the  
12 operation of the Gamblers Assistance Program. The Director of  
13 Administrative Services shall draw warrants upon the Compulsive Gamblers  
14 Assistance Fund upon the presentation of proper vouchers by the  
15 commission. Money from the Compulsive Gamblers Assistance Fund shall be  
16 used exclusively for the purpose of providing assistance to agencies,  
17 groups, organizations, and individuals that provide education,  
18 assistance, and counseling to individuals and families experiencing  
19 difficulty as a result of problem gambling, to promote the awareness of  
20 problem gamblers assistance programs, and to pay the costs and expenses  
21 of the Gamblers Assistance Program, including travel. Any money in the  
22 fund available for investment shall be invested by the state investment  
23 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
24 State Funds Investment Act.  
25 2. On page 2, line 9, after the period insert "All taxes collected  
26 pursuant to this section shall be remitted to the State Treasurer, and  
1 the State Treasurer shall credit ninety-seven percent of such taxes to  
2 the General Fund and the remaining three percent of such taxes to the  
3 Compulsive Gamblers Assistance Fund.".  
4 3. Renumber the remaining sections, correct internal references, and  
5 correct the repealer accordingly.  

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Mello - LB211

VISITORS

Visitors to the Chamber were members of the University of Nebraska Extension Leadership Program; and 5 seniors, teacher, and sponsors from York.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Friday, February 6, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature
TWENTY-SECOND DAY - FEBRUARY 6, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 6, 2015

PRAYER

The prayer was offered by Pastor Brad Hoefs, Community of Grace Lutheran Church, Elkhorn.

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 Cook and Davis who were excused; and Senators Bolz, Campbell, and K. Haar who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 155. Placed on General File with amendment.

AM180
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 8-116, Reissue Revised Statutes of Nebraska, is amended to read:
3 8-116 (1) Except as provided in subsection (2) of this section, a charter for a bank hereafter organized shall not be issued unless the corporation applying therefor shall have a surplus and paid-up capital stock in an amount not less than the amount necessary for compliance with subsection (1) of section 8-702 for the insurance of deposits of not less than seventy thousand dollars or seventy percent of its paid-up capital stock, whichever is greater, and a paid-up capital stock as follows: In villages or counties of less than one thousand inhabitants, one hundred thousand dollars; in cities, villages, or counties of one thousand or more and less than twenty-five thousand
inhabitants, not less than one hundred fifty thousand dollars; in cities or counties of twenty-five thousand or more and less than one hundred thousand inhabitants, not less than two hundred thousand dollars; and in cities or counties of one hundred thousand or more inhabitants, not less than five hundred thousand dollars.

(2) The notwithstanding subsection (1) of this section, the department shall have the authority to determine the minimum amount of paid-up capital stock and surplus required for any corporation applying for a bank charter, which amount amounts shall not be less than the amount amounts provided in subsection (1) of this section.

(3) For purposes of this section, population shall be determined by the most recent federal decennial census.

Sec. 2. Section 8-128, Reissue Revised Statutes of Nebraska, is amended to read:

8-128 The paid-in capital stock of any bank may be increased or decreased in the following manner: The stockholders at any regular meeting or at any special meeting duly called for such purpose shall by vote of those owning two-thirds of the capital stock authorize the president or cashier to notify the department of the proposed increase or reduction of paid-in capital stock, and a notice containing a statement of the amount of any proposed reduction of paid-in capital stock shall be published for four weeks in some newspaper published and of general circulation in the county where such bank is located. Reduction of paid-in capital stock shall be discretionary with the department, but shall be denied if granting the same would reduce the paid-in capital stock below the requirements of the Nebraska Banking Act or would impair the security of the depositors. The bank shall notify the department when the proposed increase or decrease of the paid-in capital stock has been consummated.

Sec. 3. Section 8-153, Reissue Revised Statutes of Nebraska, is amended to read:

8-153 All checks, unless sent to banks as special collection items, shall have preprinted the magnetically encoded routing and transit symbol of the bank and either the name of the maker or the magnetically encoded account number of the maker. Except for checks sent to banks as special collection items or checks presented for payment by the payee in person, all checks drawn on any bank organized under the laws of this state shall be cleared at par by the bank on which they are drawn. The term at par applies only to the settlement of checks between collecting and paying or remitting banks and does not apply to or prohibit a bank from deducting a fee from the face amount of the check for paying the check if the check is presented to the bank by the payee in person.

Sec. 4. Section 8-1402, Revised Statutes Cumulative Supplement, 2014, is amended to read:

8-1402 (1) Any person, party, agency, or organization requesting disclosure of records or information pursuant to section 8-1401 shall pay the costs of providing such records or information, unless:

(a) The request for disclosure is made pursuant to subdivision (1)

(a) of section 8-1401 and a Nebraska Supreme Court rule provides for the method of payment;
Page 612/792

TWENTY-SECOND DAY - FEBRUARY 6, 2015

415

(b) The request is made pursuant to subdivision (1)(b) of section 8-1401 and the rules for discovery provide for the method of payment.

(c) The request for disclosure is made pursuant to subdivision (1)(d) or (1)(e) of section 8-1401;

(d) Otherwise ordered by a court of competent jurisdiction; or

(e) The person making the disclosure waives any or all of the costs.

(2)(a) The requesting person, party, agency, or organization shall pay five dollars per hour per person for the time actually spent on the service or, if such person can show that its actual expense in providing the records or information was greater than five dollars per hour per person, it shall be paid the actual cost of providing the records or information.

(b) For purposes of this subsection, actual cost means:

(i) Search and processing costs, including the total amount of personnel direct time incurred in locating and retrieving, reproducing, packaging, and preparing records or information for shipment or delivery. Search and processing costs may include the actual cost of extracting information stored by computer in the format in which it is normally produced, based on computer time and necessary supplies;

(ii) Reproduction costs incurred in making copies of records or information requested. The rate for reproduction costs for making copies of requested records or information shall be the usual rate charged by the person making the disclosure to its customers for reproducing copies, including copies produced by reader-printer reproduction processes. Photographs, films, and other materials shall be reimbursed at actual cost; and

(iii) Transportation costs, including transport of personnel to locate and retrieve the records or information requested and including all other reasonably necessary costs to convey the records or information.

(3) No person authorized to receive payment pursuant to subsection (1) of this section has an obligation to provide any records or information pursuant to section 8-1401 until assurances are received that the costs due under this section will be paid, except for requests made pursuant to subdivisions (1)(d), (1)(e), (1)(f), and (1)(g) of section 8-1401.

Sec. 5. Original sections 8-116, 8-128, and 8-153, Reissue Revised Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative Supplement, 2014, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Jim Scheer, Chairperson
LEGISLATIVE BILL 247. Placed on Select File with amendment.
ER15
1 1. On page 1, line 3, strike "an interest rate specification
2 reference" and insert "the interest rate for obligations arising under
3 the Uniform Partnership Act of 1998".

LEGISLATIVE BILL 219. Placed on Select File with amendment.
ER16
1 1. On page 4, line 16; and page 11, line 25, before "law" insert
2 "the".
3 2. On page 7, line 29, strike "section" and insert "sections".
4 3. On page 8, line 2, after "(c)" insert "of this section".
5 4. On page 15, line 11, strike "this uniform act" and insert "the
6 Uniform Deployed Parents Custody and Visitation Act"; in line 16 strike
7 "section"; and in lines 17 and 19 strike the second occurrence of
8 "section".

LEGISLATIVE BILL 18. Placed on Select File.

LEGISLATIVE BILL 18A. Placed on Select File.

LEGISLATIVE BILL 109. Placed on Select File with amendment.
ER17
1 1. On page 1, strike beginning with "requirements" in line 3 through
2 "law" in line 4 and insert "provisions for veterans and their spouses and
3 dependents and other eligible persons".

LEGISLATIVE BILL 198. Placed on Select File with amendment.
ER18
1 1. On page 1, line 4, after the semicolon insert "to define terms;".

LEGISLATIVE BILL 118. Placed on Select File with amendment.
ER14
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-1429.03, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 28-1429.03 (1) Except as provided in subsection (2) of this section
6 and section 28-1429.02, it shall be unlawful to sell or distribute
7 cigarettes, cigars, vapor products, alternative nicotine products, or
8 tobacco in any form whatever through a self-service display. Any person
9 violating this section is guilty of a Class III misdemeanor. In addition,
10 upon conviction for a second or subsequent offense within a twelve-month
11 period, the court shall order a six-month suspension of the license
12 issued under section 28-1421.
13 (2) Cigarettes, cigars, vapor products, alternative nicotine
14 products, or tobacco in any form whatever may be sold or distributed in a
15 self-service display that is located in a tobacco specialty store or
16 cigar shop bar as defined in section 53-103.08.
17 Sec. 2. Section 53-103.08, Reissue Revised Statutes of Nebraska, is
18 amended to read:
19 53-103.08 Cigar shop bar means an establishment operated by a holder
20 of a Class C liquor license which:
21 (1) Does not sell food;
22 (2) In addition to selling alcohol, annually receives ten percent or
23 more of its gross revenue from the sale of cigars, and other tobacco
24 products, and tobacco-related products, except from the sale of
25 cigarettes as defined in section 69-2702. A cigar shop bar shall not
26 discount alcohol if sold in combination with cigars or other tobacco
27 products and tobacco-related products;
1 (3) Has a walk-in humidor on the premises; and
2 (4) Does not permit the smoking of cigarettes.
3 Sec. 3. Section 53-131, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 53-131 (1) Any person desiring to obtain a new license to sell
6 alcoholic liquor at retail, a craft brewery license, or a microdistillery
7 license shall file with the commission:
8 (a) An application in triplicate original upon forms prescribed by
9 the commission prescribes, including the information required by
10 subsection (3) of this section for an application to operate a cigar shop
11 bar;
12 (b) The license fee if under sections 53-124 and 53-124.01 such fee
13 is payable to the commission, which fee shall be returned to the
14 applicant if the application is denied; and
15 (c) The nonrefundable application fee in the sum of four hundred
16 dollars, except that the nonrefundable application fee for an application
17 for a cigar shop bar shall be one thousand dollars.
18 (2) The commission shall notify the clerk of the city or village in
19 which such license is sought or, if the license sought is not sought
20 within a city or village, the county clerk of the county in which such
21 license is sought, of the receipt of the application and shall include
22 one copy of the application with the notice. No such license shall be
23 issued or denied by the commission until the expiration of the time
24 allowed for the receipt of a recommendation of denial or an objection
25 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
26 During the period of forty-five days after the date of receipt by mail or
27 electronic delivery of such application from the commission, the local
28 governing body of such city, village, or county may make and submit to
29 the commission recommendations relative to the granting or refusal to
30 grant such license to the applicant.
31 (3) For an application to operate a cigar shop bar, the application
1 shall include proof of the cigar shop bar's annual gross revenue as
2 requested by the commission and such other information as requested by
3 the commission to establish the intent to operate as a cigar shop bar.
4 The commission may adopt and promulgate rules and regulations to regulate
cigar shops. The rules and regulations existing on August 1, 2014, applicable to cigar bars shall apply to cigar shops until amended or repealed by the commission bars.

(4) For renewal of a license under this section, a licensee shall file with the commission an application, the license fee as provided in subdivision (1)(b) of this section, and a renewal fee of forty-five dollars.

Sec. 4. Section 53-1,120.01, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,120.01 (1) No county resolution or city ordinance that prohibits smoking in indoor areas shall apply to cigar shops bars.

(2)(a) The Legislature finds that allowing smoking in cigar shops as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since employees have ample other opportunities for similar employment at other establishments. This exception poses a de minimis restriction on the public and employees given the limited number of cigar shops compared to other businesses that sell alcohol, cigars, and pipe tobacco, and any member of the public should reasonably expect that there would be second-hand smoke in a cigar shop given the nature of the business and could choose to avoid such exposure.

(b) The Legislature finds that (i) cigars and pipe tobacco have different characteristics than other forms of tobacco such as cigarettes, (ii) cigar aficionados often pair cigars with various spirits such as cognac, single malt whisky, bourbon, rum, rye, port, and others, and (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour or longer to enjoy a cigar or pipe rather than simply satisfying an addiction. Cigar shops are a variation of a tobacco retail outlet, which has a liquor license. The issue of whether a liquor license shall be granted to a cigar shop is an entirely separate issue that deals with an entirely separate chapter of state law. Whether a liquor license is granted is at the recommendation of the local governing body and the discretion of the Nebraska Liquor Control Commission.

(c) It is the intent of the Legislature to allow cigar and pipe smoking in cigar shops that meet specific statutory criteria. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

(3)(a) The Legislature finds that allowing smoking in tobacco retail outlets as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since employees have ample other opportunities for similar employment at other establishments and the general public would not frequent those establishments and should reasonably expect that there would be second-hand smoke in a tobacco retail outlet and could choose to avoid such exposure. The products that tobacco retail outlets sell are legal for customers who meet the age requirement. Customers should be able to try
them within the tobacco retail outlet, especially given the way that tobacco customization may occur in how tobacco is blended and cigars are produced.

(b) It is the intent of the Legislature to allow smoking in tobacco retail outlets that meet specific statutory criteria. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is amended to read:

1 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment with limited exceptions for guestrooms and suites, research, tobacco retail outlets, and cigar shops. The limited exceptions permit smoking in public places where the public would reasonably expect to find persons smoking, including guestrooms and suites which are subject to expectations of privacy like private residences, institutions engaged in research related to smoking, and tobacco retail outlets and cigar shops which provide the public legal related to smoking. The act shall not be construed to prohibit or otherwise restrict smoking in outdoor areas. The act shall not be construed to permit smoking where it is prohibited or otherwise restricted by other applicable law, ordinance, or resolution. The act shall be liberally construed to further its purpose.

Sec. 6. Section 71-5730, Revised Statutes Cumulative Supplement, 2014, is amended to read:

18 71-5730 (1) The following indoor areas are exempt from section 71-5729:

(a) Guestrooms and suites that are rented to guests and that are designated as smoking rooms, except that not more than twenty percent of rooms rented to guests in an establishment may be designated as smoking rooms. All smoking rooms on the same floor shall be contiguous, and smoke from such rooms shall not infiltrate into areas where smoking is prohibited under the Nebraska Clean Indoor Air Act;

(b) Indoor areas used in connection with a research study on the health effects of smoking conducted in a scientific or analytical laboratory under state or federal law or at a college or university approved by the Coordinating Commission for Postsecondary Education;

(c) Tobacco retail outlets; and

(d) Cigar shops bars as defined in section 53-103.08.

The Legislature finds that allowing smoking in cigar shops as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since employees have ample other opportunities for similar employment at other establishments. This exception poses a de minimis restriction on the public and employees given the limited number of cigar shops compared to other businesses that sell alcohol, cigars, and pipe tobacco, and any member of the public should reasonably expect that there would be second-hand smoke in a cigar
shop given the nature of the business and could choose to avoid such exposure.

(b) The Legislature finds that (i) cigars and pipe tobacco have different characteristics than other forms of tobacco such as cigarettes, (ii) cigar aficionados often pair cigars with various spirits such as cognac, single malt whisky, bourbon, rum, rye, port, and others, and (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour or longer to enjoy a cigar or pipe rather than simply satisfying an addiction. Cigar shops are a variation of a tobacco retail outlet, which has a liquor license. The issue of whether a liquor license shall be granted to a cigar shop is an entirely separate issue that deals with an entirely separate chapter of state law. Whether a liquor license is granted is at the recommendation of the local governing body and the discretion of the Nebraska Liquor Control Commission.

(c) It is the intent of the Legislature to allow cigar and pipe smoking in cigar shops that meet specific statutory criteria. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

(3)(a) The Legislature finds that allowing smoking in tobacco retail outlets as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since employees have ample other opportunities for similar employment at other establishments and the general public would not frequent those establishments and should reasonably expect that there would be second-hand smoke in a tobacco retail outlet and could choose to avoid such exposure. The products that tobacco retail outlets sell are legal for customers who meet the age requirement. Customers should be able to try them within the tobacco retail outlet, especially given the way that tobacco customization may occur in how tobacco is blended and cigars are produced.

(b) It is the intent of the Legislature to allow smoking in tobacco retail outlets that meet specific statutory criteria. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 53-103.08, 53-1,120.01, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131, 20 and 71-5730, Revised Statutes Cumulative Supplement, 2014, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, strike beginning with "cigar" in line 1 through line 10 and insert "regulated establishments; to amend sections 53-103.08, 53-1,120.01, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-131, 20 and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as
28 prescribed; to provide for a nonrefundable application fee; to provide
29 and change requirements for certain liquor license applications; to
30 preempt county resolutions and city ordinances relating to smoking in
31 cigar shops; to state and restate intent; to exempt retail tobacco
1 outlets and cigar shops from the Nebraska Clean Indoor Air Act; to
2 harmonize provisions; to provide severability; to repeal the original
3 sections; and to declare an emergency.".

(Signed) Matt Hansen, Chairperson

MOTION - Print in Journal

Senator Johnson filed the following motion to LB262: MO25
Withdraw bill.

MESSAGE(S) FROM THE GOVERNOR

February 5, 2015

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

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

Contingent upon your approval, the following individuals are being
reappointed to the Boiler Safety Code Advisory Board:

Steven Bley, 8609 Highway 1, Newhawka, NE 68413
Robert Kirkpatrick, 6315 Huntington Avenue, Lincoln, NE 68507
Thomas E. Phipps, 3724 North 10 Street, Omaha, NE 68134

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

Enclosure

February 2, 2015

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Liquor Control Commission:

Bruce D. Bailey, 1710 Surfside Drive, Lincoln, NE 68528

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

February 5, 2015

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

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

Contingent upon your approval, the following individual is being reappointed to the Power Review Board:

Frank J. Reida, 1122 Turner Blvd., Omaha, NE 68105

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

February 5, 2015

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

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

Contingent upon your approval, the following individuals are being
reappointed to the Board of Trustees of the Nebraska State Colleges:

Michelle Suarez, 2427 Woodsdale Blvd., Lincoln, NE 68502
Jess D. Zeiss, 1517 S. 109 Street, Omaha, NE 68144

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

Enclosure

February 3, 2015

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

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

Contingent upon your approval, the following individual is being reappointed to the Nebraska Game and Parks Commission:

Norris Marshall, 186 W. Road, Kearney, NE 68845

Contingent upon your approval, the following individual is being appointed to the Nebraska Game and Parks Commission:

Robert Allen, 1 Plum Creek Canyon Dr. 12G, Eustis, NE 69028

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

Enclosure

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 5, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.
AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB88:
AM184
1. On page 2, line 16, strike "sixteen" and insert "eight"; and
2. after "dollars" insert "and fifty cents".

MOTION(S) - Confirmation Report(s)

Senator Gloor moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 339:
Department of Revenue
   Ruth A. Sorensen, Property Tax Administrator

Voting in the affirmative, 32:
Coash   Hansen   Kolterman   Pansing   Brooks   Stinner
Crawford Harr, B. Krist Riepe Sullivan
Ebke    Hilkemann Lindstrom Scheer Watermeier
Friesen Howard McCoy Schnoor Williams
Garrett Hughes Mello Schumacher
Gloor   Johnson Murante Seiler
Hadley  Kolowski Nordquist Smith

Voting in the negative, 0.

Present and not voting, 12:
Excused and not voting, 5:

Bolz    Campbell    Cook    Davis    Haar, K.

The appointment was confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

State Emergency Response Commission
Tim Hofbauer
Dana Miller

Voting in the affirmative, 35:

Baker    Garrett    Johnson    McCoy    Schnoor
Bloomfield    Gloor    Kintner    Mello    Schumacher
Bolz    Haar, K.    Kolowski    Murante    Seiler
Brasch    Hadley    Kolterman    Nordquist    Smith
Craighead    Hansen    Kuehn    Pansing Brooks    Sullivan
Crawford    Hilkemann    Larson    Riepe    Watermeier
Ebke    Howard    Lindstrom    Scheer    Williams

Voting in the negative, 0.

Present and not voting, 11:

Chambers    Groene    Krist    Schilz
Coash    Harr, B.    McCollister    Stinner
Friesen    Hughes    Morfeld

Excused and not voting, 3:

Campbell    Cook    Davis

The appointments were confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.
Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 391:

- Nebraska Tourism Commission
  Carol E. Schlegel

Voting in the affirmative, 37:

Baker  Friesen  Hughes  Mello  Seiler
Bloomfield  Garrett  Johnson  Murante  Smith
Bolz  Gloor  Kolowski  Nordquist  Sullivan
Brasch  Groene  Kolterman  Pansing Brooks  Watermeier
Chambers  Haar, K.  Larson  Riepe  Williams
Craighead  Hadley  Lindstrom  Scheer
Crawford  Hansen  McCollister  Schnoor
Ebke  Hilkemann  McCoy  Schumacher

Voting in the negative, 0.

Present and not voting, 9:

Coash  Howard  Krist  Morfeld  Stinner
Harr, B.  Kintner  Kuehn  Schilz

Excused and not voting, 3:

Campbell  Cook  Davis

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

- Military Department
  Daryl L. Bohac, Adjutant General

Voting in the affirmative, 37:

Baker  Garrett  Johnson  Morfeld  Smith
Bloomfield  Gloor  Kintner  Murante  Stinner
Brasch  Haar, K.  Kolterman  Nordquist  Sullivan
Chambers  Hadley  Kuehn  Pansing Brooks  Watermeier
Craighead  Hansen  Larson  Riepe  Williams
Crawford  Hilkemann  Lindstrom  Schnoor
Ebke  Howard  McCoy  Schumacher
Friesen  Hughes  Mello  Seiler

Voting in the negative, 0.
Present and not voting, 9:

Bolz       Groene       Kolowski       McCollister       Schilz
Coash      Harr, B.     Krist          Scheer

Excused and not voting, 3:

Campbell   Cook          Davis

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

  Department of Veterans Affairs
  John Hilgert, Director

Voting in the affirmative, 39:

Baker       Friesen       Hughes       Lindstrom       Scheer
Bloomfield  Garrett       Johnson      McCollister      Schnoor
Bolz        Groene        Kintner      Mello            Seiler
Brasch       Haar, K.     Kolowski     Morfeld         Smith
Chambers     Hadley        Kolterman    Murante         Stinner
Craighead    Hansen        Krist        Nordquist       Watermeier
Crawford     Hilkemann     Kuehn        Pansing         Brooks Williams
Ebke         Howard        Larson        Riepe

Voting in the negative, 0.

Present and not voting, 7:

Coash      Harr, B.     Schilz         Sullivan
Gloor       McCoy        Schumacher

Excused and not voting, 3:

Campbell   Cook          Davis

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.
Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Fire Marshal
Jim Heine

Voting in the affirmative, 38:

Baker   Friesen   Johnson   McCollister   Seiler
Bloomfield   Garrett   Kintner   Mello   Smith
Bolz   Gloor   Kolowski   Morfeld   Stinner
Brasch   Haar, K.   Koltermann   Murante   Sullivan
Chambers   Hansen   Krist   Nordquist   Watermeier
Craighead   Hilkemann   Kuehn   Pansing   Brooks   Watermeier
Crawford   Howard   Larson   Riepe
Ebke   Hughes   Lindstrom   Schnoor

Voting in the negative, 0.

Present and not voting, 8:

Coash   Hadley   McCoy   Schilz
Groene   Harr, B.   Scheer   Schumacher

Excused and not voting, 3:

Campbell   Cook   Davis

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

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 392:

State Personnel Board
Samuel Seever
Christopher Waddle

Voting in the affirmative, 38:

Baker   Garrett   Johnson   Mello   Seiler
Bloomfield   Gloor   Kintner   Morfeld   Smith
Bolz   Haar, K.   Kolowski   Murante   Stinner
Chambers   Hadley   Krist   Nordquist   Sullivan
Craighead   Hansen   Kuehn   Pansing   Brooks   Watermeier
Crawford   Hilkemann   Larson   Riepe   Williams
Ebke   Howard   Lindstrom   Scheer
Friesen   Hughes   McCollister   Schnoor
Voting in the negative, 0.

Present and not voting, 8:

Brasch    Groene    Kolterman    Schilz
Coash     Harr, B.  McCoy       Schumacher

Excused and not voting, 3:

Campbell  Cook       Davis

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

Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 397:
    Nebraska State Fair Board
        William Marshall III

Voting in the affirmative, 38:

Baker     Friesen    Howard    McCollister    Seiler
Bloomfield Garrett    Johnson    Mello       Smith
Bolz      Gloor       Kintner    Morfeld     Stinner
Brasch    Haar, K.   Kolowski   Murante     Sullivan
Chambers  Hadley     Kolterman  Nordquist   Watermeier
Craighead Hansen    Krist      Riepe       Williams
Crawford  Harr, B.  Kuehn      Scheer
Ebke      Hilkemann  Lindstrom  Schnoor

Voting in the negative, 0.

Present and not voting, 8:

Coash     Hughes     McCoy      Schilz
Groene    Larson     Pansing Brooks Schumacher

Excused and not voting, 3:

Campbell  Cook       Davis

The appointment was confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.
Senator Johnson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 397:

Department of Agriculture
   Greg Ibach, Director

Voting in the affirmative, 29:

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<td>Brasch</td>
<td>Hadley</td>
<td>Krist</td>
<td>Murante</td>
<td>Smith</td>
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<td>Ebke</td>
<td>Hilkemann</td>
<td>Kuehn</td>
<td>Nordquist</td>
<td>Stinner</td>
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<td>Friesen</td>
<td>Hughes</td>
<td>Larson</td>
<td>Riepe</td>
<td>Sullivan</td>
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<tr>
<td>Garrett</td>
<td>Johnson</td>
<td>McCollister</td>
<td>Scheer</td>
<td>Watermeier</td>
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<tr>
<td>Gloor</td>
<td>Kintner</td>
<td>Mello</td>
<td>Schumacher</td>
<td>Williams</td>
</tr>
<tr>
<td>Groene</td>
<td>Kolterman</td>
<td>Morfeld</td>
<td>Seiler</td>
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Voting in the negative, 2:

<table>
<thead>
<tr>
<th>Chambers</th>
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<tbody>
<tr>
<td>Howard</td>
</tr>
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</table>

Present and not voting, 15:

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<thead>
<tr>
<th>Baker</th>
<th>Coash</th>
<th>Har, K.</th>
<th>Kolowski</th>
<th>Pansing</th>
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</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Craighead</td>
<td>Hansen</td>
<td>Lindstrom</td>
<td>Schilz</td>
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<tr>
<td>Bolz</td>
<td>Crawford</td>
<td>Harr, B.</td>
<td>McCoy</td>
<td>Schnoor</td>
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</tbody>
</table>

Excused and not voting, 3:

<table>
<thead>
<tr>
<th>Campbell</th>
<th>Cook</th>
<th>Davis</th>
</tr>
</thead>
</table>

The appointment was confirmed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 402:

Nebraska Investment Council
   John Dinkel

Voting in the affirmative, 33:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Gloor</th>
<th>Johnson</th>
<th>Mello</th>
<th>Schumacher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Groene</td>
<td>Kintner</td>
<td>Morfeld</td>
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<td>Brasch</td>
<td>Haar, K.</td>
<td>Kolterman</td>
<td>Murante</td>
<td>Smith</td>
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<tr>
<td>Crawford</td>
<td>Hadley</td>
<td>Krist</td>
<td>Nordquist</td>
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<td>Friesen</td>
<td>Hilkemann</td>
<td>Lindstrom</td>
<td>Riepe</td>
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<tr>
<td>Garrett</td>
<td>Howard</td>
<td>McCollister</td>
<td>Scheer</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 0.
Present and not voting, 13:

Bolz  Craighead  Kolowski  Schilz  Williams
Chambers  Harr, B.  Larson  Schnoor
Coash  Hughes  McCoy  Watermeier

Excused and not voting, 3:

Campbell  Cook  Davis

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

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

Senator Mello filed the following amendment to LB430:

AM242

1. Insert the following new section:

2 Sec. 3. Of the unexpended General Fund appropriation balance existing in Agency 25, Program 347, on June 30, 2014, reappropriated to such program, $7,000,000 is hereby reappropriated to Agency 25, Program 354 - Child Welfare Aid.

2. Renumber the remaining sections accordingly.

**NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1003

Tuesday, February 17, 2015 1:30 p.m.

AM242 to LB430

(Signed) Heath Mello, Chairperson

**COMMITTEE REPORT(S)**

Natural Resources

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

Joel G. Christensen - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson
LEGISLATIVE BILL 272. Considered.

Senator Garrett offered the following amendment:

AM137
1 1. On page 2, strike beginning with "a" in line 18 through "veteran"
2 in line 21 and insert "proof of marriage to the veteran, and either (a) a
3 copy of the veteran's disability verification from the United States
4 Department of Veterans Affairs demonstrating a one hundred percent
5 permanent disability rating or (b) a copy of the veteran's Department of
6 Defense Form 1300 or its successor form documenting that the veteran was
7 killed in hostile action".

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

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Committee AM112, found on page 352, was adopted with 31 ayes, 0 nays,
14 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present
and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Wednesday, February 18, 2015 1:30 p.m.

LB214
LB367
LB368
LB577
Thursday, February 19, 2015 1:30 p.m.

LB291
LB166
LB400
LB640

Friday, February 20, 2015 1:30 p.m.

Ronnie Mitchell - Department of Aeronautics
LB465
LB479
LB562
LR26CA

Wednesday, February 25, 2015 1:30 p.m.

LB541
LB646
LB649
LB273
LR35

Thursday, February 26, 2015 1:30 p.m.

LB462
LB571
LB140
LB202

Friday, February 27, 2015 1:30 p.m.

LB308
LB588
LB383
LB491

(Signed)  John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 107. Title read. Considered.

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

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.
LEGISLATIVE BILL 439. Placed on General File.

LEGISLATIVE BILL 179. Placed on General File with amendment.
AM237
1 1. On page 4, line 3, strike "reduction" and insert "increase".

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Judiciary
Room 1113

Wednesday, February 18, 2015 1:30 p.m.
LB113
LB425
LB426
LB545

Thursday, February 19, 2015 1:30 p.m.
LB406
LB415
LB316

Friday, February 20, 2015 1:30 p.m.
LB598
LB592
LB605
LB606

Wednesday, February 25, 2015 1:30 p.m.
LB25
LB212
LB482
LB292

Thursday, February 26, 2015 1:30 p.m.
LB566
LB13
LB15
LB347
LB502
Friday, February 27, 2015 1:30 p.m.
LB307
LB433
LB612
LB302
LB265

Wednesday, March 4, 2015 1:30 p.m.
LB354
LB459
LB294
LB268

Thursday, March 5, 2015 1:30 p.m.
LB195
LB254
LB327
LB620

Friday, March 6, 2015 1:30 p.m.
LB643
LB390
LB546
LB326

Wednesday, March 11, 2015 1:30 p.m.
LB362
LB473

Thursday, March 12, 2015 1:30 p.m.
LB281
LB437
LB497
LB625

Wednesday, March 18, 2015 1:30 p.m.
LB422
LB114
LB187
LB358
LB463
Thursday, March 19, 2015 1:30 p.m.

LB136
LB289
LB30
LB14
LB603

Friday, March 20, 2015 1:30 p.m.

LB225
LB340
LB635
LB638

(Signed) Les Seiler, Chairperson

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

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

Krist - LB114

**VISITORS**

Visitors to the Chamber were Audrey and Richard Kauders from Kearney; James, Anne, and Robert Moseman from Oakland; Gerald and Linda Vogel and Elizabeth Davis from Norfolk; Jan With and Doris Nelson from Norfolk.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

**ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Craighead, the Legislature adjourned until 10:00 a.m., Monday, February 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
TWENTY-THIRD DAY - FEBRUARY 9, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 9, 2015

PRAYER

The prayer was offered by Pastor Glenda Ferguson, Grace Lutheran Church, Wahoo.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hughes, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Baker has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 46 and 47 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 46 and 47.
GENERAL FILE

LEGISLATIVE BILL 87. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Senator Smith.

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.

Committee AM118, found on page 365, was offered.

Senator Krist offered his amendment, AM235, found on page 410, to the committee amendment.

The Krist amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 164. Placed on General File.

LEGISLATIVE BILL 207. Placed on General File with amendment.

AM194

1 1. On page 2, strike lines 5 and 6, show the old matter as stricken, and insert "one thousand dollars for each day at each site where a violation occurs for the first violation and not less than one thousand dollars and not more than five thousand dollars for each day at each site where a violation occurs for each subsequent violation or (2) guilty of a Class II"; strike beginning with "not" in line 17 through "occurs" in line 19, show the old matter as stricken, and insert "one thousand dollars for each day at each site where a violation occurs for the first violation and not less than one thousand dollars and not more than five thousand dollars for each day at each site where a violation occurs for each subsequent violation"; and in line 31 strike "not less" and show the old matter as stricken.
13 2. On page 3, strike beginning with line 1 through "occurs" in line
14 2, show the old matter as stricken, and insert "one thousand dollars for
15 each day at each site where a violation occurs for the first violation
16 and not less than one thousand dollars and not more than five thousand
17 dollars for each day at each site where a violation occurs for each
18 subsequent violation"; strike beginning with "not" in line 14 through
19 "occurs" in line 16, show the old matter as stricken, and insert "one
20 thousand dollars for each day at each site where a violation occurs for
21 the first violation and not less than one thousand dollars and not more
22 than five thousand dollars for each day at each site where a violation
23 occurs for each subsequent violation"; and strike beginning with "not" in
24 line 28 through "occurs" in line 30, show the old matter as stricken, and
25 insert "one thousand dollars for each day at each site where a violation
26 occurs for the first violation and not less than one thousand dollars and
27 not more than five thousand dollars for each day at each site where a
28 violation occurs for each subsequent violation".

(Signed) Ken Schilz, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525

Friday, February 20, 2015 1:30 p.m.
LB412
LB413

Wednesday, February 25, 2015 1:30 p.m.
LB130
LB475

Thursday, February 26, 2015 1:30 p.m.
LB127

Friday, February 27, 2015 1:30 p.m.
LB404

Wednesday, March 4, 2015 1:30 p.m.
LB117
LB407
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 269. Placed on Select File with amendment.
ER19
1 1. On page 1, strike beginning with "eliminate" in line 2 through
2 "distribute" in line 3 and insert "change and eliminate provisions
3 relating to".

LEGISLATIVE BILL 94. Placed on Select File.
LEGISLATIVE BILL 122. Placed on Select File.
LEGISLATIVE BILL 52. Placed on Select File.
LEGISLATIVE BILL 260. Placed on Select File.

LEGISLATIVE BILL 261. Placed on Select File with amendment.
ER23
1 1. Strike original section 15 and all amendments thereto and insert
2 the following new section:
3 Sec. 14. Sections 1, 2, 3, 5, 8, 13, 17, and 18 of this act become
4 operative three calendar months after the adjournment of this legislative
5 session. Sections 7 and 15 of this act become operative on January 1,
6 2015. The other sections of this act become operative on their effective
7 date.
8 2. On page 1, line 3, strike "70-1903,"; and strike beginning with
9 "to" in line 8 through the semicolon in line 9.

LEGISLATIVE BILL 271. Placed on Select File with amendment.
ER24
1 1. In the Standing Committee amendments, AM27:
2 a. On page 10 line 22 after the second "in" insert "subdivision (4)
3 (b) of"; in line 23 strike ", subdivision (4)(b)" and show as stricken;
4 in line 25 after "in" insert "subdivision (4)(c) of" and strike ",
5 subdivision (4)(c)," and show as stricken; and in line 28 after "in"
6 insert "subdivision (4)(d) of" and strike ", subdivision (4)(d)," and
7 show as stricken; and
8 b. On page 19, line 9, strike "such" and show as stricken and after
9 "sections" insert "48-648 to 48-661".

LEGISLATIVE BILL 142. Placed on Select File with amendment.
ER20
1 1. On page 1, lines 5 and 6, strike "to provide an operative date;".

LEGISLATIVE BILL 142A. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File.

LEGISLATIVE BILL 241. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB219:
AM225
1 1. On page 9, line 18; and page 13, lines 16 and 17, strike "the
2 operative date of this act" and insert "January 1, 2015".
3 2. On page 17, strike lines 30 and 31 and show as stricken.
4 3. On page 18, strike line 1 and show as stricken; in line 2 strike
5 ",(17)"; show as stricken, and insert "(16)"; in line 4 strike "(18)".
6 show as stricken, and insert "(17)"; and in line 31 strike "(19)", show
7 as stricken, and insert "(18)".
8 4. On page 19, line 2, strike "(20)", show as stricken, and insert
9 "(19)"; in line 6 strike "(21)", show as stricken, and insert "(20)"; in
10 line 9 strike "(22)", show as stricken, and insert "(21)"; in line 12
11 strike "(23)", show as stricken, and insert "(22)"; in line 18 strike
12 "(24)", show as stricken, and insert "(23)"; in line 24, strike "(25)",
13 show as stricken, and insert "(24)"; and in line 28 strike "(26)", show
14 as stricken, and insert "(25)".
GENERAL FILE

LEGISLATIVE BILL 70. Committee AM118, found on page 365 and considered in this day's Journal, was renewed.

The committee amendment, as amended, was adopted with 29 ayes, 6 nays, and 14 present and not voting.

Pending.

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 10. Placed on General File.

LEGISLATIVE BILL 111. Placed on General File with amendment. AM233

1. On page 2, line 14, strike "or"; after line 14 insert the following new subdivision:

"(3) A document issued by an official Indian tribe in the United States which shows:
(a) The name of the individual to whom the document was issued; and
(b) A photograph of the individual to whom the document was issued; or"

and in line 15 strike "(3)" and insert "(4)".

2. On page 7, line 13, strike "(c) The", show as stricken, and insert "(c)(i) Except as otherwise provided in subdivision (ii) or (iii) of this subdivision, the"; in line 18 after "voters" insert an underscored semicolon; in lines 18 and 19 strike the new matter; and after line 23 insert the following new subdivisions:

(iii) If a registered voter does not comply with subdivision (i) or (ii) of this subdivision, the registered voter shall vote a provisional ballot pursuant to section 32-915;".

3. On page 8, lines 10 and 11, strike the new matter and insert ", or who does not comply with subdivision (2)(c)(i) or (ii) of section 32-914;".

4. On page 25, line 7, strike "indigent and".

(Signed) John Murante, Chairperson
AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB109:
AM287
(Amendments to Standing Committee amendments, AM66)
1. On page 1, line 5, strike "either".

Senator Larson filed the following amendment to LB111:
AM268
(Amendments to Standing Committee amendments, AM233)
1. On page 1, line 2, strike "subdivision" and insert
2. "subdivisions"; after line 6 insert the following new subdivision:
3. "(4) A student identification card issued by an accredited
4. postsecondary educational institution in Nebraska which has the name and
5. photograph of the individual to whom the card was issued;"; and in line 7
6. strike "(4)" and insert "(5)".

Senator Larson filed the following amendment to LB111:
AM219 is available in the Bill Room.

Senator Murante filed the following amendment to LB111:
AM273 is available in the Bill Room.

Senator Murante filed the following amendment to LB111:
AM270
(Amendments to Standing Committee amendments, AM233)
1. On page 1, line 1, after the first comma insert "line 8, after
2. 'States' insert ', including a military identification document'; in".

Senator Larson filed the following amendment to LB111:
AM269
(Amendments to Standing Committee amendments, AM233)
1. On page 1, line 2, strike "subdivision" and insert
2. "subdivisions"; after line 6 insert the following new subdivision:
3. "(4) A permit issued under the Concealed Handgun Permit Act which
4. has the name and photograph of the individual to whom the permit was
5. issued;"; and in line 7 strike "(4)" and insert "(5)".

Senator Schilz filed the following amendment to LB111:
AM267
(Amendments to Standing Committee amendments, AM233)
1. On page 1, line 1, after the first comma insert "line 8, after
2. 'States' insert ', including an identification card or document issued
3. for public assistance benefits'; in line 2 strike "subdivision" and
4. insert "subdivisions"; after line 6 insert the following new subdivision:
5. "(4) An identification card or document issued for public assistance
6. benefits by a village, city, county, or state government which has the
7. name and photograph of the individual to whom it was issued;"; and in
8. line 7 strike "(4)" and insert "(5)".
Senator Murante filed the following amendment to **LB111**:

AM271

(Amendments to Standing Committee amendments, AM233)

1. On page 1, line 1, after the first comma insert "line 8, after 'States' insert ', including a United States Passport,'; in".

Senator Larson filed the following amendment to **LB111**:

AM272

(Amendments to Standing Committee amendments, AM233)

1. On page 1, line 1, after the first comma insert "line 8, after 'States' insert ', including an employee badge or other identification document,'; in line 2 strike "subdivision" and insert "subdivisions"; after line 6 insert the following new subdivision:

4. "(4) An employee badge or other identification document issued by a village, city, county, or state government which has the name and photograph of the individual to whom it was issued;"; and in line 7 strike "(4)" and insert "(5)".

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Allen, Robert - Nebraska Game and Parks Commission - Natural Resources
Bailey, Bruce D. - Nebraska Liquor Control Commission - General Affairs
Bittinger, Teresa L. - Board of Parole - Judiciary
Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor
Kirkpatrick, Robert - Boiler Safety Code Advisory Board - Business and Labor
Marshall, Norris - Nebraska Game and Parks Commission - Natural Resources
Phipps, Thomas E. - Boiler Safety Code Advisory Board - Business and Labor
Reida, Frank J. - Nebraska Power Review Board - Natural Resources
Suarez, Michelle - Board of Trustees of the Nebraska State Colleges - Education
Zeiss, Jess D. - Board of Trustees of the Nebraska State Colleges - Education

(Signed) Bob Krist, Chairperson
Executive Board

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

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

Gloor - LB77 and LB187
VISITOR

The Doctor of the Day was Dr. Weirman from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator McCoy, the Legislature adjourned until 9:00 a.m., Tuesday, February 10, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FOURTH DAY - FEBRUARY 10, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 2015

PRAYER

The prayer was offered by Pastor Fred Landsberg, St. Timothy's Lutheran Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Cook, Hilkemann, and Stinner who were excused; and Senators Ebke, Garrett, Mello, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 9, 2015

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

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

Please withdraw the following individual from consideration for confirmation of appointment to the State Emergency Response Commission:

Keith Hansen, 10700 Dawn Avenue, Lincoln, NE 68516

Keith Hansen has resigned from the State Emergency Response Commission.
Thank you.

Sincerely,
(Signed) Pete Ricketts
Governor

February 9, 2015

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Dr. Jon Hinrichs, 6503 Lone Tree Drive, Lincoln, NE 68512
Pamela Price, 2020 West Charles Street, Grand Island, NE 68803
Timothy Hart, 17315 P Street, Omaha, NE 68133

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Julie Jacobson, 3020 West Leota Street, North Platte, NE 69101
Sue Roush, 525 N. Ohio Avenue, York, NE 68467
Darrel J. Huenergardt, 3000 Ridgegate Drive, Lincoln, NE 68516

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

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Kolterman has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.
COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 34. Placed on General File.
LEGISLATIVE BILL 46. Placed on General File.
LEGISLATIVE BILL 129. Placed on General File.

LEGISLATIVE BILL 37. Placed on General File with amendment.
AM140
1 1. On page 5, line 6, after the last comma insert "or"; and in line
2 7 strike ", or a veterinarian".
3 2. On page 6, line 7, strike "45" and insert "44".
4 3. On page 7, line 8, after "by" insert "the pharmacy or"; and in
5 line 10 after "The" insert "pharmacy or".
6 4. On page 14, line 15, after the period insert "A pharmacy shall
7 not be open for the practice of pharmacy unless a pharmacist is
8 physically present."
9 5. On page 15, lines 26 and 27, strike "as provided in the Pharmacy
10 Practice Act".

LEGISLATIVE BILL 77. Placed on General File with amendment.
AM109
1 1. On page 4, line 24, strike "preventive health and family planning
2 services."

LEGISLATIVE BILL 146. Placed on General File with amendment.
AM142
1 1. On page 4, line 13, before "or" insert ", 501(c)(4)."
2 2. On page 8, line 3, strike "gross" and "willful".

(Signed) Kathy Campbell, Chairperson
General Affairs

LEGISLATIVE RESOLUTION 10CA. Placed on General File.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Wednesday, February 25, 2015 1:30 p.m.

LB650
LB472
Thursday, February 26, 2015 1:30 p.m.

LB81
LB370
LB547

Thursday, February 26, 2015 12:30 p.m.

Child Welfare Privatization in Nebraska Final Report Briefing
Open to the Public, Invited Testimony Only

Friday, February 27, 2015 1:30 p.m.

LB28
LB346
LB557

Wednesday, March 4, 2015 1:30 p.m.

LB500
LB21
LB499
LB240

Thursday, March 5, 2015 1:30 p.m.

LB258
LB264
LB369

Friday, March 6, 2015 1:30 p.m.

LB287
LB211
LB235

Wednesday, March 11, 2015 1:30 p.m.

LB333
LB516
LB411

Wednesday, March 18, 2015 1:30 p.m.

LB631
LB518
LB548

(Signed) Kathy Campbell, Chairperson
MOTION - Print in Journal

Senator Bloomfield offered the following motion to LB604:
MO26
Withdraw bill.

MOTION - Withdraw LB262

Senator Johnson offered his motion, MO25, found on page 421, to withdraw LB262.

The Johnson motion to withdraw the bill prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 70. Considered.

Senator Schumacher moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 11 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 446. Title read. Considered.

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

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 301. Title read. Considered.

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

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 245. Placed on General File with amendment.
AM197
1 1. Insert the following new section:
2 Section 1. Section 29-2103, Reissue Revised Statutes of Nebraska, is amended to read:
4 29-2103 (1) A motion for new trial shall be made by written
5 application and may be filed either during or after the term of the court
6 at which the verdict was rendered.
7 (2) A motion for a new trial shall state the grounds under section
8 29-2101 which are the basis for the motion and shall be supported by
9 evidence as provided in section 29-2102.
10 (3) A motion for new trial based on the grounds set forth in
11 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed
12 within ten days after the verdict was rendered unless such filing is
13 unavoidably prevented, and the grounds for such motion may be stated by
14 directly incorporating the appropriate language of section 29-2101
15 without further particularity.
16 (4) A motion for new trial based on the grounds set forth in
17 subdivision (5) of section 29-2101 shall be filed within a reasonable
18 time after the discovery of the new evidence and cannot be filed more
19 than three years after the date of the verdict.
20 (5) A motion for new trial based on the grounds set forth in
21 subdivision (6) of section 29-2101 shall be filed within ninety days
22 after a final order is issued under section 29-4123 or within ninety days
23 after the hearing if no final order is entered, whichever occurs first.
24 2. Renumber the remaining sections and correct the repealer
25 accordingly.

LEGISLATIVE BILL 215. Indefinitely postponed.
LEGISLATIVE BILL 299. Indefinitely postponed.
LEGISLATIVE BILL 651. Indefinitely postponed.

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

Randall L. Rehmeier - Board of Parole

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing, Brooks, Seiler,
Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 52. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the Child and
Maternal Death Review Act. This study shall include, but not be limited to,
an examination of the following:
(1) The history of the State Child and Maternal Death Review Team;
(2) The timeliness of the review of maternal and child deaths;
(3) The resources needed by the Department of Health and Human Services to carry out the purposes of the Child and Maternal Death Review Act; and

(4) The practices in other states reviewing child and maternal deaths that could be adopted in Nebraska to identify trends, reduce the number of preventable deaths, and provide usable information to the public.

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

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

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

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 2102

Tuesday, February 17, 2015 12:00 p.m.

LB56
LB376

Thursday, February 19, 2015 12:00 p.m.

LB349
LB501

Monday, February 23, 2015 12:00 p.m.

LR7CA
LR31CA

Friday, February 27, 2015 12:00 p.m.

LB580

(Signed) Bob Krist, Chairperson
GENERAL FILE

LEGISLATIVE BILL 314. Title read. Considered.
Committee AM126, found on page 376, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.
Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 252. Title read. Considered.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 286. Title read. Considered.
Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 116. Title read. Considered.
Committee AM192, found on page 387, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.
Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

SENATOR KRIST PRESIDING

LEGISLATIVE BILL 266. Title read. Considered.
Committee AM122, found on page 391, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.
Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 312. Title read. Considered.
Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 313. Title read. Considered.
Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.
LEGISLATIVE BILL 45. Title read. Considered.

Committee AM65, found on page 404, was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Committee AM204, found on page 406, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 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 180. Title read. Considered.

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

LEGISLATIVE BILL 298. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 272. Placed on Select File with amendment.

ER22

1 1. On page 2, line 2, after "means" insert "a" and after both commas
2 insert "a"; in line 3 before "association" insert "an" and before
3 "limited" insert "a"; and in line 15 before "or" insert an underscored
4 comma.

LEGISLATIVE BILL 305. Placed on Select File with amendment.

ER21

1 1. On page 1, line 3, strike "and"; and in line 4 after "section"
2 insert "; and to declare an emergency".

(Signed) Matt Hansen, Chairperson
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kolterman - LB599

VISITORS

Visitors to the Chamber were 20 members of the Nebraska Bankers Association Leadership Program class from across the state.

The Doctor of the Day was Dr. Amy McGaha from Omaha.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-FIFTH DAY - FEBRUARY 11, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 11, 2015

PRAYER

The prayer was offered by Pastor Drew Rietjens, Twin Valley Church, Bellevue.

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 Coash, Garrett, K. Haar, Kuehn, Larson, Murante, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 304. Placed on General File with amendment. AM286

1 1. Strike the original sections and insert the following new sections:
2 Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Municipal Custodianship for Dissolved Homeowners Associations Act.
3 Sec. 2. For purposes of the Municipal Custodianship for Dissolved Homeowners Associations Act, unless the context otherwise requires:
4 (1) Common area means lot or outlot within a plat or subdivision of real property including the improvements thereon owned or otherwise maintained, cared for, or administered by the homeowners association for the common use, benefit, and enjoyment of its members;
5 (2) Homeowners association means a nonprofit corporation duly incorporated under the laws of the State of Nebraska for the purpose of enforcing the restrictive covenants established upon the real property
legally described in the articles of incorporation which is located within the corporate limits of a municipality, each member of which is an owner of a lot located within the plat or subdivision, and by virtue of membership or ownership of a lot is obligated to pay costs for the administration, maintenance, and care of the common area within the plat or subdivision. Homeowners association includes associations of residential homeowners, nonresidential property owners, or both.

(3) Lot means any designated parcel of land located within a plat or subdivision to be separately owned, used, developed, or built upon;

(4) Member means an owner that is qualified to be a member of a homeowners association by virtue of ownership of a lot covered by the property described in the declaration and articles of incorporation of a homeowners association dissolved under section 21-19,138;

(5) Municipality means any city or incorporated village of this state;

(6) Owner means the owner of a lot within the plat or subdivision, but does not include a person who has an interest in a lot solely as security for an obligation; and

(7) Real property means the real property described in the articles of incorporation which is located within or to be located within a plat or subdivision approved by a municipality and which is subject to restrictive covenants to be enforced by the homeowners association and filed of record in the office of the register of deeds of the county in which the real property is located.

Sec. 3. In the event a homeowners association is dissolved pursuant to section 21-19,138 and not reinstated pursuant to the Nebraska Nonprofit Corporation Act, any municipality may bring an action to be appointed as custodian to manage the affairs of the homeowners association as set forth in section 4 of this act.

Sec. 4. (1) The district court of the county in which a dissolved homeowners association was previously existing shall, in a proceeding brought by a municipality by petition to the district court, appoint the municipality as custodian to manage the affairs of the homeowners association upon a finding that:

(a) The homeowners association has been administratively dissolved by the Secretary of State pursuant to section 21-19,138;

(b) The homeowners association has failed in one or more of the following ways:

(i) To maintain the common area as required by the municipality's conditions of approval for the plat or subdivision of real property;

(ii) To maintain the common area or private improvements located outside of the common area on the real property in the plat or subdivision in accordance with all terms and conditions of any agreement with the municipality; or

(iii) To comply with any applicable laws, rules, or regulations pertaining to maintenance of the common area or private improvements located outside of the common area on the real property in the plat or subdivision such that the noncompliance is adverse to the interests of the municipality and may result in expenditures by the municipality not
otherwise required;
(c) The municipality has made a demand on the members to hold a
special meeting to remove and elect new directors and to approve a
submission of an application to the Secretary of State for reinstatement
pursuant to the Municipal Custodianship for Dissolved Homeowners
Associations Act or the Nebraska Nonprofit Corporation Act; and
(d) The members have failed to reinstate the homeowners association
within six months after the demand.
(2) The district court shall hold a hearing, after written
notification thereof by the petitioner to all parties to the proceeding
and any interested persons designated by the court, before appointing a
custodian, and the petitioner shall provide sufficient proof of service
to the court. Service by first-class mail shall be deemed sufficient
service. The district court appointing the custodian shall have exclusive
jurisdiction over the homeowners association and all of its property
wherever located.
(3) The district court shall describe the powers and duties of the
custodian in its appointing order, which order may be amended upon motion
and notice to the parties from time to time. Among other powers, the
appointing order shall provide that the custodian may exercise all of the
powers of the homeowners association, through or in place of its board of
directors or officers, to the extent necessary to manage the affairs of
the association in the best interests of its members. The custodian shall
not be liable for the actions or inactions of the homeowners association
and shall maintain all immunities granted to municipalities by applicable
law.
(4) Upon application of the custodian, the district court from time
to time during the custodianship may order compensation paid and expense
disbursements or reimbursements made to the custodian from the assets of
the association or proceeds from the sale of the assets. Notice of a
hearing to determine compensation and costs shall be provided to all
owners and interested parties by the custodian as set forth in subsection
(2) of this section, with proof of service provided by the custodian. In
the event the district court awards compensation or reimbursement of
costs, all such compensation and costs shall be a lien on each and all of
the lots in the manner as set forth in subsection (5) of this section.
Any court order awarding compensation or reimbursement of costs herein
shall identify each lot and the amount of compensation or reimbursement
of costs each lot shall be charged as a lien.
(5)(a) A lien created under subsection (4) of this section shall be
effective from the time the district court awards the compensation or
reimbursement of costs and a notice containing the dollar amount of the
lien is recorded in the office where mortgages or deeds of trust are
recorded. The lien may be foreclosed in like manner as a mortgage on real
estate but the municipality shall give reasonable notice of its action to
all other lienholders whose interest would be affected.
(b) A lien created under subsection (4) of this section is prior to
all other liens and encumbrances on real estate except (i) liens and
encumbrances recorded before the recordation of the declaration or
agreement, (ii) a first mortgage or deed of trust on real estate recorded before the notice required under subdivision (5)(a) of this section has been recorded, and (iii) liens for real estate taxes.

(6) In the event the homeowners association is reinstated after appointment of a custodian, any interested party may make a request to the district court for termination of the custodianship.

(7) A custodian may be allowed to withdraw from or terminate the custodianship upon an order from the district court permitting such withdrawal or termination following a hearing for which notice is provided to all owners and interested parties by the custodian.

Sec. 5. (1) Notwithstanding any provision to the contrary in the Nebraska Nonprofit Corporation Act or the articles of incorporation or bylaws of a homeowners association, a homeowners association dissolved pursuant to section 21-19,138 may, in addition to any other procedure allowed by law, apply to the Secretary of State for reinstatement in one or more of the following ways:

(a) An application for reinstatement may be brought at any time after dissolution by an officer or director of the dissolved homeowners association pursuant to section 21-19,139; or

(b) Three or more members of such homeowners association may, at any time after dissolution, call a special meeting to (i) remove and elect new directors and (ii) approve the submission of an application to the Secretary of State for reinstatement. Such members may set the time and place of the meeting. Notice of the meeting shall be given pursuant to section 21-1955. For purposes of this section only and notwithstanding the declaration, articles of incorporation, or the bylaws of a dissolved homeowners association, action on matters described in this subsection shall be approved by the affirmative vote of the voters present and voting on the matter. Three members eligible to vote on the matter shall constitute a quorum.

(2) Upon action being taken to apply for reinstatement as set forth in subdivision (1)(a) or (b) of this section, the process for reinstatement set forth in section 21-19,139 shall apply, except that the reinstatement fee for a homeowners association dissolved more than five years shall be one hundred dollars. Nothing in this subdivision shall be construed to abolish, modify, or otherwise change any restrictive covenant or other benefit or obligation of membership in a homeowners association.

(3) The application for reinstatement must:

(a) Recite the name of the homeowners association and the effective date of its administrative dissolution;

(b) State that the ground or grounds for dissolution either did not exist or have been eliminated; and

(c) State that the homeowners association's name satisfies the requirements of section 21-1931.

(4) If the Secretary of State determines that the application contains the information required by subdivisions (1)(a) and (b) of this section and that the information is correct, the Secretary of State shall cancel the certificate of dissolution and prepare a certificate of

LEGISLATIVE JOURNAL
reinstatement reciting that determination and the effective date of
reinstatement, file the original of the certificate, and serve a copy on
the homeowners association under section 21-1937.
(5) When reinstatement is effective, the reinstatement shall relate
back to and take effect as of the effective date of the administrative
dissolution, and the homeowners association shall resume carrying on its
activities as if the administrative dissolution had never occurred.
Sec. 6. The Revisor of Statutes shall assign sections 1, 2, 3, 4,
and 5 of this act within Chapter 18.
(Signed) Sue Crawford, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524
Wednesday, March 18, 2015 1:30 p.m.
LB26 (cancel)
Wednesday, March 4, 2015 1:30 p.m.
LB26
(Signed) Mike Gloor, Chairperson

MESSAGE(S) FROM THE GOVERNOR
February 4, 2015
Mr. President, Speaker Hadley
and Members of the Legislature
State Capitol
Lincoln, NE 68509
Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Dennis Baack, 2233 Surfside Drive, Lincoln, NE 68528
Patricia M. Kircher, 15715 California Street, Omaha, NE 68118
Darlene Starman, 1030 Rockhurst Drive, Lincoln, NE 68510

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

ANNOUNCEMENT

The Chair announced the birthday of Senator Hansen.

MOTION - Withdraw LB604

Senator Bloomfield offered his motion, MO26, found on page 451, to withdraw LB604.

The Bloomfield motion to withdraw the bill prevailed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 431:

Nebraska Natural Resources Commission
Joel G. Christensen

Voting in the affirmative, 36:

Baker    Davis    Hughes    Morfeld    Smith
Bolz     Friesen  Johnson  Nordquist  Stinner
Brasch   Gloor    Kintner   Pansing    Brooks    Sullivan
Campbell Groene   Kolowski Riepe     Williams
Chambers Hansen   Kolterman Scheer    
Cook     Harr, B.  Larson    Schilz
Craighead Hilkemann Lindstrom Schumacher
Crawford Howard   McCollister Seiler

Voting in the negative, 0.

Present and not voting, 7:

Bloomfield Hadley McCoy Schnoor
Ebke      Krist     Mello

Excused and not voting, 6:

Coash    Haar, K.  Murante
Garrett  Kuehn     Watermeier

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not
voting, and 6 excused and not voting.

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 452:

Board of Parole
Randall L. Rehmeier

Voting in the affirmative, 36:

Baker
Bloomfield
Bolz
Brasch
Campbell
Chambers
Cook
Craighead

Crawford
Davis
Ebke
Friesen
Hadley
Hansen
Harr, B.
Hilkemann

Howard
Hughes
Johnson
Kintner
Kolowski
Kolterman
Larson
Lindstrom

McCollister
Mello
Nordquist
Pansing
Riepe
Schilz
Schumacher
Seiler

Voting in the negative, 0.

Present and not voting, 9:

Coash
Gloor

Groene
Haar, K.

Krist
McCoy

Morfeld
Scheer

Schnoor

Excused and not voting, 4:

Garrett
Kuehn

Murante
Watermeier

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 91. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 41. ER2, found on page 315, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 42. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 126. ER1, found on page 315, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 92. Senator Johnson offered his amendment, AM89, found on page 349.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93. ER4, found on page 346, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 95. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 150. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 151. Senator Crawford offered her amendment, AM85, found on page 326.

The Crawford amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 170. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 171. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 99. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 100. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 65. ER5, found on page 346, was adopted.

Senator Schumacher offered his amendment, AM67, found on page 364.

The Schumacher amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 177. ER7, found on page 356, was adopted.

Senator K. Haar offered his amendment, AM154, found on page 406.

The K. Haar amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 159. ER8, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 220. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 220A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 157. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 149. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 168. ER9, found on page 402, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 40. ER10, found on page 402, was adopted.

Senator Nordquist offered his amendment, AM224, found on page 407.

The Nordquist amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 43. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 247. ER15, found on page 416, was adopted.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 219. ER16, found on page 416, was adopted.

Senator Crawford offered her amendment, AM225, found on page 441.

The Crawford amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources
Room 1525
Wednesday, February 18, 2015 1:30 p.m.
David Bracht - State Energy Office
(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Health and Human Services
LEGISLATIVE BILL 366. Placed on General File.
(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)
LEGISLATIVE RESOLUTION 53. Introduced by Baker, 30.

WHEREAS, the Homestead Act of 1862 was signed by President Abraham Lincoln which gave 160 acres of land to any man or woman who would build a home and make improvements and farm the land for five years; and

WHEREAS, the Homestead Act allowed settlement of almost ten percent or 270 million acres of public land and placed it in the hands of settlers; and

WHEREAS, in 1936, with the backing of United States Senator George Norris, Congress passed a law which was signed by President Franklin D. Roosevelt establishing a new unit in the National Park system called the Homestead National Monument of America; and

WHEREAS, the Homestead National Monument of America near Beatrice commemorates and remembers the hardships and pioneer spirit of early settlers at the homestead site of Daniel Freeman who filed the very first claim in 1863; and

WHEREAS, each homestead created paper documents known as case files which exist only as paper originals. The complete collection of case files consists of over 30 million pieces of paper stored in the National Archives in Washington D.C.; and
WHEREAS, since 1999, the Homestead National Monument of America has been involved in the project to digitize all 30 million documents of the homestead case files collection; and
WHEREAS, the United States Mint's 2015 America the Beautiful Quarters Program will launch the Homestead National Monument of America quarter on February 10, 2015, with approximately 10 million quarters minted each day; and
WHEREAS, the quarter design represents the essential things a homesteader needed to survive including food, housing, and water.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Homestead National Monument of America on the 2015 launch of the Homestead National Monument of America quarter.
2. That a copy of this resolution be sent to the Homestead National Monument of America.

Laid over.

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene offered the following amendment:
AM301
1 1. On page 2, lines 19 through 26, strike the new matter and
2 reinstate the stricken matter; and after line 30 insert the following new
3 subsection:
4 "(4)(a) Beginning July 1, 2016, each public and private high school
5 in Nebraska shall provide to each incoming first-year student and to any
6 student transferring from a high school located in another state, and to
7 the student's parent or legal guardian, the following information
8 concerning meningococcal disease:
9 (i) Meningococcal disease is a serious disease;
10 (ii) Meningococcal disease is a contagious, but a largely
11 preventable, infection of the spinal cord fluid and the fluid that
12 surrounds the brain; and
13 (iii) Immunization against meningococcal disease decreases the risk
14 of contracting the disease.
15 (b) In addition to the information required in subdivision (4)(a) of
16 this section, each public and private high school in Nebraska shall
17 provide to each incoming first-year student and to any student
18 transferring from a high school located in another state, and to the
19 student's parent or legal guardian, web site addresses, telephone
20 numbers, or other information to assist the student or the student's
21 parent or legal guardian in identifying a location where the student may
22 receive an immunization against meningococcal disease.
23 (c) The information required by subdivision (4)(a) of this section
24 may be provided exactly as written in such subdivision or through similar
language that reasonably meets the intent of such subdivision and is
based upon established and scientifically recognized medical or
epidemiological data.
(d) Beginning July 1, 2016, each public and private high school in
Nebraska shall require each incoming first-year student and each student
transferring from a high school located in another state who has not
received the vaccination against meningococcal disease, and the student's
parent or legal guardian, to check a box on a document provided by the
high school indicating that the student and the parent or legal guardian
have reviewed the information provided pursuant to subdivision (4)(a) and
(b) of this section and have decided that the student will not obtain a
vaccination against meningococcal disease.
(e) Nothing in this subsection shall be construed to:
(i) Require a student to obtain the vaccination against
meningococcal disease; or
(ii) Require a high school to provide or pay for the vaccination of
a student.
(f) A public or private high school in Nebraska that has made a
reasonable effort to comply with this subsection shall not be liable for
damages for injuries sustained by a student as a result of contracting
meningococcal disease if the student's claim is based solely upon the
provision of the information required by this subsection.

SPEAKER HADLEY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1524

Monday, March 2, 2015 1:30 p.m.

LB565
LB584
Agency 47 - Educational Telecommunications Commission, Nebraska
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State College System
Agency 83 - Community College Aid

Tuesday, March 3, 2015 1:30 p.m.

Agency 51 - University of Nebraska System
LB108
LB110
LB154
LB417
LB436
Room 1003

Wednesday, March 4, 2015 1:30 p.m.

Agency 21 - State Fire Marshal
Agency 35 - Liquor Control Commission, Nebraska
Agency 64 - State Patrol, Nebraska
Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice
Agency 24 - Motor Vehicles, Department of

Thursday, March 5, 2015 1:30 p.m.

Agency 82 - Commission for the Deaf and Hard of Hearing
Agency 81 - Commission for the Blind and Visually Impaired
Agency 67 - Equal Opportunity Commission
Agency 68 - Latino-American Commission
Agency 70 - Foster Care Review Board, State
Agency 76 - Indian Commission, Nebraska

Friday, March 6, 2015 1:30 p.m.

LB57
Agency 19 - Banking, Department of
Agency 22 - Insurance, Department of
Agency 87 - Accountability and Disclosure Commission
Agency 93 - Tax Equalization and Review Commission
Agency 65 - Administrative Services, Department of

(Signed) Heath Mello, Chairperson
Health and Human Services

Room 1510

Friday, February 20, 2015 1:00 p.m.

John A. E. Craig - Nebraska Rural Health Advisory Commission
Teresa Konda - State Board of Health
Laura A. Scholl - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson
LEGISLATIVE BILL 504. Placed on General File with amendment.

1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 29-2261, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 29-2261 (1) Unless it is impractical to do so, when an offender has been convicted of a felony other than murder in the first degree, the court shall not impose sentence without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation. When an offender has been convicted of murder in the first degree and (a) a jury renders a verdict finding the existence of one or more aggravating circumstances as provided in section 29-2520 or (b)(i) the information contains a notice of aggravation as provided in section 29-1603 and (ii) the offender waives his or her right to a jury determination of the alleged aggravating circumstances, the court shall not commence the sentencing determination proceeding as provided in section 29-2521 without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation.
6 (2) A court may order a presentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.
7 (3) The presentence investigation and report shall include, when available, an analysis of the circumstances attending the commission of the crime, the offender's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and personal habits, and any other matters that the probation officer deems relevant or the court directs to be included.
8 All local and state police agencies and Department of Correctional Services adult correctional facilities shall furnish to the probation officer copies of such criminal records, in any such case referred to the probation officer by the court of proper jurisdiction, as the probation officer shall require without cost to the court or the probation officer.
9 Such investigation shall also include:
10 (a) Any written statements submitted to the county attorney by a victim; and
11 (b) Any written statements submitted to the probation officer by a victim.
12 (4) If there are no written statements submitted to the probation officer, he or she shall certify to the court that:
13 (a) He or she has attempted to contact the victim; and
14 (b) If he or she has contacted the victim, such officer offered to accept the written statements of the victim or to reduce such victim's oral statements to writing.
18 For purposes of subsections (3) and (4) of this section, the term
19 victim shall be as defined in section 29-119.
20 (5) Before imposing sentence, the court may order the offender to
21 submit to psychiatric observation and examination for a period of not
22 exceeding sixty days or such longer period as the court determines to be
23 necessary for that purpose. The offender may be remanded for this purpose
24 to any available clinic or mental hospital, or the court may appoint a
25 qualified psychiatrist to make the examination. The report of the
26 examination shall be submitted to the court.
27 (6) Any presentence report or psychiatric examination shall be
28 privileged and shall not be disclosed directly or indirectly to anyone
29 other than a judge, probation officers to whom an offender's file is duly
30 transferred, the probation administrator or his or her designee, or
31 others entitled by law to receive such information, including personnel
1 and mental health professionals for the Nebraska State Patrol
2 specifically assigned to sex offender registration and community
3 notification for the sole purpose of using such report or examination for
4 assessing risk and for community notification of registered sex
5 offenders. For purposes of this subsection, mental health professional
6 means (a) a practicing physician licensed to practice medicine in this
7 state under the Medicine and Surgery Practice Act, (b) a practicing
8 psychologist licensed to engage in the practice of psychology in this
9 state as provided in section 38-3111, or (c) a practicing mental health
10 professional licensed or certified in this state as provided in the
11 Mental Health Practice Act.
12 (7) The court may permit inspection of the report or examination of
13 parts thereof by the offender or his or her attorney, or other person
14 having a proper interest therein, whenever the court finds it is in the
15 best interest of a particular offender. Upon application by counsel, the
16 court shall provide a copy of the report or examination to counsel for
17 the defendant and the prosecution at no charge at least seven days in
18 advance of the sentencing hearing. The copy of the report may be provided
19 electronically. The court may order that the report or examination not be
20 reproduced or disseminated to persons other than the defendant and his or
21 her counsel and counsel for the prosecution. Upon application by counsel
22 for the prosecution or the defendant, the court may order that addresses,
23 telephone numbers, and other contact information for victims or witnesses
24 named in the report or examination be redacted upon a showing by a
25 preponderance of the evidence that such redaction is warranted in the
26 interests of public safety. The court may allow fair opportunity for an
27 offender to provide additional information for the court's consideration.
28 (8) If an offender is sentenced to imprisonment, a copy of the
29 report of any presentence investigation or psychiatric examination shall
30 be transmitted immediately to the Department of Correctional Services.
31 Upon request, the Board of Parole or the Office of Parole Administration
1 may receive a copy of the report from the department.
2 (9) Notwithstanding subsection (6) and (7) of this section, the
3 Supreme Court or an agent of the Supreme Court acting under the direction
4 and supervision of the Chief Justice shall have access to psychiatric
5 examinations and presentence investigations and reports for research
6 purposes. The Supreme Court and its agent shall treat such information as
7 confidential, and nothing identifying any individual shall be released.
8 Sec. 2. Original section 29-2261, Revised Statutes Cumulative
9 Supplement, 2014, is repealed.

LEGISLATIVE BILL 602. Placed on General File with amendment.
AM308
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 24-703, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 24-703 (1) Each original member shall contribute monthly four
6 percent of his or her monthly compensation to the fund until the maximum
7 benefit as limited in subsection (1) of section 24-710 has been earned.
8 It shall be the duty of the Director of Administrative Services in
9 accordance with subsection (10) of this section to make a deduction of
10 four percent on the monthly payroll of each original member who is a
11 judge of the Supreme Court, a judge of the Court of Appeals, a judge of
12 the district court, a judge of a separate juvenile court, a judge of the
13 county court, a clerk magistrate of the county court who was an associate
14 county judge and a member of the fund at the time of his or her
15 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
16 Compensation Court showing the amount to be deducted and its credit to
17 the fund. The Director of Administrative Services and the State Treasurer
18 shall credit the four percent as shown on the payroll and the amounts
19 received from the various counties to the fund and remit the same to the
20 director in charge of the judges retirement system who shall keep an
21 accurate record of the contributions of each judge.
22 (2)(a) In addition to the contribution required under subdivision
23 (c) of this subsection, beginning on July 1, 2004, each future member who
24 has not elected to make contributions and receive benefits as provided in
25 section 24-703.03 shall contribute monthly six percent of his or her
26 monthly compensation to the fund until the maximum benefit as limited in
27 subsection (2) of section 24-710 has been earned. After the maximum
1 benefit as limited in subsection (2) of section 24-710 has been earned,
2 such future member shall make no further contributions to the fund,
3 except that (i) any time the maximum benefit is changed, a future member
4 who has previously earned the maximum benefit as it existed prior to the
5 change shall contribute monthly six percent of his or her monthly
6 compensation to the fund until the maximum benefit as changed and as
7 limited in subsection (2) of section 24-710 has been earned and (ii) such
8 future member shall continue to make the contribution required under
9 subdivision (c) of this subsection.
10 (b) In addition to the contribution required under subdivision (c)
11 of this subsection, beginning on July 1, 2004, a judge who first serves
12 as a judge on or after such date or a future member who elects to make
13 contributions and receive benefits as provided in section 24-703.03 shall
14 contribute monthly eight percent of his or her monthly compensation to
the fund until the maximum benefit as limited by subsection (2) of section 24-710 has been earned. In addition to the contribution required under subdivision (c) of this subsection, after the maximum benefit as limited in subsection (2) of section 24-710 has been earned, such judge or future member shall contribute monthly four percent of his or her monthly compensation to the fund for the remainder of his or her active service.

(c) Beginning on July 1, 2009, a member or judge described in subdivisions (a) and (b) of this subsection shall contribute monthly an additional one percent of his or her monthly compensation to the fund.

(d) It shall be the duty of the Director of Administrative Services to make a deduction on the monthly payroll of each such future member who is a judge of the Supreme Court, a judge of the Court of Appeals, a judge of the district court, a judge of a separate juvenile court, a judge of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workers' Compensation Court showing the amount to be deducted and its credit to the fund. This shall be done each month. The Director of Administrative Services and the State Treasurer shall credit the amount as shown on the payroll and the amounts received from the various counties to the fund and remit the same to the director in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(3) Except as otherwise provided in this subsection, a Nebraska Retirement Fund for Judges fee of six dollars shall be taxed as costs in each (a) civil cause of action, criminal cause of action, traffic misdemeanor or infraction, and city or village ordinance violation filed in the district courts, the county courts, and the separate juvenile program established under section 29-3602 or 43-260.02, (b) beginning October 1, 2015, enrollment in a pretrial diversion program established under section 29-3602 or 43-260.02, (c) filing in the district court of an order, award, or judgment of the Nebraska Workers' Compensation Court or any judge thereof pursuant to section 48-188, (d) appeal or other proceeding filed in the Court of Appeals, and (e) original action, appeal, or other proceeding filed in the Supreme Court. In county courts a sum shall be charged which is equal to ten percent of each fee provided by sections 33-125, 33-126.02, 33-126.03, and 33-126.06, rounded to the nearest even dollar. No judges retirement fee shall be charged for filing a report pursuant to sections 33-126.02 and 33-126.06. When collected by the clerk of the district or county court, such fees shall be paid and information submitted to the director in charge of the judges retirement system on forms prescribed by the board by the clerk within ten days after the close of each calendar quarter, except that fees related to pretrial diversion programs shall be paid and information submitted by the appropriate county treasurer or city treasurer. Beginning July 1, 2015, the county attorney or city attorney in each county or city that has established a pretrial diversion program shall inform the director in charge of the judges retirement system, in writing, which pretrial diversion programs have been established. The
board may charge a late administrative processing fee not to exceed twenty-five dollars if the information is not timely received or the money is delinquent. In addition, the board may charge a late fee of thirty-eight thousandths of one percent of the amount required to be submitted pursuant to this section for each day such amount has not been received. Such director shall promptly thereafter remit the same to the State Treasurer for credit to the fund. No Nebraska Retirement Fund for Judges fee which is uncollectible for any reason shall be waived by a county judge as provided in section 29-2709.

(4) All expenditures from the fund shall be authorized by voucher in the manner prescribed in section 24-713. The fund shall be used for the payment of all annuities and other benefits and for the expenses of administration.

(5) The fund shall consist of the total fund as of December 25, 1969, the contributions of members as provided in this section, all supplementary court fees as provided in subsection (3) of this section, and any required contributions of the state.

(6) Not later than January 1 of each year, the State Treasurer shall transfer to the fund the amount certified by the board as being necessary to pay the cost of any benefits accrued during the fiscal year ending the previous June 30 in excess of member contributions for that fiscal year and court fees as provided in subsection (3) of this section and fees pursuant to sections 25-2804, 33-103, 33-103.01, 33-106, 33-106.02, 33-123, 33-125, 33-126.02, 33-126.03, and 33-126.06 and directed to be remitted to the fund, if any, for that fiscal year plus any required contributions of the state as provided in subsection (9) of this section.

(7) Benefits under the retirement system to members or to their beneficiaries shall be paid from the fund.

(8) Any member who is making contributions to the fund on December 25, 1969, may, on or before June 30, 1970, elect to become a future member by delivering written notice of such election to the board.

(9) Not later than January 1 of each year, the State Treasurer shall transfer to the fund an amount, determined on the basis of an actuarial valuation as of the previous June 30 and certified by the board, to fully fund the unfunded accrued liabilities of the retirement system as of June 30, 1988, by level payments up to January 1, 2000. Such valuation shall be on the basis of actuarial assumptions recommended by the actuary, approved by the board, and kept on file with the board. For the fiscal year beginning July 1, 2013, and each fiscal year thereafter, the actuary for the board shall perform an actuarial valuation of the system using the entry age actuarial cost method. Under this method, the actuarially required funding rate is equal to the normal cost rate, plus the contribution rate necessary to amortize the unfunded actuarial accrued liability on a level percentage of salary basis. The normal cost under this method shall be determined for each individual member on a level percentage of salary basis. The normal cost amount is then summed for all members. Beginning July 1, 2006, any existing unfunded liabilities shall be reinitialized and amortized over a thirty-year period, and during each subsequent actuarial valuation, changes in the funded actuarial accrued liabilities shall be updated.
liability due to changes in benefits, actuarial assumptions, the asset
valuation method, or actuarial gains or losses shall be measured and
amortized over a thirty-year period beginning on the valuation date of
such change. If the unfunded actuarial accrued liability under the entry
age actuarial cost method is zero or less than zero on an actuarial
valuation date, then all prior unfunded actuarial accrued liabilities
shall be considered fully funded and the unfunded actuarial accrued
liability shall be reinitialized and amortized over a thirty-year period
as of the actuarial valuation date. If the actuarially required
contribution rate exceeds the rate of all contributions required pursuant
to the Judges Retirement Act, there shall be a supplemental appropriation
sufficient to pay for the differences between the actuarially required
contribution rate and the rate of all contributions required pursuant to
the Judges Retirement Act.

(10) The state or county shall pick up the member contributions
required by this section for all compensation paid on or after January 1,
1985, and the contributions so picked up shall be treated as employer
contributions pursuant to section 414(h)(2) of the Internal Revenue Code
in determining federal tax treatment under the code and shall not be
distributed or made available. The contributions, although designated as
member contributions, shall be paid by the state or county in lieu of
member contributions. The state or county shall pay these member
distributions from the same source of funds which is used in paying
earnings to the member. The state or county shall pick up these
distributions by a compensation deduction through a reduction in the
compensation of the member. Member contributions picked up shall be
treated for all purposes of the Judges Retirement Act in the same manner
and to the extent as member contributions made prior to the date picked
up.

Sec. 2. Section 29-3602, Reissue Revised Statutes of Nebraska, is
amended to read:
29-3602 The county attorney of any county may establish a pretrial
diversion program with the concurrence of the county board. Any city
attorney may establish a pretrial diversion program with the concurrence
of the governing body of the city. Such programs shall be established
pursuant to sections 29-3603 and 29-3605 to 29-3609. Beginning July 1,
2015, and within sixty days after establishing new or additional pretrial
diversion programs, the county attorney or city attorney shall submit
written notification to the director in charge of the judges retirement
system, regarding the establishment of each program and provide
additional information as requested for purposes of remitting fees as
required in section 24-703.

Sec. 3. Section 29-3606, Reissue Revised Statutes of Nebraska, is
amended to read:
29-3606 (1) A pretrial diversion plan for minor traffic violations
shall consist of a driver's safety training program.
(2) A driver's safety training program shall:
(a) Provide a curriculum of driver's safety training, as approved by
(b) In addition to the fee established in section 24-703, require payment of a fee approved by the department which is reasonable and appropriate to defray the cost of the presentation of the program. A jurisdiction shall charge a uniform fee for participation in a driver’s safety training program regardless of the traffic violation for which the applicant was cited. Except for the fee established in section 24-703, fees received by a jurisdiction offering a driver’s safety training program may be utilized by such jurisdiction to pay for the costs of administering and operating such program, to promote driver safety, and to pay for the costs of administering and operating other safety and educational programs within such jurisdiction.

(3) The program administrator of each driver’s safety training program shall keep a record of attendees and shall be responsible for determining eligibility. A report of attendees at all driver’s safety training programs in the state shall be shared only with similar programs throughout the state. All procedures for sharing records of attendees among such programs shall conform with the rules and regulations adopted and promulgated by the department to assure that no individual takes the approved course more than once within any three-year period in Nebraska. Such record of attendees and any related records shall not be considered a public record as defined in section 84-712.01.

(4) The department shall approve the curriculum and fees of each program and shall adopt and promulgate rules and regulations governing such programs, including guidelines for fees, curriculum, and instructor certification.

Sec. 4. Section 43-260.02, Reissue Revised Statutes of Nebraska, is amended to read:

A county attorney may establish a juvenile pretrial diversion program with the concurrence of the county board. If the county is part of a multicounty juvenile services plan under the Nebraska County Juvenile Services Plan Act, the county attorney may establish a juvenile pretrial diversion program in conjunction with other county attorneys from counties that are a part of such multicounty plan. A city attorney may establish a juvenile pretrial diversion program with the concurrence of the governing body of the city. Such programs shall meet the requirements of sections 43-260.02 to 43-260.07. Beginning July 1, 2015, and within sixty days after establishing new or additional juvenile pretrial diversion programs, the county attorney or city attorney shall submit written notification to the director in charge of the judges retirement system, regarding the establishment of each program and provide additional information as requested for purposes of remitting fees as required in section 24-703.
25 passed and approved according to law.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB18:
AM300
1 1. On page 2, lines 19 through 26, strike the new matter and
2 reinstate the stricken matter; and after line 30 insert the following new
3 subsection:
4 "(4)(a) On and after July 1, 2016, every public and private high
5 school shall provide each student and the student’s parent or legal
6 guardian with information about meningococcal disease and its vaccine one
7 week prior to the student's graduation from high school. Such information
8 shall include:
9 (i) The causes and symptoms of meningococcal disease, how the
10 disease is spread, and the places where parents and guardians may obtain
11 additional information; and
12 (ii) Current recommendations from the United States Centers for
13 Disease Control and Prevention regarding the receipt of vaccinations for
14 meningococcal disease and where the vaccination may be received.
15 (b) This subsection shall not be construed to require the Department
16 of Health and Human Services or any public or private high school to
17 provide meningococcal vaccination to students.
18 (c) The Department of Health and Human Services shall prepare the
19 informational materials required in this subsection.
20 (d) This subsection does not create a private right of action."

Senator Groene filed the following amendment to LB18:
AM302
1 1. On page 2, line 21, strike "shall" and insert "may".

Senator Groene filed the following amendment to LB18:
AM143
1 1. Insert the following new section:
2 Sec. 2. Section 79-221, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 79-221 Immunization shall not be required for a student's enrollment
5 in any school in this state if he or she submits to the admitting
6 official either of the following:
7 (1) A statement signed by a physician, a physician assistant, or an
8 advanced practice registered nurse practicing under and in accordance
9 with his or her respective certification act, stating that, in the health
10 care provider's opinion, the immunizations required would be injurious to
11 the health and well-being of the student or any member of the student's
12 family or household; or
13 (2) An affidavit signed by the student or, if he or she is a minor,
14 by a legally authorized representative of the student, stating that the
immunization conflicts with the tenets and practice of a recognized religious denomination of which the student is an adherent or member or that immunization conflicts with the personal and sincerely followed religious or philosophical beliefs of the student.

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

Senator Groene filed the following amendment to LB18:

AM303
1 1. On page 2, line 20, strike "2016" and insert "2017".

Senator Groene filed the following amendment to LB18:

AM304
1 1. On page 2, line 20, strike "2016" and insert "2018".

Senator Groene filed the following amendment to LB18:

AM305
1 1. On page 2, line 20, strike "seventh" and insert "eighth"; and in line 21 strike "sixteen" and insert "seventeen".

Senator Groene filed the following amendment to LB18:

AM299
1 1. On page 2, lines 19 through 26, strike the new matter and reinstate the stricken matter; and after line 30 insert the following new subsection:
4 "(4)(a) On and after July 1, 2016, every public and private school shall provide each student entering the seventh grade and each student entering the junior year of high school and the student’s parent or legal guardian with information about meningococcal disease and its vaccine. Such information shall include:
(i) The causes and symptoms of meningococcal disease, how the disease is spread, and the places where parents and guardians may obtain additional information; and
(ii) Current recommendations from the United States Centers for Disease Control and Prevention regarding the receipt of vaccinations for meningococcal disease and where the vaccination may be received.
(b) This subsection shall not be construed to require the Department of Health and Human Services or any public or private school to provide meningococcal vaccination to students.
(c) The Department of Health and Human Services shall prepare the informational materials required in this subsection."

Senator Cook filed the following amendment to LB10:

AM344
1 1. On page 2, line 13, strike "formulate and promulgate a state platform," and show as stricken.
Senator Schumacher filed the following amendment to LB118:

AM343

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-1429.03, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 28-1429.03 (1) Except as provided in subsection (2) of this section
6 and section 28-1429.02, it shall be unlawful to sell or distribute
7 cigarettes, cigars, vapor products, alternative nicotine products, or
8 tobacco in any form whatever through a self-service display. Any person
9 violating this section is guilty of a Class III misdemeanor. In addition,
10 upon conviction for a second or subsequent offense within a twelve-month
11 period, the court shall order a six-month suspension of the license
12 issued under section 28-1421.
13 (2) Cigarettes, cigars, vapor products, alternative nicotine
14 products, or tobacco in any form whatever may be sold or distributed in a
15 self-service display that is located in a tobacco specialty store or
16 cigar shop bar as defined in section 53-103.08.
17 Sec. 2. Section 53-101, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:
19 53-101 Sections 53-101 to 53-1,122 and sections 5 and 6 of this act
20 shall be known and may be cited as the Nebraska Liquor Control Act.
21 Sec. 3. Section 53-103.08, Reissue Revised Statutes of Nebraska, is
22 amended to read:
23 53-103.08 Cigar shop bar means an establishment operated by a holder
24 of a Class C liquor license which:
25 (1) Does not sell food;
26 (2) In addition to selling alcohol, annually receives ten percent or
27 more of its gross revenue from the sale of cigars and other tobacco
1 products and tobacco-related products, except from the sale of
2 cigarettes as defined in section 69-2702. A cigar shop bar shall not
3 discount alcohol if sold in combination with cigars or other tobacco
4 products and tobacco-related products;
5 (3) Has a walk-in humidor on the premises; and
6 (4) Does not permit the smoking of cigarettes.
7 Sec. 4. Section 53-131, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:
9 53-131 (1) Any person desiring to obtain a new license to sell
10 alcoholic liquor at retail, a craft brewery license, or a microdistillery
11 license shall file with the commission:
12 (a) An application in triplicate original upon forms prescribed by
13 the commission, including the information required by
14 subsection (3) of this section for an application to operate a cigar shop
15 bar;
16 (b) The license fee if under sections 53-124 and 53-124.01 such fee
17 is payable to the commission, which fee shall be returned to the
18 applicant if the application is denied; and
19 (c) The nonrefundable application fee in the sum of four hundred
20 dollars, except that the nonrefundable application fee for an application
for a cigar shop shall be one thousand dollars.

(2) The commission shall notify the clerk of the city or village in
which such license is sought or, if the license sought is not sought
within a city or village, the county clerk of the county in which such
license is sought, of the receipt of the application and shall include
one copy of the application with the notice. No such license shall be
issued or denied by the commission until the expiration of the time
allowed for the receipt of a recommendation of denial or an objection
requiring a hearing under subdivision (1)(a) or (b) of section 53-133.

During the period of forty-five days after the date of receipt by mail or
electronic delivery of such application from the commission, the local
governing body of such city, village, or county may make and submit to
the commission recommendations relative to the granting or refusal to
grant such license to the applicant.

(3) For an application to operate a cigar shop, the application
shall include proof of the cigar shop's annual gross revenue as
requested by the commission and such other information as requested by
the commission to establish the intent to operate as a cigar shop.

The commission may adopt and promulgate rules and regulations to regulate
cigar shops. The rules and regulations existing on August 1, 2014,
applicable to cigar bars shall apply to cigar shops until amended or
repealed by the commission.

(4) For renewal of a license under this section, a licensee shall
file with the commission an application, the license fee as provided in
subdivision (1)(b) of this section, and a renewal fee of forty-five
dollars.

Sec. 5. (1) The Legislature finds that allowing smoking in cigar
shops as a limited exception to the Nebraska Clean Indoor Air Act does
not interfere with the original intent that the general public and
employees not be unwillingly subjected to second-hand smoke. This
exception poses a de minimis restriction on the public and employees
given the limited number of cigar shops compared to other businesses that
sell alcohol, cigars, and pipe tobacco, and any member of the public
should reasonably expect that there would be second-hand smoke in a cigar
shop given the nature of the business and could choose to avoid such
exposure.

(2) The Legislature finds that (a) cigars and pipe tobacco have
different characteristics than other forms of tobacco such as cigarettes,
(b) cigars are customarily paired with various spirits such as cognac,
single malt whisky, bourbon, rum, rye, port, and others, and (c) unlike
cigarette smokers, cigar and pipe smokers may take an hour or longer to
enjoy a cigar or pipe while cigarettes simply serve as a mechanism for
delivering nicotine. Cigars paired with selected liquor creates a synergy
unique to the particular pairing similar to wine paired with particular
foods. Cigars are a pure, natural product wrapped in a tobacco leaf that
is typically not inhaled in order to enjoy the taste of the smoke, unlike
cigarettes that tend to be processed with additives and wrapped in paper
and are inhaled. Cigars have a different taste and smell than cigarettes
due to the fermentation process cigars go through during production.
Cigars tend to cost considerably more than cigarettes, and their quality and characteristics vary depending on the type of tobacco plant, the geography and climate where the tobacco was grown, and the overall quality of the manufacturing process. Not only does the customized blending of the tobacco influence the smoking experience, so does the freshness of the cigars, which is dependent on how the cigars were stored and displayed. These variables are similar to fine wines, which can also be very expensive to purchase. It is all of these variables that warrant a customer wanting to sample the product before making such a substantial purchase.

The Legislature finds that exposure to second-hand smoke is inherent in the selling and sampling of cigars and pipe tobacco and that this exposure is inextricably connected to the nature of selling this legal product, similar to other inherent hazards in other professions and employment.

It is the intent of the Legislature to allow cigar and pipe smoking in cigar shops that meet specific statutory criteria not inconsistent with the fundamental nature of the business. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

The holder of a cigar shop license shall not allow a person under twenty-one years of age to smoke or purchase any product in the cigar shop.

The licensee shall post a sign on all entrances to the cigar shop, on the outside of each door, in a conspicuous location slightly above or next to the door, with the following statement: SMOKING OF CIGARS ANDPIPES IS ALLOWED INSIDE THIS BUSINESS. SMOKING OF CIGARETTES IS NOT ALLOWED.

Beginning November 1, 2015, the licensee shall provide to the commission a copy of a waiver signed prior to employment by each employee on a form prescribed by the commission. The waiver shall expressly notify the employee that he or she will be exposed to second-hand smoke, and the employee shall acknowledge that he or she understands the risks of exposure to second-hand smoke.

No county resolution or city ordinance that prohibits smoking in indoor areas shall apply to cigar shops.

Sections 71-5716 to 71-5734 and section 11 of this act shall be known and may be cited as the Nebraska Clean Indoor Air Act.

The purpose of the Nebraska Clean Indoor Air Act is to protect the public health and welfare by prohibiting smoking in public places and places of employment with limited exceptions for guestrooms and suites, research, tobacco retail outlets, and cigar shops. The
limited exceptions permit smoking in public places where the public would reasonably expect to find persons smoking, including guestrooms and suites which are subject to expectations of privacy like private residences, institutions engaged in research related to smoking, and tobacco retail outlets and cigar shops which provide the public legal retail outlets to sample, use, and purchase tobacco products and products related to smoking. The act shall not be construed to prohibit or otherwise restrict smoking in outdoor areas. The act shall not be construed to permit smoking where it is prohibited or otherwise restricted by other applicable law, ordinance, or resolution. The act shall be liberally construed to further its purpose.

Sec. 10. Section 71-5730, Revised Statutes Cumulative Supplement, 2014, is amended to read:

71-5730 (1) The following indoor areas are exempt from section 71-5729:

(a) Guestrooms and suites that are rented to guests and that are designated as smoking rooms, except that not more than twenty percent of rooms rented to guests in an establishment may be designated as smoking rooms. All smoking rooms on the same floor shall be contiguous, and smoke from such rooms shall not infiltrate into areas where smoking is prohibited under the Nebraska Clean Indoor Air Act;

(b) Indoor areas used in connection with a research study on the health effects of smoking conducted in a scientific or analytical laboratory under state or federal law or at a college or university approved by the Coordinating Commission for Postsecondary Education;

(c) Tobacco retail outlets; and

(d) Cigar shops as defined in section 53-103.08.

(2) The Legislature finds that allowing smoking in tobacco retail outlets as a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke since the general public does not frequent tobacco retail outlets and should reasonably expect that there would be second-hand smoke in tobacco retail outlets and could choose to avoid such exposure. The products that tobacco retail outlets sell are legal for customers who meet the age requirement. Customers should be able to try them within the tobacco retail outlet, especially given the way that tobacco customization may occur in how tobacco is blended and cigars are produced. The Legislature finds that exposure to second-hand smoke is inherent in the selling and sampling of cigars and pipe tobacco and that this exposure is inextricably connected to the nature of selling this legal product, similar to other inherent hazards in other professions and employment.

(b) It is the intent of the Legislature to allow cigar and pipe smoking in tobacco retail outlets that meet specific statutory criteria not inconsistent with the fundamental nature of the business. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

(3) The Legislature finds that allowing smoking in cigar shops as
a limited exception to the Nebraska Clean Indoor Air Act does not interfere with the original intent that the general public and employees not be unwillingly subjected to second-hand smoke. This exception poses a de minimis restriction on the public and employees given the limited number of cigar shops compared to other businesses that sell alcohol, cigars, and pipe tobacco, and any member of the public should reasonably expect that there would be second-hand smoke in a cigar shop given the nature of the business and could choose to avoid such exposure.

(b) The Legislature finds that (i) cigars and pipe tobacco have different characteristics than other forms of tobacco such as cigarettes, (ii) cigars are customarily paired with various spirits such as cognac, single malt whisky, bourbon, rum, rye, port, and others, and (iii) unlike cigarette smokers, cigar and pipe smokers may take an hour or longer to enjoy a cigar or pipe while cigarettes simply serve as a mechanism for delivering nicotine. Cigars paired with selected liquor creates a synergy unique to the particular pairing similar to wine paired with particular foods. Cigars are a pure, natural product wrapped in a tobacco leaf that is typically not inhaled in order to enjoy the taste of the smoke, unlike cigarettes that tend to be processed with additives and wrapped in paper and are inhaled. Cigars have a different taste and smell than cigarettes due to the fermentation process cigars go through during production. Cigars tend to cost considerably more than cigarettes, and their quality and characteristics vary depending on the type of tobacco plant, the geography and climate where the tobacco was grown, and the overall quality of the manufacturing process. Not only does the customized blending of the tobacco influence the smoking experience, so does the freshness of the cigars, which is dependent on how the cigars were stored and displayed. These variables are similar to fine wines, which can also be very expensive to purchase. It is all of these variables that warrant a customer wanting to sample the product before making such a substantial purchase.

(c) The Legislature finds that exposure to second-hand smoke is inherent in the selling and sampling of cigars and pipe tobacco and that this exposure is inextricably connected to the nature of selling this legal product, similar to other inherent hazards in other professions and employment.

(d) It is the intent of the Legislature to allow cigar and pipe smoking in cigar shops that meet specific statutory criteria not inconsistent with the fundamental nature of the business. This exception to the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with the intent of the act to protect public places and places of employment.

Sec. 11. (1) The owner of a tobacco retail outlet shall post a sign on all entrances to the tobacco retail outlet, on the outside of each door, in a conspicuous location slightly above or next to the door, with the following statement: SMOKING OF CIGARS AND PIPES IS ALLOWED INSIDE THIS BUSINESS. SMOKING OF CIGARETTES IS NOT ALLOWED.

(2) Beginning November 1, 2015, the owner shall provide to the Division of Public Health a copy of a waiver signed prior to employment.
31 by each employee on a form prescribed by the division. The waiver shall
1 expressly notify the employee that he or she will be exposed to second-
2 hand smoke, and the employee shall acknowledge that he or she understands
3 the risks of exposure to second-hand smoke.
4 (3) The owner shall not allow cigarette smoking in the tobacco
5 retail outlet.
6 Sec. 12. If any section in this act or any part of any section is
7 declared invalid or unconstitutional, the declaration shall not affect
8 the validity or constitutionality of the remaining portions.
9 Sec. 13. Original sections 53-103.08, 53-1,120.01, 71-5716, and
10 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03,
11 53-101, 53-131, and 71-5730, Revised Statutes Cumulative Supplement,
12 2014, are repealed.
13 Sec. 14. Since an emergency exists, this act takes effect when
14 passed and approved according to law.

Senator Riepe filed the following amendment to LB18:
AM352
1 1. On page 2, line 25, after the period insert "A student may be
2 exempted from complying with this subsection if he or she presents to the
3 administration of the school in which he or she is enrolled written
4 permission signed by either a physician licensed and practicing under the
5 Medicine and Surgery Practice Act or a nurse practitioner licensed and
6 practicing under the Nurse Practitioner Practice Act."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis - LB641
Riepe - LB357
Garrett - LB268
B. Harr - LB329

VISITORS

Visitor to the Chamber was Karen Humphrey from Kearney.
The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Seiler, the Legislature adjourned
until 9:00 a.m., Thursday, February 12, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper
TWENTY-SIXTH DAY - FEBRUARY 12, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 12, 2015

PRAYER

The prayer was offered by Senator Brasch.

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 Senator Campbell who was excused; and Senators Bolz, Craighead, Davis, B. Harr, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 23. Placed on Select File with amendment.

ER25
1 1. On page 1, line 8, after "change" insert "and eliminate
2 provisions of".
3 2. On page 5, line 17, strike "are".
4 3. On page 6, line 23, strike "are" and after "not" insert "be".
5 4. On page 15, line 13, strike "professions" and insert
6 "profession".
7 5. On page 16, line 26, strike "submission" and insert
8 "submissions".
9 6. On page 18, line 2, strike "practices" and insert "practice".
10 7. On page 33, line 19; and page 42, line 21, strike "act", show as
11 stricken, and insert "Engineers and Architects Regulation Act".
12 8. On page 37, line 13, after "Act" insert an underscored comma.

LEGISLATIVE BILL 107. Placed on Select File.
LEGISLATIVE BILL 87. Placed on Select File with amendment.
ER26
1 1. On page 1, line 4, strike "a reporting deadline" and insert "and
2 eliminate reporting requirements" and after the semicolon insert "and".
3 2. On page 5, line 5, strike "43-4302" and insert "section 43-4202".

LEGISLATIVE BILL 90. Placed on Select File.

LEGISLATIVE BILL 70. Placed on Select File with amendment.
ER27
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 9-1006, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 9-1006 The Compulsive Gamblers Assistance Fund is created. The fund
6 shall include revenue transferred from the State Lottery Operation Trust
7 Fund under section 9-812 and the Charitable Gaming Operations Fund under
8 section 9-1,101, revenue credited under section 3 of this act, and any
9 other revenue received by the division or commission for credit to the
10 fund from any other public or private source, including, but not limited
11 to, appropriations, grants, donations, gifts, devises, bequests, fees, or
12 reimbursements. The commission shall administer the fund for the
13 operation of the Gamblers Assistance Program. The Director of
14 Administrative Services shall draw warrants upon the Compulsive Gamblers
15 Assistance Fund upon the presentation of proper vouchers by the
16 commission. Money from the Compulsive Gamblers Assistance Fund shall be
17 used exclusively for the purpose of providing assistance to agencies,
18 groups, organizations, and individuals that provide education,
19 assistance, and counseling to individuals and families experiencing
20 difficulty as a result of problem gambling, to promote the awareness of
21 problem gamblers assistance programs, and to pay the costs and expenses
22 of the Gamblers Assistance Program, including travel. Any money in the
23 fund available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.
26 Sec. 2. Section 77-3004, Reissue Revised Statutes of Nebraska, is
27 amended to read:
1 77-3004 (1) An occupation tax is hereby imposed and levied, in the
2 amount and in accordance with the terms and conditions hereafter stated,
3 upon the business of operating mechanical amusement devices within the
4 State of Nebraska for profit or gain either directly or indirectly
5 received. Every person who now or hereafter engages in the business of
6 operating such devices in the State of Nebraska shall pay such tax in the
7 amount and manner specified in this section.
8 (2) Any operator of a mechanical amusement device within the State
9 of Nebraska shall pay an occupation tax for each machine or device which
10 he or she operates during all of the taxable year. The tax shall be due
11 and payable on January 1 of each year on each machine or device in
12 operation on that date, except that it shall be unlawful to pay any such
occupation tax unless the sales or use tax has been paid on such mechanical amusement devices. For every machine or device put into operation on a date subsequent to January 1, and which has not been included in computing the tax imposed and levied by the Mechanical Amusement Device Tax Act, the tax shall be due and payable therefor prior to the time the machine or device is placed in operation. All taxes collected pursuant to this section shall be remitted to the State Treasurer for credit to the General Fund.

(3) The amount of the occupation tax shall be fifty dollars for each machine or device for the period from July 1, 1998, through December 31, 1999, except that for machines placed in operation after April 1, 1999, and before January 1, 2000, the occupation tax shall be twenty-five dollars for each machine or device.

(4) The amount of the occupation tax shall be thirty-five dollars for each machine or device for any period beginning on or after January 1, 2000, except that for machines placed in operation after July 1, and before January 1 of each year, the occupation tax shall be twenty dollars for each machine or device.

Sec. 3. (1) Beginning sixty days after the effective date of this act, in addition to the occupation tax imposed pursuant to section 77-3004, an additional occupation tax shall be levied upon the business of operating a mechanical amusement device that:
(a) Accepts currency, coins, tokens, or other value in exchange for play;
(b) Awards a monetary prize or anything redeemable for a monetary prize;
(c) Is played by a player using a touch screen, computer mouse, touch pad, light pen, laser, or device of similar function by which the player competes against software running the device; and
(d) Has not been adjudicated by a court of competent jurisdiction within the State of Nebraska to not constitute a gambling device as defined in subdivision (5) of section 28-1101. Any such adjudication shall be by way of a final order in which the Tax Commissioner has been made a party to the action and written notice shall have been provided to the Attorney General at the commencement of the action.

(2) Any operator of such mechanical amusement device shall pay the occupation tax. If an operator believes that a mechanical amusement device is not taxable under subsection (1) of this section, the burden is on the operator to prove to the Tax Commissioner that such device does not have one or more of the characteristics required for taxability under subsection (1) of this section. Such proof may be made by, among other things, a showing that the software running the game remains constant with the nature of a game that had its software at issue in a judicial case, not overturned by appeal, in which the State of Nebraska was a party, the issue was litigated, and the final order found that the particular game is more controlled by the player than not, and thus is predominantly a game of skill.

(3) The amount of the occupation tax shall be equal to ten percent of the gross revenue derived from the operation of any mechanical
amusement device described in subsection (1) of this section. The Tax
Commissioner shall collect such occupation tax concurrently with
collection of the state sales tax in the same manner as the state sales
tax is collected. All taxes collected pursuant to this section shall be
remitted to the State Treasurer, and the State Treasurer shall credit
ninety-seven percent of such taxes to the General Fund and the remaining
three percent of such taxes to the Compulsive Gamblers Assistance Fund.
(4) For purposes of this section, gross revenue means the total
aggregate receipts received from the operation of any mechanical
amusement device described in subsection (1) of this section without any
reduction for prizes, discounts, taxes, or expenses and includes receipts
from admission costs, any consideration necessary for participation, and
the value of any free tickets, games, or plays used.
(5) The occupation tax imposed in this section shall not apply to
any device not within the definition of a gambling device as defined in
subdivision (5) of section 28-1101 or to any device that is specifically
authorized by law.
(6) For purposes of this section, the fact that the device is played
or connected via league or tournament play shall play no factor in
determining whether the occupation tax imposed by this section is due.
Sec. 4. Section 77-3005, Reissue Revised Statutes of Nebraska, is
amended to read:
77-3005 The occupation tax taxes levied and imposed by the
Mechanical Amusement Device Tax Act under section 77-3004 and section 3
of this act shall be in addition to any and all taxes or fees, of any
form whatsoever, now imposed by the State of Nebraska or any of its
subdivisions, upon the business of operating or distributing mechanical
amusement devices as defined in section 77-3001, or otherwise defined by
the subdivisions and municipalities of the State of Nebraska, except that
payment of the tax imposed under section 77-3004 and license fees due and
owing on or before the licensing date of each year and payment of any tax
due and owing under section 3 of this act shall exempt any such
mechanical amusement device from the application of the sales tax which
would or could otherwise be imposed under the Nebraska Revenue Act of
1967. Nonpayment of the taxes or tax imposed under section 77-3004 and
license fees due and owing on or before the licensing date of each year
or nonpayment of any tax due and owing under section 3 of this act shall
render the exemption provided by this section inapplicable and the
particular machines or devices shall then be subject to all the
provisions of the Nebraska Revenue Act of 1967, including the penalty
provisions pertaining to the owner or operator of such machines or
devices.
Sec. 5. Section 77-3006, Reissue Revised Statutes of Nebraska, is
amended to read:
77-3006 The administration of the provisions of sections 77-3001 to
77-3011 Mechanical Amusement Device Tax Act is hereby vested in the Tax
Commissioner of the State of Nebraska subject to other provisions of law
relating to the Tax Commissioner. The Tax Commissioner may prescribe,
adopt, and enforce rules and regulations relating to the administration
18 and enforcement of the provisions of sections 77-3001 to 77-3011, act and
19 may delegate authority to his or her representatives to conduct hearings,
20 or perform any other duties imposed under the provisions of sections
21 77-3001 to 77-3011 act.

Sec. 6. Section 77-3007, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 77-3007 (1) The payment of the tax imposed by the provisions of
25 sections 77-3001 to 77-3011 under section 77-3004 shall be evidenced by a
26 separate decal for each device signifying payment of the such tax, in a
27 form prescribed by the Tax Commissioner.
28 (2) Every operator shall place such decal in a conspicuous place on
29 each device to denote payment of the such tax for each device for the
30 current year.

Sec. 7. Section 77-3008, Reissue Revised Statutes of Nebraska, is
31 amended to read:
32 77-3008 Nothing in sections 77-3001 to 77-3011 the Mechanical
33 Amusement Device Tax Act shall be construed to limit, usurp, or repeal
34 any power to tax granted to the subdivisions and municipalities of the
35 State of Nebraska by the laws and Constitution of the State of Nebraska.

Sec. 8. Section 77-3009, Reissue Revised Statutes of Nebraska, is
37 amended to read:
38 77-3009 (1) Any person who places a mechanical amusement device in
39 operation in the State of Nebraska without the necessary decal being
40 placed conspicuously upon it, or without having obtained the necessary
41 license, or without having paid any occupation tax due under section 3 of
42 this act shall be subject to an administrative penalty of seventy-five
43 dollars for each violation.
44 (2) Any mechanical amusement device which does not have the
45 necessary decal conspicuously displayed upon it, or if an occupation tax
46 under section 3 of this act has been imposed on a mechanical amusement
47 device and such tax has not been paid, the mechanical amusement device in
48 question shall be subject to being sealed by the Tax Commissioner or his
49 or her delegate. If such seal is broken prior to payment of the all
50 occupation tax upon taxes owed on such device, the device shall be
51 subject to forfeiture and sale by the Tax Commissioner.
52 (3) Any person violating the Mechanical Amusement Device Tax Act
53 shall be guilty of a Class II misdemeanor. Each day on which any person
54 engages in or conducts the business of operating or distributing the
55 machines or devices subject to the Mechanical Amusement Device Tax Act,
56 without having paid the tax taxes required by section 77-3004 and section
57 3 of this act or without having obtained the required license as
58 provided, shall constitute a separate offense.

Sec. 9. Section 77-3010, Reissue Revised Statutes of Nebraska, is
60 amended to read:
61 77-3010 Prosecutions for any violations of sections 77-3001 to
62 1 77-3011 the Mechanical Amusement Device Tax Act shall be brought by the
63 Attorney General or county attorney in the county in which the violation
64 occurs. Any such prosecution for the violation of any of the provisions
65 of sections 77-3001 to 77-3011 shall be instituted within three years.
5 after the commission of the offense.
6 Sec. 10. Section 77-3011, Reissue Revised Statutes of Nebraska, is
7 amended to read:
8 77-3011 Sections 77-3001 to 77-3011 and section 3 of this act shall
9 be known and may be cited as the Mechanical Amusement Device Tax Act.
10 Sec. 11. Original sections 77-3004, 77-3005, 77-3006, 77-3007,
11 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of
12 Nebraska, and section 9-1006, Revised Statutes Cumulative Supplement,
13 2014, are repealed.
14 Sec. 12. Since an emergency exists, this act takes effect when
15 passed and approved according to law.
16 2. On page 1, line 3, after "Nebraska" insert ", and section 9-1006,
17 Revised Statutes Cumulative Supplement, 2014"; in line 5 after the
18 semicolon insert "to change the distribution of certain occupation
19 taxes;"; in line 6 strike "and"; and in line 7 after "sections" insert ";
20 and to declare an emergency".

LEGISLATIVE BILL 446. Placed on Select File.
LEGISLATIVE BILL 194. Placed on Select File.

LEGISLATIVE BILL 301. Placed on Select File with amendment.
ER28
1 1. On page 3, line 14, after "24-212" insert an underscored comma;
2 and in line 17 strike "section 24-209" and insert "this section".

LEGISLATIVE BILL 314. Placed on Select File.

LEGISLATIVE BILL 252. Placed on Select File with amendment.
ER29
1 1. On page 5, line 2, strike the comma.

LEGISLATIVE BILL 286. Placed on Select File.
LEGISLATIVE BILL 116. Placed on Select File.

LEGISLATIVE BILL 266. Placed on Select File with amendment.
ER30
1 1. On page 12, line 2, after "including" insert an underscored comma
2 and after "to" insert an underscored comma.
3 2. On page 16, line 29, strike "and".
4 3. On page 17, line 6, strike the new matter and reinstate the
5 stricken matter; and in line 9 strike "extraterritorial", show as
6 stricken, and insert "two-mile".
7 4. On page 18, line 7, strike the comma and show as stricken.

LEGISLATIVE BILL 312. Placed on Select File.
LEGISLATIVE BILL 313. Placed on Select File with amendment.
ER31
1 1. On page 1, strike beginning with "update" in line 4 through
2 "carriers" in line 5 and insert "adopt and update references to certain
3 federal provisions relating to low-speed vehicles, handicapped or
4 disabled parking permits, the International Registration Plan, operators'5 licenses, persons handling source documents, hazardous materials, and the
6 unified carrier registration plan and agreement".

LEGISLATIVE BILL 45. Placed on Select File with amendment.
ER32
1 1. On page 1, strike lines 2 through 5 and insert "amend sections
2 60-366 and 60-3,104, Revised Statutes Cumulative Supplement, 2014; to
3 change and eliminate provisions regarding film vehicles; to harmonize
4 provisions; to repeal the original sections; and to outright repeal
5 section 60-383, Reissue Revised Statutes of Nebraska.".

LEGISLATIVE BILL 181. Placed on Select File.

LEGISLATIVE BILL 180. Placed on Select File with amendment.
ER33
1 1. On page 9, line 13, strike "to", show as stricken, and insert
2 "through".

LEGISLATIVE BILL 298. Placed on Select File with amendment.
ER35
1 1. On page 1, line 3, after "reinsurance" insert "and acceptable
2 forms of security".
3 2. On page 8, line 9, strike the semicolon and after "or" insert an
4 underscored comma; and in line 13 strike the comma.

LEGISLATIVE BILL 352. Placed on Select File with amendment.
ER34
1 1. On page 1, line 4, strike "recordkeeping by" and insert "duties
2 of".
3 2. On page 2, lines 13 and 14, strike the semicolon, show as
4 stricken, and insert an underscored comma.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 54. Introduced by Brasch, 16.

WHEREAS, Caleb Sandall, a member of Troop 143, has completed the
requirements for the rank of Eagle Scout in the Boy Scouts of America; and
WHEREAS, Caleb is the son of Brian and Tiffany Sandall and Kristine
and John Calhoun; 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Caleb 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, 12 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, Caleb refurbished, hardscaped, and reinstalled a cedar wood swing set at Camp Fontenelle in Nickerson; and

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

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

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

1. That the Legislature congratulates Caleb Sandall on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Caleb Sandall.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 11, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Baird Holm LLP
Grande Prairie Wind, LLC
Infigen Energy
Turner Park North, LLC
Bruckner, Traci
Center for Rural Affairs
Bruning, Jon
Bruning Law Group
Frohman, Ann M.
Ameritas Life Insurance Corp.
Kelley & Jerram, PC, LLO
Omaha Exposition and Racing, Inc.
ABBREVIATIONS

LEGISLATIVE BILL 128. Placed on General File.

LEGISLATIVE BILL 242. Placed on General File with amendment.

AM357

1 1. Strike original section 5 and insert the following new section:
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 2-3753 The commission shall have the following powers and duties:
5 (1) To adopt and devise a dry bean program consisting of research,
6 education, advertising, publicity, and promotion to increase total
7 consumption of dry beans on a state, national, and international basis;
8 (2) To prepare and approve a budget consistent with limited receipts
9 and the scope of the dry bean program;
10 (3) To adopt and promulgate reasonable rules and regulations
11 necessary to carry out the dry bean program;
12 (4) To procure and evaluate data and information necessary for the
13 proper administration and operation of the dry bean program;
14 (5) To employ personnel and contract for services which are
15 necessary for the proper operation of the dry bean program;
16 (6) To establish a means whereby the grower and processor of dry
17 beans has the opportunity at least annually to offer his or her ideas and
18 suggestions relative to commission policy for the coming year;
19 (7) To authorize the expenditure of funds and contracting of
20 expenditures to conduct proper activities of the program;
21 (8) To bond such persons as may be necessary in order to insure
22 adequate protection of funds;
23 (9) To keep minutes of its meetings and other books and records
24 which will clearly reflect all of the acts and transactions of the
25 commission and to keep such records open to examination by any grower or
26 processor participant during normal business hours;
27 (10) To prohibit any funds collected by the commission from being
1 expended directly or indirectly to promote or oppose any candidate for
2 public office or to influence state legislation. The board shall not
3 expend more than fifteen percent of its annual budget to
4 influence federal legislation. The purpose of such federal lobbying
5
activity shall be limited to support of the underlying objectives of the dry bean program relating to market development, education, and research; 

7 (11) To establish an administrative office at such place in the state as may be suitable for the proper discharge of the functions of the commission; and 

10 (12) To adopt and promulgate rules and regulations to carry out the Dry Bean Resources Act. 

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

(Signed) Jerry Johnson, Chairperson

MOTION(S) - Return LB1 to Select File

Senator Chambers moved to return LB1 to Select File for the following specific amendment:

FA9

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

Senator Krist moved to return LB1 to Select File for the following specific amendment:

FA10

Strike the enacting clause.

Senator Krist withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to a transfer of property; to eliminate a provision relating to transfer of property taking place in 1994; and to outright repeal section 83-1,100.01, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 44:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 2.**

A BILL FOR AN ACT relating to correctional facilities; to eliminate provisions relating to design and location of certain correctional facilities done in 1970's; and to outright repeal section 83-954, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

Baker  Friesen  Hughes  McCoy  Schnoor
Bloomfield  Garrett  Johnson  Mello  Schumacher
Brasch  Gloor  Kintner  Morfeld  Seiler
Chambers  Groene  Kolowski  Morfeld  Seiler
Coash  Haar, K.  Kolterman  Murante  Smith
Cook  Hadley  Krist  Nordquist  Stinner
Craighead  Hansen  Kuehn  Pansing  Brooks  Sullivan
Crawford  Hillemann  Larson  Riepe  Williams
Ebke  Howard  Lindstrom  Scheer

Voting in the negative, 0.

Present and not voting, 1:

McCullister

Excused and not voting, 5:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 3.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Cumulative Supplement, 2014; to repeal provisions relating to tax credits that terminated January 1, 2010; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233, and 77-27,234, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 44:

Baker  Friesen  Hughes  McCollister  Schilz
Bloomfield  Garrett  Johnson  McCoy  Schnoor
Brasch  Gloor  Kintner  Mello  Schumacher
Chambers  Groene  Kolowski  Morfeld  Seiler
Coash  Haar, K.  Kolterman  Murante  Smith
Cook  Hadley  Krist  Nordquist  Stinner
Craighead  Hansen  Kuehn  Pansing  Brooks  Sullivan
Crawford  Hilkemann  Larson  Riepe  Williams
Ebke  Howard  Lindstrom  Scheer

Voting in the negative, 0.

Excused and not voting, 5:

Bolz  Campbell  Davis  Harr, B.  Watermeier

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

**LEGISLATIVE BILL 4.**

A BILL FOR AN ACT relating to the Nebraska Opportunity Zone Act; to repeal provisions that terminated December 31, 2010; and to outright repeal sections 81-12,117, 81-12,118, 81-12,119, 81-12,120, 81-12,121, 81-12,123, and 81-12,124, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 44:
Voting in the negative, 0.

Excused and not voting, 5:

Bolz  Campbell  Davis  Harr, B.  Watermeier

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

**LEGISLATIVE BILL 5.**

A BILL FOR AN ACT relating to the Nebraska Innovation and High Wage Employment Act; to repeal provisions that terminated January 1, 2011; and to outright repeal sections 48-2801, 48-2802, 48-2803, 48-2804, and 48-2805, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 44:

Baker  Friesen  Hughes  McCollister  Schilz
Bloomfield  Garrett  Johnson  McCoy  Schnoor
Brasch  Gloor  Kintner  Mello  Schumacher
Chambers  Groene  Kolowski  Morfeld  Seiler
Coash  Haar, K.  Kolterman  Murante  Smith
Cook  Hadley  Krist  Nordquist  Stinner
Craighead  Hansen  Kuehn  Pansing  Brooks  Sullivan
Crawford  Hilkemann  Larson  Riepe  Williams
Ebke  Howard  Lindstrom  Scheer

Voting in the negative, 0.

Excused and not voting, 5:

Bolz  Campbell  Davis  Harr, B.  Watermeier

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

**LEGISLATIVE BILL 6.**

A BILL FOR AN ACT relating to prenatal services; to repeal a provision that terminated June 30, 2011; and to outright repeal section 68-721, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 44:

Baker  Friesen  Hughes  McCollister  Schilz
Bloomfield  Garrett  Johnson  McCoy  Schnoor
Brasch  Gloor  Kintner  Mello  Schumacher
Chambers  Groene  Kolowski  Morfeld  Seiler
Coash  Haar, K.  Kolterman  Murante  Smith
Cook  Hadley  Krist  Nordquist  Stinner
Craighead  Hansen  Kuehn  Pansing Brooks Sullivan
Crawford  Hilkemann  Larson  Riepe  Williams
Ebke  Howard  Lindstrom  Scheer

Voting in the negative, 0.

Excused and not voting, 5:

Bolz  Campbell  Davis  Harr, B.  Watermeier

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

**LEGISLATIVE BILL 7.**

A BILL FOR AN ACT relating to the Lead-Based Paint Hazard Control Program; to repeal a provision that terminated June 30, 2011; and to outright repeal section 81-1212, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 44:
LEGISLATIVE BILL 8.

A BILL FOR AN ACT relating to the Children's Behavioral Health Oversight Committee of the Legislature; to amend section 71-821, Reissue Revised Statutes of Nebraska, and section 50-424, Revised Statutes Cumulative Supplement, 2014; to repeal provisions that terminated on December 31, 2012; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-827, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 43:

Baker       Garrett    Johnson    McCoy       Schnoor
Bloomfield  Gloor      Kintner    Mello       Schumacher
Brasch      Groene     Kolowski  Morfeld    Seiler
Chambers    Haar, K.   Kolterman Murante    Smith
Cook        Hadley     Krist      Nordquist  Stinner
Craighed    Hansen     Kuehn     Pansing Brooks Sullivan
Crawford    Hilkemann  Larson     Riepe      Williams
Ebke        Howard     Lindstrom Scheer
Friesen     Hughes     McCollister Schilz

Voting in the negative, 0.

Present and not voting, 1:

Craighead
Excused and not voting, 5:

Bolz  Campbell  Davis  Harr, B.  Watermeier

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

**LEGISLATIVE BILL 9.**

A BILL FOR AN ACT relating to the Republican River Basin Water Sustainability Task Force; to repeal provisions that terminated on June 30, 2012; to repeal a fund that is no longer needed; and to outright repeal sections 46-2,140 and 46-2,141, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 44:

Baker  Friesen  Hughes  McCollister  Schilz
Bloomfield  Garrett  Johnson  McCoy  Schnoor
Brasch  Gloor  Kintner  Mello  Schumacher
Chambers  Groene  Kolowski  Morfeld  Seiler
Coash  Haar, K.  Kolterman  Murante  Smith
Cook  Hadley  Krist  Nordquist  Stinner
Craighead  Hansen  Kuehn  Pansing  Brooks  Sullivan
Crawford  Hillemann  Larson  Riepe  Williams
Ebke  Howard  Lindstrom  Scheer

Voting in the negative, 0.

Excused and not voting, 5:

Bolz  Campbell  Davis  Harr, B.  Watermeier

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

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 48, 49, 50, and 51 were adopted.
PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 48, 49, 50, and 51.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 23, 2015 1:30 p.m.

Richard Sawyer - Technical Advisory Committee for Statewide Assessment
Linda Poole - Technical Advisory Committee for Statewide Assessment
Glenn R. Wilson Jr. - Board of Educational Lands and Funds
Patricia M. Kircher - Nebraska Educational Telecommunications Commission
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges
Michelle Suarez - Board of Trustees of the Nebraska State Colleges

Tuesday, February 24, 2015 1:30 p.m.

Brian Gong - Technical Advisory Committee for Statewide Assessment
LB601
LB379
LB382
LB435
LB617

Monday, March 2, 2015 1:30 p.m.

LB227
LB402
LB589
LB355
LB520
LB519

Tuesday, March 3, 2015 1:30 p.m.

LB102
LB410
LB36
LB232
LB401
LB380
AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB160:

AM254
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 9-701, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 9-701 (1) For purposes of this section:
6 (a) Financial institution means a bank, savings bank, building and
7 loan association, or savings and loan association, whether chartered by
8 the United States, the Department of Banking and Finance, or a foreign
9 state agency as defined in section 8-101; or any other similar
10 organization which is covered by federal deposit insurance;
11 (b) Gift enterprise means a contest, game of chance, savings
12 promotion raffle, or game promotion which is conducted within the state
13 or throughout the state and other states in connection with the sale of
14 consumer or trade products or services solely as business promotions and
15 in which the elements of chance and prize are present. Gift enterprise
16 does not include any scheme using the game of bingo or keno; any non-
17 telecommunication-related, player-activated electronic or
18 electromechanical facsimile of any game of chance; or any slot machine of
19 any kind. A gift enterprise shall not utilize pickle cards as defined in
20 section 9-315. Promotional game tickets may be utilized subject to the
21 following:
22 (i) The tickets utilized shall be manufactured or imprinted with the
23 name of the operator on each ticket;
24 (ii) The tickets utilized shall not be manufactured with a cost per
25 play printed on them; and
26 (iii) The tickets utilized shall not be substantially similar to any
27 type of pickle card approved by the Department of Revenue pursuant to
1 section 9-332.01;
2 (g b) Operator means any person, firm, corporation, financial
3 institution, association, governmental entity, or agent or employee
4 thereof who promotes, operates, or conducts a gift enterprise. Operator
5 does not include any nonprofit organization or any agent or employee
6 thereof, except that operator includes any credit union chartered under
7 state or federal law or any agent or employee thereof who promotes,
8 operates, or conducts a gift enterprise; and
9 (d e) Savings promotion raffle means a contest conducted by a
10 financial institution or credit union chartered under state or federal
11 law or any agent or employee thereof in which a chance of winning a
12 designated prize is obtained by the deposit of a specified amount of
13 money in a savings account or other savings program if each entry has an
14 equal chance of winning.
15 (2) Any operator may conduct a gift enterprise within this state in
16 accordance with this section.
17 (3) An operator shall not:
18 (a) Design, engage in, promote, or conduct a gift enterprise in
19 connection with the promotion or sale of consumer products or services in
20 which the winner may be unfairly predetermined or the game may be
21 manipulated or rigged;
22 (b) Arbitrarily remove, disqualify, disallow, or reject any entry;
23 (c) Fail to award prizes offered;
24 (d) Print, publish, or circulate literature or advertising material
25 used in connection with such gift enterprise which is false, deceptive,
26 or misleading; or
27 (e) Require an entry fee, a payment or promise of payment of any
28 valuable consideration, or any other consideration as a condition of
29 entering a gift enterprise or winning a prize from the gift enterprise,
30 except that a contest, game of chance, or business promotion may require,
31 as a condition of participation, evidence of the purchase of a product or
1 service as long as the purchase price charged for such product or service
2 is not greater than it would have been without the contest, game of
3 chance, or business promotion. For purposes of this section,
4 consideration shall not include (i) filling out an entry blank, (ii)
5 entering by mail with the purchase of postage at a cost no greater than
6 the cost of postage for a first-class letter weighing one ounce or less,
7 (iii) entering by a telephone call to the operator of or for the gift
8 enterprise at a cost no greater than the cost of postage for a first-
9 class letter weighing one ounce or less. When the only method of entry is
10 by telephone, the cost to the entrant of the telephone call shall not
11 exceed the cost of postage for a first-class letter weighing one ounce or
12 less for any reason, including (A) whether any communication occurred
13 during the call which was not related to the gift enterprise or (B) the
14 fact that the cost of the call to the operator was greater than the cost
15 to the entrant allowed under this section, or (iv) the deposit of money
16 in a savings account or other savings program, regardless of the interest
17 rate earned by such account or program.
18 (4) An operator shall disclose to participants all terms and
19 conditions of a gift enterprise.
20 (5)(a) The Department of Revenue may adopt and promulgate rules and
21 regulations necessary to carry out the operation of gift enterprises.
22 (b) Whenever the department has reason to believe that a gift
23 enterprise is being operated in violation of this section or the
24 department's rules and regulations, it may bring an action in the
25 district court of Lancaster County in the name of and on behalf of the
26 people of the State of Nebraska against the operator of the gift
27 enterprise to enjoin the continued operation of such gift enterprise
28 anywhere in the state.
29 (6)(a) Any person, firm, corporation, association, or agent or
30 employee thereof who engages in any unlawful acts or practices pursuant
31 to this section or violates any of the rules and regulations promulgated
32 pursuant to this section shall be guilty of a Class II misdemeanor.
33 (b) Any person, firm, corporation, association, or agent or employee
34 thereof who violates any provision of this section or any of the rules
35 and regulations promulgated pursuant to this section shall be liable to
36 pay a civil penalty of not more than one thousand dollars imposed by the
37 district court of Lancaster County for each such violation which shall be
38 remitted to the State Treasurer for distribution in accordance with
39 Article VII, section 5, of the Constitution of Nebraska. Each day of
40 continued violation shall constitute a separate offense or violation for
41 purposes of this section.
42 (7) A financial institution or credit union may limit the number of
43 chances that a participant in a savings promotion raffle may obtain for
44 making the required deposits but shall not limit the number of deposits.
45 (8) In all proceedings initiated in any court or otherwise under
46 this section, the Attorney General or appropriate county attorney shall
47 prosecute and defend all such proceedings.
48 (9) This section shall not apply to any activity authorized and
49 regulated under the Nebraska Bingo Act, the Nebraska County and City
50 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
51 Card Lottery Act, or the Nebraska Small Lottery and Raffle Act, or the
52 State Lottery Act.
53 Sec. 2. Original section 9-701, Reissue Revised Statutes of
54 Nebraska, is repealed.

Senator Nordquist filed the following amendment to LB446:
AM339
1 1. Insert the following new section:
2 Sec. 2. Section 79-904.01, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 79-904.01 (1) If the board determines that the retirement system has
5 previously received contributions or distributed benefits which for any
6 reason are not in accordance with the statutory provisions of the School
7 Employees Retirement Act, the board may refund contributions, require
8 additional contributions, adjust benefits, or require repayment of
9 benefits paid. In the event of an overpayment of a benefit, the board
10 may, in addition to other remedies, offset future benefit payments by the
11 amount of the prior overpayment, together with regular interest thereon.
12 In the event of a material underpayment of a benefit, the board shall
13 immediately make payment equal to the deficit amount plus regular
14 interest.
15 (2) If the board determines that termination of employment has not
16 occurred and a retirement benefit has been paid to a member of the
17 retirement system pursuant to section 79-933, such member shall repay the
18 benefit to the retirement system.
19 (3) The board shall adopt and promulgate rules and regulations
20 implementing this section, which shall include, but not be limited to,
21 the following: (a) The procedures for refunding contributions, adjusting
22 future contributions or benefit payments, and requiring additional
23 contributions or repayment of benefits; (b) the process for a member,
24 member's beneficiary, employee, or employer to dispute an adjustment of
25 contributions or benefits; and (c) notice provided to all affected
26 persons. All notices shall be sent at the time of or prior to an
27 adjustment and shall describe the process for disputing an adjustment of
1 contributions or benefits.
2 (4) The board shall not refund contributions made on compensation in
3 excess of the limitations imposed by subdivision (35) of section 79-902
4 or subsection (7) of section 79-934.
5 2. On page 24, line 27, after the first comma insert "79-904.01."
6 3. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 55. Introduced by Ebke, 32.

WHEREAS, McBattas Packaging and Printing in Fairbury purchased the
former Swingster Company sewing factory in 2000; and
WHEREAS, Fairbury native and owner, Fred Arnold, purchased the
closed sewing factory to house his growing printing and packaging business; and
WHEREAS, MSA Brand Products, also owned by Fred Arnold, began
manufacturing American flags in the former sewing factory building in
2014; and
WHEREAS, the flags sewn at the Fairbury factory are 100% American-
made, including the raw materials purchased from suppliers in the United
States; and
WHEREAS, Fred Arnold now employs a total of approximately 85
workers and hopes to increase the number of workers in the sewing division
from 9 to 25 by the end of 2015; and
WHEREAS, MSA Brand Products joins a small but mighty group of
American flag manufacturers located in the United States; and
WHEREAS, Fred Arnold has helped revive manufacturing in his
hometown of Fairbury, hired back former Swingster factory sewers and
created local jobs, and provided American retailers and consumers with quality American flags made in Nebraska.

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

1. That the Legislature recognizes Fred Arnold for his local economic development success in the Fairbury community.

2. That the Legislature commends MSA Brand Products for producing and selling American flags made in Nebraska.

3. That a copy of this resolution be sent to Fred Arnold and MSA Brand Products.

Laid over.

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene renewed his amendment, AM301, found on page 467.

Senator Howard moved the previous question. The question is, "Shall the debate now close?"

Senator Howard moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Howard requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Baker    Hadley    Krist    Nordquist    Smith
Coash    Hansen    Kuehn    Pansing    Brooks    Sullivan
Cook     Harr, B.  Lindstrom  Riepe    Williams
Crawford Hilkemann McCollister  Scheer
Davis    Howard    Mello    Schilz
Gloor    Johnson    Morfeld    Schumacher
Haar, K.  Kolowski  Murante    Seiler

Voting in the negative, 15:

Bloomfield  Craighead  Garrett    Kintner    McCoy
Brasch     Ebke     Groene    Kolterman    Schnoor
Chambers  Friesen    Hughes    Larson    Stinner

Excused and not voting, 3:

Bolz    Campbell    Watermeier

The motion to cease debate prevailed with 31 ayes, 15 nays, and 3 excused and not voting.
Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 19:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Ebke</th>
<th>Hughes</th>
<th>Lindstrom</th>
<th>Schnoor</th>
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<tr>
<td>Bloomfield</td>
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<td>Brasch</td>
<td>Garrett</td>
<td>Kolterm</td>
<td>Murante</td>
<td>Watermeier</td>
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<tr>
<td>Craighead</td>
<td>Groene</td>
<td>Larson</td>
<td>Schilz</td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 28:

<table>
<thead>
<tr>
<th>Chambers</th>
<th>Haar, K.</th>
<th>Johnson</th>
<th>Morfeld</th>
<th>Seiler</th>
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<tbody>
<tr>
<td>Coash</td>
<td>Hadley</td>
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<td>Cook</td>
<td>Hansen</td>
<td>Krist</td>
<td>Pansing Brooks</td>
<td>Sullivan</td>
</tr>
<tr>
<td>Crawford</td>
<td>Harr, B.</td>
<td>Kuehn</td>
<td>Riepe</td>
<td>Williams</td>
</tr>
<tr>
<td>Davis</td>
<td>Hilkemann</td>
<td>McCollister</td>
<td>Scheer</td>
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<tr>
<td>Gloor</td>
<td>Howard</td>
<td>Mello</td>
<td>Schumacher</td>
<td></td>
</tr>
</tbody>
</table>

Excused and not voting, 2:

| Bolz | Campbell |

The Groene amendment lost with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Friday, February 27, 2015 1:30 p.m.

Frank J. Reida - Nebraska Power Review Board

(Signed) Ken Schilz, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 138.** Placed on General File.

**LEGISLATIVE BILL 55.** Placed on General File with amendment.

AM78 1 1. On page 4, line 31, after the period insert "Such expenditures"
LEGISLATIVE JOURNAL

2 shall be used for the purposes as provided in subsection (5) of this
3 section."

(Signed) John Murante, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 34. Reported to the Legislature for
further consideration with the following amendment:

AM290
1 1. Strike the original provisions and insert the following new
2 provisions:
3 WHEREAS, the Department of Correctional Services Special
4 Investigative Committee of the Legislature was created in LR424, One
5 Hundred Third Legislature, Second Session; and
6 WHEREAS, the committee, having completed its work and issued its
7 report on December 15, 2014, discovered additional problems within the
8 Department of Correctional Services during the course of its LR424 study;
9 and
10 WHEREAS, the Legislature believes that further study and oversight
11 of the department is necessary in order to prevent additional mistakes
12 and to correct inadequate department procedures and policies.
13 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED
14 FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
15 1. That the Legislature hereby calls for the Executive Board of the
16 Legislative Council to meet forthwith and reappoint the Department of
17 Correctional Services Special Investigative Committee of the Legislature.
18 The committee shall consist of up to eleven members of the Legislature
19 appointed by the Executive Board. The Executive Board shall appoint the
20 chairperson and vice-chairperson of the committee. The Executive Board is
21 hereby authorized to provide the committee with a legal counsel,
22 committee clerk, and other staff as required by the committee from
23 existing legislative staff. The Executive Board is also authorized to
24 hire outside legal counsel, consultants, and investigators as required by
25 the committee. The committee shall be an investigative committee and is
26 hereby authorized to hold hearings and issue subpoenas as deemed
27 necessary by the committee.
1 2. That the Department of Correctional Services Special
2 Investigative Committee of the Legislature is hereby authorized to study
3 the following with respect to the Department of Correctional Services:
4 (a) The adequacy of programs designed to rehabilitate inmates;
5 (b) The funding history of programs designed to rehabilitate
6 inmates;
7 (c) The availability of mental health care and the policies and
8 procedures in place to ensure that inmates receive appropriate mental
9 health care or confinement through the civil commitment process;
10 (d) The policies relating to the solitary confinement, segregation,
11 or other isolation of inmates;
12 (e) The transition of inmates from incarceration to the community at
13 large;
14 (f) The administration of good time laws; and
15 (g) Any evaluation or study made of the department's policies and
16 practices, whether or not any recommendations were adopted as a result of
17 the evaluation or study, and the reasons if any recommendations were not
18 adopted.
19 3. That the Department of Correctional Services Special
20 Investigative Committee shall brief the Judiciary Committee of the
21 Legislature by December 15, 2015, and December 15, 2016, and issue a
22 report with its findings and recommendations to the Legislature as
23 circumstances warrant.
24 4. That the Department of Correctional Services Special
25 Investigative Committee is hereby authorized to continue its work until
26 the beginning of the One Hundred Fifth Legislature, First Session.

(Signed) Bob Krist, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 2015, at 9:55 a.m. were the
following: LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Baack, Dennis - Nebraska Educational Telecommunications Commission -
Education
Hart, Timothy - Nebraska Arts Council - General Affairs
Hinrichs, Jon - Nebraska Arts Council - General Affairs
Huenergardt, Darrel J. - Nebraska Arts Council - General Affairs
Jacobson, Julie - Nebraska Arts Council - General Affairs
Kircher, Patricia M. - Nebraska Educational Telecommunications
Commission - Education
Price, Pamela - Nebraska Arts Council - General Affairs
Roush, Sue - Nebraska Arts Council - General Affairs
Starman, Darlene - Nebraska Educational Telecommunications Commission
- Education

(Signed) Bob Krist, Chairperson
Executive Board
LEGISLATIVE BILL 18. Senator Groene offered his amendment, AM300, found on page 477.

Senator Groene asked unanimous consent to withdraw his amendment, AM300, found on page 477 and considered in this day's Journal, and replace it with his substitute amendment, AM143, found on page 477. No objections. So ordered.

Senator Chambers offered the following amendment to the Groene amendment:
FA11
Amend AM143
In line 15, strike and show as stricken "recognized".

Senator Krist offered the following motion:
MO29
Unanimous consent to bracket until June 5, 2015.

No objections. So ordered.

LEGISLATIVE BILL 109. ER17, found on page 416, was adopted.

Senator Crawford offered her amendment, AM287, found on page 443.

The Crawford amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 198. ER18, found on page 416, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 118. ER14, found on page 416, was adopted.

Senator Larson withdrew his amendment, AM76, found on page 318.

Senator Schumacher offered his amendment, AM343, found on page 479.

The Schumacher amendment was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
GENERAL FILE

LEGISLATIVE BILL 167. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

(Signed) Al Davis

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 270. Placed on General File.

LEGISLATIVE BILL 334. Placed on General File with amendment.

AM283
1 1. Insert the following new section:
2 Sec. 4. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

(Signed) Burke Harr, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 257. Placed on General File.
LEGISLATIVE BILL 342. Placed on General File.
LEGISLATIVE BILL 456. Placed on General File.
LEGISLATIVE BILL 464. Placed on General File.

LEGISLATIVE BILL 139. Placed on General File with amendment.

AM119
1 1. Strike original sections 10, 21, 36, and 44 and insert the
2 following new section:
3 Sec. 41. Section 76-2221, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 76-2221 The Real Property Appraiser Act shall not apply to:
6 (1) Any real property appraiser who is a salaried employee of (a)
7 the federal government, (b) any agency of the state government or a
8 political subdivision which appraises real estate, (c) any insurance
9 company authorized to do business in this state, or (d) any bank, savings
10 bank, savings and loan association, building and loan association, credit
11 union, or small loan company licensed by this the state or supervised or
12 regulated by or through federal enactments covering financial
13 institutions, except that any employee of the entities listed in
14 subdivisions (a) through (d) of this subdivision who signs a an appraisal
15 report as a credentialed real property appraiser shall be subject to the
16 act and the Uniform Standards of Professional Appraisal Practice. Any
17 salaried employee of the entities listed in subdivisions (a) through (d)
18 of this subdivision who does not sign a an appraisal report as a
19 credentialed real property appraiser shall include the following
20 disclosure prominently with such report: This opinion of value may not
21 meet the minimum standards contained in the Uniform Standards of
22 Professional Appraisal Practice and is not governed by the Real Property
23 Appraiser Act;
24 (2) A person referred to in subsection (1) of section 81-885.16;
25 (3) Any person who provides assistance (a) in obtaining the data
26 upon which an appraisal is based, (b) in the physical preparation of a an
27 appraisal report, such as taking photographs, preparing charts, maps, or
28 graphs, or typing or printing the report, or (c) that does not directly
29 involve the exercise of judgment in arriving at the analyses, opinions,
30 or conclusions concerning real estate or real property set forth in the
31 appraisal report;
32 (4) Any owner of real estate, employee of the owner, or attorney
33 licensed to practice law in this state the State of Nebraska representing
34 the owner who renders an estimate or opinion of value of the real estate
35 or any interest in the real estate when such estimate or opinion is for
36 the purpose of real estate taxation, or any other person who renders such
37 an estimate or opinion of value when that estimate or opinion requires a
38 specialized knowledge that a real property appraiser would not have,
39 except that a real property appraiser or a person licensed under the
40 Nebraska Real Estate License Act is not exempt under this subdivision;
41 (5) Any owner of real estate, employee of the owner, or attorney
42 licensed to practice law in this state the State of Nebraska representing
43 the owner who renders an estimate or opinion of value of real estate or
44 any interest in real estate or damages thereto when such estimate or
45 opinion is offered as testimony in any condemnation proceeding, or any
46 other person who renders such an estimate or opinion when that estimate
47 or opinion requires a specialized knowledge that a real property
48 appraiser would not have, except that a real property appraiser or a
49 person licensed under the Nebraska Real Estate License Act is not exempt
50 under this subdivision;
51 (6) Any owner of real estate, employee of the owner, or attorney
52 licensed to practice law in this state the State of Nebraska representing
53 the owner who renders an estimate or opinion of value of real estate or
54 any interest in the real estate when such estimate or opinion is
55 offered in connection with a legal matter involving real property; or
56 (7) Any person appointed by a county board of equalization to act as
57 a referee pursuant to section 77-1502.01, except that any person who also
58 practices as an independent real property appraiser or real property
59 associate for others shall be subject to the Real Property Appraiser Act
60 and shall be credentialed prior to engaging in such other appraising. Any
61 real property appraiser appointed to act as a referee pursuant to section
62 77-1502.01 and who prepares a an appraisal report for the county board of
5 equalization shall not sign such appraisal report as a credentialed real property appraiser and shall include the following disclosure prominently with such report: This opinion of value may not meet the minimum standards contained in the Uniform Standards of Professional Appraisal Practice and is not governed by the Real Property Appraiser Act.

2. Renumber the remaining sections and correct internal references accordingly.

LEGISLATIVE BILL 458. Placed on General File with amendment. AM245
1. On page 5, line 3, after "of" insert "an individual or".
2. On page 6, line 8, strike "prelicensure educational" and insert "prelicensing education".

(Signed) Jim Scheer, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 41. Placed on Final Reading.
LEGISLATIVE BILL 42. Placed on Final Reading.
LEGISLATIVE BILL 65. Placed on Final Reading.
LEGISLATIVE BILL 91. Placed on Final Reading.
LEGISLATIVE BILL 92. Placed on Final Reading.
LEGISLATIVE BILL 93. Placed on Final Reading.
LEGISLATIVE BILL 95. Placed on Final Reading.
LEGISLATIVE BILL 99. Placed on Final Reading.
LEGISLATIVE BILL 100. Placed on Final Reading.
LEGISLATIVE BILL 126. Placed on Final Reading.
LEGISLATIVE BILL 150. Placed on Final Reading.
LEGISLATIVE BILL 151. Placed on Final Reading.
LEGISLATIVE BILL 170. Placed on Final Reading.
LEGISLATIVE BILL 171. Placed on Final Reading.
LEGISLATIVE BILL 177. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Nebraska Retirement Systems

The Nebraska Retirement Systems 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.

Michael W. Walden-Newman, State Investment Officer - Nebraska Investment Council
Aye: 6 Davis, Groene, Kolowski, Kolterman, Mello, Nordquist. Nay: 0. Absent: 0. Present and not voting: 0.
AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB10:

AM366

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

Section 1. Section 32-710, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-710  (1) Each political party shall hold a state postprimary convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions pursuant to section 32-627 or 32-721. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. A political party may not nominate a candidate at the convention for an office for which the party did not nominate a candidate at the primary election except as provided for new political parties in section 32-621. The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. Five presidential electors shall be chosen from each congressional district, and two presidential electors shall be chosen by district as provided in subsection (2) of this section at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-713 (1) The certificates of appointment for presidential electors shall be served by the Governor on each person appointed. The Governor shall be followed whenever practicable, and other established lines may be followed at the discretion of the Secretary of State.

Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-713 (1) The certificates of appointment for presidential electors shall be served by the Governor on each person appointed. The Governor shall notify the presidential electors to be at the State Capitol at noon on the first Monday after the second Wednesday in December after appointment and report to the Governor at his or her office in the capitol as being in attendance. The Governor shall serve the certificates of appointment by registered or certified mail. In submitting this state's certificate of ascertainment as required by 3 U.S.C. 6, the Governor shall certify this state's presidential electors and state in
the certificate that:

(a) The presidential electors will serve as presidential electors

(b) If a substitute presidential elector is appointed to fill a

vacancy, the Governor will submit an amended certificate of ascertainment

stating the names on the final list of this state's presidential

electors.

(2) The presidential electors shall convene at 2 p.m. of such Monday

at the Governor's office in the capitol. Each presidential elector shall

execute the following pledge: As a presidential elector duly selected (or

appointed) for this position, I agree to serve and to mark my ballots for

President and Vice President for the presidential and vice-presidential

candidates who received the highest number of votes in the state if I am

an at-large presidential elector or the highest number of votes in my

congressional district if I am a congressional district presidential

elector district which I represent.

Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement,

2014, is amended to read:

(1) The Governor shall provide each presidential elector with

a list of all the presidential electors. If any presidential elector is

absent or if there is a deficiency in the proper number of presidential

electors, those present shall elect from the citizens of the state so

many persons as will supply the deficiency and immediately issue a

certificate of election, signed by those present or a majority of them,

to the person or persons so chosen. In case of failure to elect as

required in this subsection by 3 p.m. of such day or in case of a vacancy

created under subsection (4) of this section, the Governor shall fill the

vacancies by appointment. Each appointee shall execute the pledge in

section 32-713. After all vacancies are filled, the presidential electors

shall proceed with the election of a President of the United States and a

Vice President of the United States and certify their votes in conformity

with the Constitution and laws of the United States.

(2) The Secretary of State shall provide each presidential elector

with a presidential and vice-presidential ballot. Each at-large

presidential elector shall mark his or her ballot for the presidential

and vice-presidential candidates who received the highest number of votes

in the state and consistent with his or her pledge. Each congressional

district presidential elector shall mark his or her ballot for the

presidential and vice-presidential candidates who received the highest

number of votes in his or her presidential elector congressional district

and consistent with his or her pledge.

(3) Each presidential elector shall present the completed ballot to

the Secretary of State. The Secretary of State shall examine each ballot

and accept as cast each ballot marked by a presidential elector

consistent with his or her pledge. The Secretary of State shall not

accept and shall not count the ballot if the presidential elector has not
marked the ballot or has marked the ballot in violation of his or her pledge.

(4) A presidential elector who refuses to present a ballot, who attempts to present an unmarked ballot, or who attempts to present a ballot marked in violation of his or her pledge vacates the office of presidential elector.

Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is amended to read:

11 32-1038 (1) The board of state canvassers shall authorize the Secretary of State to open the abstracts of votes from the various counties and prepare an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each received. The abstract shall be signed by the members of the board and shall have the seal of the state affixed by the Secretary of State. The canvass of the votes for candidates for President and Vice President of the United States and the return thereof shall be a canvass and return of the votes cast for the presidential electors of the same party or group of petitioners respectively, and the certificate of such election made by the Governor shall be in accord with such return. Receipt by the presidential electors of a party or a group of petitioners of the highest number of votes statewide shall constitute election of the two at-large presidential electors of that party or group of petitioners. Receipt by the presidential electors of a party or a group of petitioners of the highest number of votes in a congressional district shall constitute election of the congressional district presidential elector of that party or group of petitioners.

(2) The board of state canvassers shall determine from the completed abstract the names of those candidates who have been nominated or elected. If any two or more persons are returned with an equal and the highest number of votes, the board of state canvassers shall decide by lot which of such persons is elected except for officers elected to the executive branch. The board of state canvassers shall also declare those measures carried which have received the required percentage of votes as provided by law.

Sec. 5. Original section 32-1038, Reissue Revised Statutes of Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes Cumulative Supplement, 2014, are repealed.

Senator K. Haar filed the following amendment to LB111:

AM247

(Amendments to Standing Committee amendments, AM233)

1. Insert the following new amendments:

2. Insert the following new section:

Sec. 2. Section 32-202, Reissue Revised Statutes of Nebraska, is amended to read:

In addition to any other duties prescribed by law, the Secretary of State shall:

(1) Supervise the conduct of primary and general elections in this
8 state;
9 (2) Provide training for election commissioners, county clerks, and
10 other election officials in providing for registration of voters and the
11 conduct of elections;
12 (3) Enforce the Election Act;
13 (4) With the assistance and advice of the Attorney General, make
14 uniform interpretations of the act;
15 (5) Provide periodic training for the agencies and their agents and
16 contractors in carrying out their duties under sections 32-308 to 32-310;
17 (6) Develop and print forms for use as required by sections 32-308,
18 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;
19 (7) Contract with the Department of Administrative Services for
20 storage and distribution of the forms;
21 (8) Require reporting to ensure compliance with sections 32-308 to
22 32-310;
23 (9) Prepare and transmit reports as required by the National Voter
25 (10) Develop and print a manual describing the requirements of the
26 initiative and referendum process and distribute the manual to election
1 commissioners and county clerks for distribution to the public upon
2 request;
3 (11) Develop and print pamphlets described in section 32-1405.01;
4 (12) Adopt and promulgate rules and regulations for elections
5 conducted under sections 32-952 to 32-959; and
6 (13) Establish a free access system, such as a toll-free telephone
7 number or an Internet web site, that any voter who casts a provisional
8 ballot may access to discover whether the vote of that voter was counted
9 and, if the vote was not counted, the reason that the vote was not
10 counted. The Secretary of State shall establish and maintain reasonable
11 procedures necessary to protect the security, confidentiality, and
12 integrity of personal information collected, stored, or otherwise used by
13 the free access system. Access to information about an individual
14 provisional ballot shall be restricted to the individual who cast the
15 ballot; and
16 (14) Develop informational material to assist voters with
17 requirements to present government-issued photographic identification in
18 order to vote and make such informational material available on the
19 Internet web site of the Secretary of State and, within sixty days after
20 the effective date of this act, mail such informational material to every
21 registered voter in this state;
22 2. Renumber the remaining amendments accordingly.
23 6. On page 26, line 6, after the first comma insert "32-202,"
24 7. Renumber the remaining sections accordingly.

Senator Schilz filed the following amendment to LB142:
AM255
1 1. Insert the following new section:
2 Sec. 7. Section 37-1273, Reissue Revised Statutes of Nebraska, is
3 amended to read:
All fees as provided by the State Boat Act shall be remitted to the State Treasurer for credit to the State Game Fund to be used primarily for (1) administration and enforcement of the State Boat Act, (2) boating safety educational programs, (3) the construction and maintenance of boating and docking facilities, navigation aids, and access to boating areas and such other uses as will promote the safety and convenience of the boating public in Nebraska, (4) the Aquatic Invasive Species Program, and (5) publishing costs subject to the restrictions and limitations in section 37-324. Secondary uses for the fees shall be for the propagation, importation, protection, preservation, and distribution of game and fish and necessary equipment therefor and all things pertaining thereto.

2. On page 4, line 8, strike "section 37-1220" and insert "sections 37-1220 and 37-1273".

3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash - LB210

VISITORS

Visitors to the Chamber were Robin Rauner from Lincoln; and 12 members of Boy Scout Troop 282 from Millard.

The Doctor of the Day was Dr. Ferdinando Andrade from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Nordquist, the Legislature adjourned until 10:00 a.m., Tuesday, February 17, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-SEVENTH DAY - FEBRUARY 17, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 17, 2015

PRAYER

The prayer was offered by Senator Ebke.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators McCollister and McCoy who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 40. Placed on Final Reading.

ST2

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

1. On page 1, the matter beginning with "23-2305.01" in line 1 through "Nebraska" in line 3 has been struck and "16-1019, 16-1038, 23-2305.01, 23-2322, 24-704.01, 79-904.01, 79-948, 79-9,104, 81-2019.01, 81-2032, 84-1305.02, 84-1324, 84-1503, and 84-1505, Reissue Revised Statutes of Nebraska, and sections 14-2111, 24-710.02, and 48-1401, Revised Statutes Cumulative Supplement, 2014; to eliminate unconstitutional provisions related to payment of benefits or annuities for civil damages" inserted.

LEGISLATIVE BILL 43. Placed on Final Reading.

LEGISLATIVE BILL 109. Placed on Final Reading.
LEGISLATIVE BILL 118. Placed on Final Reading.
ST3
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, the matter beginning with "cigar" in line 1 through line 10 and all amendments thereto have been struck and "tobacco; to amend sections 53-103.08, 53-1,120.01, 71-5716, and 71-5717. Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-101, 53-131, and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as prescribed; to provide for a nonrefundable application fee; to provide and change requirements for cigar shops; to state and restate intent; to preempt county resolutions and city ordinances relating to smoking in cigar shops; to exempt tobacco retail outlets and cigar shops from the Nebraska Clean Indoor Air Act; to provide requirements for tobacco retail outlets; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 149. Placed on Final Reading.

LEGISLATIVE BILL 157. Placed on Final Reading.

LEGISLATIVE BILL 159. Placed on Final Reading.

LEGISLATIVE BILL 168. Placed on Final Reading.
ST6
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 4, line 15, "(1)" has been struck, shown as stricken, and "(a)" inserted; and in line 16 "(2)" has been struck, shown as stricken, and "(b)" inserted.

LEGISLATIVE BILL 198. Placed on Final Reading.

LEGISLATIVE BILL 219. Placed on Final Reading.

LEGISLATIVE BILL 220. Placed on Final Reading.

LEGISLATIVE BILL 220A. Placed on Final Reading.

LEGISLATIVE BILL 247. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 167. Placed on Select File with amendment.
ER36
1 1. On page 1, line 3, strike "to" and insert "with the Clerk of".
2 2. On page 2, line 14, strike the second "and".

(Signed) Matt Hansen, Chairperson
LEGISLATIVE BILL 586. Placed on General File with amendment.
AM289
1 1. Insert the following new section:
2 Sec. 9. Section 48-1103, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 48-1103 The Nebraska Fair Employment Practice Act shall not apply
5 to:
6 (1) A religious corporation, association, or society with respect to
7 the employment of individuals of a particular religion to perform work
8 connected with the carrying on by such corporation, association, or
9 society of its religious activities; or
10 (2) The employment of an any individual (a) by his or her parent,
11 grandparent, spouse, child, or grandchild or (b) in the domestic service
12 of any person.
13 2. Renumber the remaining sections and correct the repealer
14 accordingly.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 56. Introduced by Krist, 10.
WHEREAS, Maxwell Kaye, Montgomery Wylie, and Nicholas Harpster,
members of Troop 31, have completed the requirements for the rank of
Eagle Scout in the Boy Scouts of America; and
WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting,
a Boy Scout must fulfill requirements in the areas of leadership, service, and
outdoor skills. Although many options are available to demonstrate
proficiency in these areas, a number of specific skills are required to
advance through the ranks of Tenderfoot, Second Class, First Class, Star,
Life, and finally Eagle Scout. Throughout their scouting experience,
Maxwell, Montgomery, and Nicholas have learned, been tested on, and been
recognized for various scouting skills; and
WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to
earn 21 merit badges, 12 of which are in required areas, and complete a
community service project approved by the troop and the scout council; and
WHEREAS, for Maxwell's Eagle Scout community service project, he
installed a new flag and flag pole at Bohemian Cemetery in Omaha.
Maxwell also planted flowers and painted a bench at a memorial for those
who have given their lives for their country; and
WHEREAS, for Montgomery's Eagle Scout community service project, he
built and mended picnic tables for Two Rivers State Park in Wahoo.
Because of Montgomery's project, 36 picnic tables were placed around the
park for visitors to enjoy. Montgomery, with the help of Troop 31, built 24
picnic tables and restored 12 of the older picnic tables used by visitors in the park; and
WHEREAS, for Nicholas's Eagle Scout community service project, he built a dozen bat houses with the help of his troop and delivered them to Two Rivers State Park in Wahoo where they were installed throughout the park at different camp sites. Nicholas's project is helping to benefit visitors to the park by reducing the mosquito population; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Maxwell, Montgomery, and Nicholas, through hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Maxwell Kaye, Montgomery Wylie, and Nicholas Harpster from Troop 31 on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Maxwell Kaye, Montgomery Wylie, and Nicholas Harpster.
Laid over.

LEGISLATIVE RESOLUTION 57. Introduced by Krist, 10.

WHEREAS, engineers plan, design, and implement engineering works that propel the nation's economy, enhance our quality of life, and safeguard America's infrastructure; and
WHEREAS, engineers face the major technological challenges of our time, from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the twenty-first century, and have used their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and
WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and
WHEREAS, we will look more than ever to engineers and their knowledge and skill to bridge the gap between science, theory, and practical application to meet the challenges of the future; and
WHEREAS, National Engineers Week was founded in 1951 and is celebrated at the time of George Washington's birthday, who himself was a military engineer and surveyor; and
WHEREAS, February 22-28, 2015, is recognized as Engineers Week in Nebraska.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the contributions and achievements of Nebraska's engineers and recognizes February 22-28, 2015, as Engineers Week in Nebraska.
2. That a copy of this resolution be sent to the American Council of Engineering Companies of Nebraska.

Laid over.

MESSAGE(S) FROM THE GOVERNOR

February 11, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Marilyn Hadley, 3112 Country Club Lane, Kearney, NE 68845

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

February 10, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Board of Parole:

Virgil J. Patlan Sr., 3305 E Street, Omaha, NE 68107

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

Sincerely,
Enclosure

ANNOUNCEMENT

Pursuant to Neb. Rev. Stat. 43–4202(3)(b), Senator Seiler announced as Chairperson of the Judiciary Committee, that Senator Patty Pansing Brooks has been designated as a member of the Nebraska Children's Commission.

GENERAL FILE

LEGISLATIVE BILL 155. Title read. Considered.
Committee AM180, found on page 413, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 439. Title read. Considered.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 179. Title read. Considered.
Committee AM237, found on page 434, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 164. Title read. Considered.
Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 207. Title read. Considered.
Committee AM194, found on page 438, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.
Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.
LEGISLATIVE BILL 111. Title read. Considered.

Committee AM233, found on page 442, was offered.

Senator Chambers offered the following motion:
MO30
Bracket until April 15, 2015.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 139A. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 139, One Hundred Fourth Legislature, First Session, 2015.

LEGISLATIVE BILL 504A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 504, One Hundred Fourth Legislature, First Session, 2015.

ATTORNEY GENERAL'S OPINION

Opinion 15-002

SUBJECT: LB 280 - Constitutionality of Reducing the Percentage of the Actual Value of Agricultural and Horticultural Land Used in Calculating State Aid Value Under the Tax Equity and Educational Opportunities Support Act.

REQUESTED BY: Senator Al Davis
Nebraska Legislature

WRITTEN BY: Doug Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

LB 280 contains several provisions relating to school funding. The bill proposes creation of a school-funding surtax on individuals with an income tax liability. LB 280, § 1. The maximum levy rate for school districts would be reduced in incremental steps over a period of years from the current rate of $1.05 per one hundred dollars of taxable value to $.805 per one hundred dollars of value by fiscal year 2020-2021. LB 280, § 2. The maximum levy rate for learning communities would also be reduced over the same period
from the current rate of $.95 per one hundred dollars of taxable value to $0.705 per one hundred dollars of value. Id. The bill also includes several changes to the Tax Equity and Educational Opportunities Support Act [“TEEOSA”]. Section 8 would amend Neb. Rev. Stat. § 79-1015.01 (2014), which establishes the local effort rate for inclusion in local system formula aid resources, by reducing the rate to $.755 for school fiscal year 2017-18 and subsequent years. LB 280, § 8. The bill would also lower the percentage of agricultural and horticultural land used in determining state aid value from 72 percent to 62.4 percent of actual value. LB 280, § 9. Beginning in school fiscal year 2017-19, a foundation aid amount of $500 would be provided for each student in all school districts. LB 280, § 12.

Your original request referenced prior legislative proposals to “reduce the valuation of agricultural and horticultural land for the purposes of calculating state aid to schools….” Subsequent to receipt of your request, you introduced LB 280. It is our understanding that you seek our opinion on the constitutionality of that portion of the bill which would lower the percentage of agricultural and horticultural land used in determining state aid value from 72 percent to 62.4 percent of actual value.

Your request does not articulate a specific constitutional issue to be addressed, or identify any particular constitutional provision this portion of the bill may contravene. To the extent that the bill proposes only to reduce the portion of state aid value for agricultural and horticultural land from 72 percent to 62.4 percent of actual value, while retaining the state aid value for real property other than agricultural and horticultural land at 96 percent of actual value, there may be a question whether this establishes an unreasonable classification in violation of the prohibition against special legislation in Neb. Const. art. III, § 18.


For statewide equalization purposes, the “acceptable range” for agricultural land and horticultural land is “sixty-nine to seventy-five percent of actual value.” Neb. Rev. Stat. § 77-5023(2)(a) (2009). The acceptable range for agricultural and horticultural land receiving special valuation is “sixty-nine to seventy-five percent of special valuation….” Neb. Rev. Stat. § 77-5023(2)(b) (2009). For all other real property, the acceptable range is

TEEOSA requires the Property Tax Administrator to “compute and certify to the State Department of Education the adjusted valuation for the current assessment year for each class of property in each school district and each local system.” Neb. Rev. Stat. § 79-1016(2) (2014). “The adjusted valuation of property of each school district and each local school system, for purposes of determining state aid pursuant to the Tax Equity and Education Opportunities Support Act, shall reflect as nearly as possible the state aid value...” Id. Neb. Rev. Stat. § 79-1016(3) (2014) provides that “state aid value” means

(a) For real property other than agricultural and horticultural land, ninety-six percent of actual value;

(b) For agricultural and horticultural land, seventy-two percent of actual value as provided in sections 77-1359 to 77-1363. For agricultural and horticultural land that receives special valuation, seventy-two percent of special valuation as defined in section 77-1343; and

(c) For personal property, the net book value as defined in section 77-120.

“State aid value” for agricultural and horticultural land, including agricultural and horticultural land receiving special valuation, is thus currently set at 72 percent of actual or special value, the midpoint of the acceptable range of value for these classes of property. Similarly, “state aid value” for all other taxable real property is 96 percent of actual value, the midpoint of the range for real property other than agricultural and horticultural land or land subject to special valuation. Thus, adjusted valuation of property for state aid purposes is currently determined using the midpoint of the acceptable range for each class of property as the measure of state aid value. Section 9 of LB 280 would lower the measure of state aid value from 72 percent, the midpoint of the acceptable range for agricultural and horticultural land and agricultural and horticultural land receiving special valuation, to 62.4 percent. Adjusted valuation for state aid purposes for all other real property would remain at 96 percent, the midpoint of the acceptable range.

Article III, § 18, provides:

The Legislature shall not pass local or special laws in any of the following cases, that is to say:

* * *
Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever... In all other cases where a general law can be made applicable, no special law shall be enacted.

The Nebraska Supreme Court has stated that a legislative act can violate art. III, § 18, as special legislation in “one of two ways: (1) by creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class.” *Haman v. Marsh*, 237 Neb. 699, 709, 467 N.W.2d 836, 845 (1991). “A special legislation analysis focuses on a legislative body’s purpose in creating a challenged class and asks if there is a substantial difference of circumstances to suggest the expediency of diverse legislation.” *J. M. v. Hobbs*, 288 Neb. 546, 557, 849 N.W.2d 480, 489 (2014). “The prohibition aims to prevent legislation that arbitrarily benefits a special class.” *Id.* “Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference.” *Big John’s Billards, Inc. v. State*, 288 Neb. 938, 945, 852 N.W.2d 727, 735 (2014). “A legislative body’s distinctive treatment of a class is proper if the class has some reasonable distinction from other subjects of a like general character.” *Id.* “[T]hat distinction must bear some reasonable relation to the legitimate objective and purposes of the legislative act.” *Id.* As no closed classification is implicated, the question is whether the distinction between the percentages of agricultural and horticultural lands and other real property, utilizing a percentage below the midpoint of the range for agricultural and horticultural lands and land subject to special valuation while retaining the midpoint of the range for other real property, establishes an arbitrary and unreasonable classification.

In 2011, legislation was introduced which proposed to incrementally reduce the percentage of the actual value of agricultural and horticultural land used to calculate state aid from 72 percent to 62 percent over a ten year period. The legislative history of the bill (LB 440) noted this proposal would “decrease formula resources in the calculation of state aid for school districts that have agricultural and horticultural land…”, which would “in turn trigger an increase in equalization aid to those school districts.” *Committee Records on LB 440*, 102nd Leg., 1st Sess. 1 (Feb. 1, 2011). The bill’s principal introducer stated the bill was intended to provide school districts the benefit of additional state aid, and that school districts would then “possibly lower the levy of the property taxes.” *Id.* (Statement of Sen. Heidemann). The introducer further stated “the bill [was] mainly to get more state aid to...more rural school districts...”, and “would help neutralize the effect of soaring agricultural land values and resulting decrease in state aid that burdens our rural communities in supporting K-12 school districts.” *Id.* at 1-2 (Statement of Sen. Heidemann). The introducer noted that the number of unequalized school districts (districts not receiving equalization aid under TEEOSA) had risen from 23.5 percent in 2001 to around 30 percent of all districts in 2011. *Id.* at 2 (Statement of Sen. Heidemann). Supporting testimony noted that, “[s]ince 2005, property tax increases statewide on agricultural real estate had increased nearly 46 percent, almost twice the
percentage increase as on residential properties...”, and that “LB 440 attempt[ed] to help with this issue by reducing the value of agricultural land in the state aid to schools formula, which would translate into greater aid for school districts that have come to rely so heavily upon agricultural land for funding...”, and “aid in alleviating some of the pressure on agricultural land as the funding sources for some schools.” Id. at 12 (Statement of Jessica Kolterman on behalf of the Nebraska Farm Bureau).

While LB 440 was not advanced from the Education Committee, we believe the purposes articulated in support of that bill provide a reasonable basis for the proposed reduction to the percentage of agricultural and horticultural land to be used to calculate state aid to schools contained in LB 280. The effect of a decrease in the percentage of actual value of agricultural and horticultural land would be to decrease formula resources in determining state aid, which in turn would increase the amount of state aid allocated to schools as equalization aid. Equalized school districts may receive increased equalization aid, and the number of unequalized districts would be reduced. Given the substantial increase in the valuation of agricultural and horticultural lands statewide in recent years, which has outpaced increases in the valuation of other real property, utilizing a different, lower percentage of agricultural land value in the calculation of state aid is not arbitrary or unreasonable, as it is based on real substantial differences between such lands and other real property. Thus, reducing the value of agricultural and horticultural land, including land subject to special valuation, from the midpoint of the acceptable range for such property (72 percent) to 62.4 percent, while continuing to use the midpoint of the range for other real property (96 percent), in calculating state aid to schools, is not an improper classification in violation of the special legislation clause.

CONCLUSION

The Nebraska Constitution provides that “[t]he Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.” Neb. Const. art. VII, § 1. “What methods and what means should be adopted in order to furnish free instruction to the children of the state has been left by the constitution to the legislature.” Affholder v. State, 51 Neb. 91, 93, 70 N.W. 544, 545 (1897). “Nebraska’s constitutional history shows that the people of Nebraska have repeatedly left school funding decisions to the Legislature’s discretion.” Nebraska Coalition for Educational Equity and Adequacy v. Heineman, 273 Neb. 531, 550, 731 N.W.2d 164, 179 (2007). Given the broad discretion afforded the Legislature in determining the proper means to fund our schools, we conclude that, for purposes of calculating state aid to schools, LB 280’s proposed reduction to the value of agricultural and horticultural land, including land subject to special valuation, from the midpoint of the acceptable range for such property (72 percent) to 62.4 percent, while continuing to use the midpoint of the range for other real property (96 percent), does not result in an improper classification in violation of the special legislation clause.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kintner - LB350

WITHDRAW - Cointroducer

Senator Krist withdrew his name as cointroducer to LB114 and LB614.

VISITORS

Visitors to the Chamber were Brian Schlote from Plainview; 50 members of Hall County Leadership UNLIMITED; delegates and facilitators of Open World Leadership Center, from Ukraine; and 15 members of a leadership group from Fillmore County.

The Doctor of the Day was Dr. Elizabeth Dayton from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator B. Harr, the Legislature adjourned until 9:00 a.m., Wednesday, February 18, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-EIGHTH DAY - FEBRUARY 18, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 18, 2015

PRAYER

The prayer was offered by Senator Watermeier.

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 Senator McCoy who was excused; and Senators Baker, Campbell, Garrett, Gloor, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 17, 2015

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, 3, 4, 5, 6, 7, 8, and 9 were received in my office on February 12, 2015.
These bills were signed and delivered to the Secretary of State on February 17, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk
CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 111. Senator Chambers withdrew his motion, MO30, found on page 525, to bracket until April 15, 2015.

Senator Chambers offered the following motion:
MO31
Recommit to Government, Military and Veterans Affairs Committee.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 155. Placed on Select File with amendment.
ER39
1 1. On page 1, line 6, before "disclosure" insert "the cost of"; and
2 in line 7 strike "and" and after "sections" insert "; and to declare an
3 emergency".

LEGISLATIVE BILL 439. Placed on Select File with amendment.
ER38
1 1. On page 3, lines 1, 4, 11, and 12, strike the new matter and
2 reinstate the stricken matter.

LEGISLATIVE BILL 179. Placed on Select File.

LEGISLATIVE BILL 164. Placed on Select File with amendment.
ER40
1 1. On page 3, line 26, strike "natural resources district, or" and
2 show the old matter as stricken and after "village" insert ", or natural
3 resources district".

LEGISLATIVE BILL 207. Placed on Select File with amendment.
ER37
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 46-1139, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 46-1139 Any person who engages in chemigation without first
6 obtaining a chemigation permit shall be (1) subject to a civil penalty of
7 not more than one thousand dollars for each day at each site where a
8 violation occurs for the first violation and not less than one thousand
9 dollars and not more than five thousand dollars for each day at each site
10 where a violation occurs for each subsequent violation or (2) guilty of a
11 Class II misdemeanor. Each day of continued violation shall constitute a
12 separate offense. The court may issue such injunctive orders as may be
13 necessary to prohibit continued violations of the Nebraska Chemigation
14 Act. When the Attorney General, a county attorney, or a private attorney
15 brings an action on behalf of a district to recover a civil penalty under
16 this section, the district shall recover the costs of the action if a
17 civil penalty is awarded.
18 Sec. 2. Section 46-1140, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 46-1140 Any person who engages in chemigation with a suspended or
21 revoked chemigation permit shall be (1) subject to a civil penalty of not
22 more than one thousand dollars for each day at each site where a
23 violation occurs for the first violation and not less than one thousand
24 dollars and not more than five thousand dollars for each day at each site
25 where a violation occurs for each subsequent violation or (2) guilty of a
26 Class II misdemeanor. Each day of continued violation shall constitute a
27 separate offense. The court may issue such injunctive orders as may be
28 necessary to prohibit continued violations of the Nebraska Chemigation
29 Act. When the Attorney General, a county attorney, or a private attorney
30 brings an action on behalf of a district to recover a civil penalty under
31 this section, the district shall recover the costs of the action if a
32 civil penalty is awarded.
33 Sec. 3. Section 46-1141, Reissue Revised Statutes of Nebraska, is
34 amended to read:
35 46-1141 Any person who willfully tampers with or otherwise willfully
36 damages in any way equipment meeting the requirements specified in
37 section 46-1127 shall be (1) subject to a civil penalty of not more than
38 one thousand dollars for each day at each site where a violation occurs
39 for the first violation and not less than one thousand dollars and not
40 more than five thousand dollars for each day at each site where a
41 violation occurs for each subsequent violation or (2) guilty of a Class I
42 misdemeanor. Each day of continued violation shall constitute a separate
43 offense. The court may issue such injunctive orders as may be necessary
44 to prohibit continued violations of the Nebraska Chemigation Act. When
45 the Attorney General, a county attorney, or a private attorney brings an
46 action on behalf of a district to recover a civil penalty under this
47 section, the district shall recover the costs of the action if a civil
48 penalty is awarded.
49 Sec. 4. Section 46-1142, Reissue Revised Statutes of Nebraska, is
50 amended to read:
51 46-1142 Any permitholder who fails to notify the district and the
52 department of any actual or suspected accident resulting from the use of
53 chemigation shall be (1) subject to a civil penalty of one thousand
54 dollars for each day at each site where a violation occurs for the first
55 violation and not less than one thousand dollars and not more than five
56 thousand dollars for each day at each site where a violation occurs for
Sec. 5. Section 46-1143, Reissue Revised Statutes of Nebraska, is amended to read:

46-1143 Any person who violates any of the provisions of the Nebraska Chemigation Act for which a specific penalty is not provided shall be (1) subject to a civil penalty of one thousand dollars for each day at each site where a violation occurs for the first violation and not less than one thousand dollars and not more than five thousand dollars for each day at each site where a violation occurs for each subsequent violation not more than five hundred dollars or (2) guilty of a Class IV misdemeanor. Each day of continued violation shall constitute a separate offense. The court may issue such injunctive orders as may be necessary to prohibit continued violations of the Nebraska Chemigation Act. When the Attorney General, a county attorney, or a private attorney brings an action on behalf of a district to recover a civil penalty under this section, the district shall recover the costs of the action if a civil penalty is awarded.

Sec. 6. Original sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services
Room 1510
Thursday, March 5, 2015 1:30 p.m.
LR41

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 12. Placed on General File with amendment.
AM293
1. On page 2, strike beginning with "or" in line 23 through "sooner"
2. in line 25.

(Signed) Kathy Campbell, Chairperson
AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB122:
AM407
1 1. On page 4, strike lines 23 through 25 and insert the following
2 new subdivisions:
3 "(a) The crossing is made at an intersection that:
4 (i) is controlled by a traffic control signal; or
5 (ii) For any intersection located outside the corporate limits of a
6 city or village, is controlled by stop signs;
7 (b) The crossing at such intersection is made in compliance with the
8 traffic control signal or stop signs; and"; and in line 26 strike "(b)"
9 and insert "(c)".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 58. Introduced by Johnson, 23.

WHEREAS, Kevin Koopmann, the band director for Yutan Public
Schools, has won the Veterans of Foreign Wars (VFW) Nebraska
Citizenship Education Teacher of the Year Award for grades six through
eight; and

WHEREAS, each year, the Nebraska VFW recognizes three exceptional
teachers for their outstanding commitment to teach Americanism and
patriotism to their students; and

WHEREAS, Kevin recognizes those who have served our country by
starting each morning saying the Pledge of Allegiance with his class and
leading the Yutan Public Schools band in performances at the Veteran's Day
and Memorial Day programs; and

WHEREAS, Kevin will be presented with the award at the VFW State
Convention in Norfolk on June 6, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates Kevin Koopmann for winning the
Veterans of Foreign Wars Nebraska Citizenship Education Teacher of the
Year Award.
2. That a copy of this resolution be sent to Kevin Koopmann.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 111. The Chambers motion, MO31, found in this
day's Journal, to recommit to Government, Military and Veterans Affairs
Committee, was renewed.

Pending.
NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

Wednesday, February 25, 2015 1:30 p.m.
Henry H. (Hod) Kosman - Nebraska Natural Resources Commission

Thursday, March 5, 2015 1:30 p.m.
Norris Marshall - Nebraska Game and Parks Commission

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 104. Placed on General File.

LEGISLATIVE BILL 206. Placed on General File with amendment.
AM170
1 1. On page 3, line 30, strike "and" and show as stricken.
2 2. On page 4, line 1, after the semicolon insert "and
3 (e) Activities related to the operation, construction, or
4 maintenance of industrial or commercial public power district or public
5 power and irrigation district facilities or sites when such activity is
6 conducted pursuant to state or federal law or is part of the operational
7 plan for such facility or site;".

LEGISLATIVE BILL 203. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 111. Senator Chambers withdrew his motion, MO31, found in this day's Journal, to recommit to Government, Military and Veterans Affairs Committee.

Senator Chambers offered the following motion:
MO32
Bracket until June 5, 2015.

Pending.
ANNOUNCEMENT

Senator Campbell announced the Health and Human Services Committee will meet in Room 1510 on February 26, 2015, at 12:45 p.m. instead of 12:30 p.m.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 420. Placed on General File.
LEGISLATIVE BILL 455. Placed on General File.

LEGISLATIVE BILL 131. Placed on General File with amendment. AM405

1 1. Strike the original sections and insert the following new section:
2 Section 1. (1) If the chairperson of a sanitary and improvement district board of trustees or the legal counsel or administrator for the district receives written notice from a city or village proposing to annex territory within the sanitary and improvement district under the authority of sections 14-117, 15-104, 16-117, 16-130, 17-405.01, or 17-407, the district shall not spend assets for a period of ninety days after receiving such notice, except for:
3 (a) All interest and principal payments on bonds due and payable from the construction fund or bond fund of the district;
4 (b) All interest and principal payments on construction fund warrants due and payable from the construction fund or bond fund of the district;
5 (c) All interest and principal payments on general fund warrants due and payable from the general fund of the district;
6 (d) Payment or issuance of warrants for services, work, labor, or materials that were ordered or contracted for by the district prior to receiving notice of the city or village’s proposal to annex the district. Such payments or warrants shall be paid from the district’s general fund, construction fund, bond fund, or service fee fund, so long as such payment or warrant shall not cause the district to exceed its total budget for the fund from which payment or warrant is to be made;
7 (e) Payment or issuance of warrants for any expense incurred by the district prior to receiving notice of the city or village’s proposal to annex the district that is required by the district (i) to satisfy any statutory obligation of the district, (ii) to address emergency or imminent public safety repairs or replacements to district property, and expenses that would be paid by the district in the ordinary course of business of the district, and (iii) to address projects for which a notice to contractors has been published, the bidding process has begun, and contracts are awarded for such project that (A) does not cause the district to exceed the district’s total general fund budget and is paid from the general fund, including, but not limited to, levied tax receipts to be received by the district on April 1 and August 1 if the annexation...
is to occur after such dates, (B) does not cause the district to exceed the district’s total construction fund or bond fund budget and is paid from the construction fund or bond fund, and (C) does not cause the district to exceed the district’s total service fee fund budget and is paid from the service fee fund; and

(f) Payment or issuance of warrants for a commitment or contract that will bind the district to pay for any other expense approved in writing by the city finance director or other designated person responsible for such approvals.

(2) If a district plans to commence a construction project or enter into any contracts required to be publicly bid pursuant to section 31-741 and for which a notice to contractors has not been published and the bidding process has not begun prior to the district receiving notice of the city or village’s proposal to annex the district, the district shall first submit either the plans and specifications for the improvements or the proposed contract to the city or village finance director or other designated person. Within ten business days after the district submits the plans and specifications or the proposed contract, the city or village finance director or other designated person shall either (a) approve or deny such plans and specifications or the proposed contract or (b) direct the department head within the city or village responsible for reviewing plans and specifications or contracts to approve or deny such plans and specifications or the proposed contract within ten business days.

---

LEGISLATIVE BILL 197. Placed on General File with amendment.

1. On page 6, line 26, strike "a" and insert "the"; in line 27, after "located" insert "and the county board in which a majority of the sanitary and improvement district is located"; in line 29 strike beginning with "greater" through "eight" and insert "less than one hundred"; and in line 30 after "located" insert "predominantly".

2. On page 7, line 6, strike "(1)" and insert "(6)"; and in line 9 after "located" insert "and the county board in which a majority of the sanitary and improvement district is located".

---

LEGISLATIVE BILL 295. Placed on General File with amendment.

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

   Section 1. Section 16-901, Reissue Revised Statutes of Nebraska, is amended to read:

   16-901  (1) Except as provided in section 13-327, any city of the first class may apply by ordinance any existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances, and ordinances authorized by section 16-240 to the unincorporated area two miles beyond and adjacent to its corporate boundaries with the same force and effect as if such outlying area were within the corporate limits of such city, except that no such
ordinance shall be extended or applied so as to prohibit, prevent, or interfere with the conduct of existing farming, livestock operations, businesses, or industry. For purposes of sections 70-1001 to 70-1020, the zoning area of a city of the first class shall be one mile beyond and adjacent to the corporate area. The fact that such unincorporated area is located in a different county or counties than some or all portions of the municipality shall not be construed as affecting the powers of the city to apply such ordinances.

(2)(a) A city of the first class shall provide written notice to the county board of the county in which the city’s zoning area is located when proposing to adopt or amend a zoning ordinance which affects the city’s zoning area. The written notice of the proposed change to the zoning ordinance shall be sent to the county board or its designee at least thirty days prior to the final decision by the city. The county board may submit recommendations regarding the change in the zoning ordinance at the public hearings on the proposed change or directly to the city within thirty days after receiving such notice. The city may make its final decision on the zoning ordinance upon receiving the recommendations from the county board.

(b) Subdivision (2)(a) of this section does not apply to a city of the first class (i) located in a county with a population in excess of one hundred thousand inhabitants or (ii) if the city and the county have a joint planning commission or joint planning department.

Sec. 2. Section 17-1001, Reissue Revised Statutes of Nebraska, is amended to read:

17-1001  (1) Except as provided in section 13-327, any city of the second class or village may apply by ordinance any existing or future zoning ordinances, property use regulation ordinances, building ordinances, electrical ordinances, and plumbing ordinances, to an area within one mile of the corporate limits of such municipality, with the same force and effect as if such area were within its corporate limits. No such ordinance shall be extended or applied so as to prohibit, prevent, or interfere with the conduct of existing farming, livestock operations, businesses, or industry. For purposes of sections 70-1001 to 70-1020, the zoning area of a city of the second class or village shall be one-half mile from the corporate limits of such municipalities. The fact that the zoning area or part thereof is located in a different county or counties than some or all portions of the municipality shall not be construed as affecting the necessity of obtaining the approval of the city council or board of trustees of such municipality or its agent designated pursuant to section 19-916.

(2)(a) A city of the second class or village shall provide written notice to the county board of the county in which the city or village’s zoning area is located when proposing to adopt or amend a zoning ordinance which affects the city or village’s zoning area. The written notice of the proposed change to the zoning ordinance shall be sent to the county board or its designee at least thirty days prior to the final decision by the city or village. The county board may submit recommendations regarding the change in the zoning ordinance at the
3 public hearings on the proposed change or directly to the city or village
within thirty days after receiving such notice. The city or village may
make its final decision on the zoning ordinance upon receiving the
recommendations from the county board.
(b) Subdivision (2)(a) of this section does not apply to a city of
the second class or a village (i) located in a county with a population
in excess of one hundred thousand inhabitants or (ii) if the city or
village and the county have a joint planning commission or joint planning
department.
Sec. 3. Original sections 16-901 and 17-1001, Reissue Revised
Statutes of Nebraska, are repealed.
(Signed) Sue Crawford, Chairperson

GENERAL FILE

LEGISLATIVE BILL 111. The Chambers motion, MO32, found in this
day's Journal, to bracket until June 5, 2015, was renewed.

Senator K. Haar moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not
voting.

Senator Chambers moved for a call of the house. The motion prevailed with
37 ayes, 0 nays, and 12 not voting.

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

Voting in the affirmative, 25:

Baker Davis Harr, B. Kolterman Morfeld
Campbell Gloor Hilkemann Krist Nordquist
Chambers Haar, K. Howard Lindstrom Pansing Brooks
Cook Hadley Johnson McCollister Seiler
Crawford Hansen Kolowski Mello Sullivan

Voting in the negative, 15:

Bloomfield Ebke Groene Larson Schnoor
Brasch Friesen Hughes Murante Stinner
Craighead Garrett Kintner Schilz Williams

Present and not voting, 4:

Kuehn Riepe Schumacher Smith

Excused and not voting, 5:

Bolz Coash McCoy Scheer Watermeier
The Chambers motion to bracket prevailed with 25 ayes, 15 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 34.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 46.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 129.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 37.** Title read. Considered.

Committee AM140, found on page 449, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

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

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

Lindstrom - LB357
Kolterman - LB276

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

Senator Krist filed the following amendment to LB28:

AM368

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

3 2. The Legislature finds that:

5 6 (1) Radon is a radioactive element that is part of the radioactive decay chain of naturally occurring uranium in soil;

8 7 (2) Radon is the leading cause of lung cancer among nonsmokers and
the number one risk in homes according to the Harvard School of Public Health, Harvard Center for Risk Analysis; (3) The World Health Organization Handbook on Indoor Radon includes key messages which state: (a) "There is no known threshold concentration below which radon exposure presents no risk."; and (b) "The majority of radon-induced lung cancers are caused by low and moderate radon concentrations rather than by high radon concentrations, because in general less people are exposed to high indoor radon concentrations."

(4) The Surgeon General of the United States urged Americans to test their homes to find out how much radon they might be breathing; (5) The United States Environmental Protection Agency estimates that more than twenty thousand Americans die of radon-related lung cancer each year; and (6) The United States Environmental Protection Agency has identified radon levels in Nebraska as the third highest in the United States because of the high concentration of uranium in the soil.

Sec. 3. For purposes of the Radon Resistant New Construction Act: (1) Active radon mitigation system means a family of radon mitigation systems involving mechanically driven soil depressurization, including subslab depressurization, drain tile depressurization, block wall depressurization, and submembrane depressurization. Active radon mitigation system is also known as active soil depressurization; (2) Building code means an ordinance, resolution, or law that establishes standards applicable to new construction; (3) Building contractor means any individual, corporation, partnership, limited liability company, or other business entity that engages in new construction; (4) Department means the Department of Health and Human Services; (5) New construction means any original construction of a single-family home or a multifamily dwelling, including apartments, group homes, condominiums, and townhouses, or any original construction of a building used for commercial, industrial, educational, or medical purposes. New construction does not include additions to existing structures or remodeling of existing structures; (6) Passive new construction pipe means a pipe installed in new construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof; and (7) Radon mitigation specialist means an individual who is licensed by the department as a radon mitigation specialist in accordance with the Radiation Control Act.

Sec. 4. (1) The Radon Resistant New Construction Task Force is created. The task force shall consist of the chief medical officer of the Division of Public Health of the Department of Health and Human Services as designated in section 81-3115 or his or her designee, who shall serve as the chairperson of the task force, and the following additional
31 members to be appointed by the Governor:
1 (a) Three representatives of home builders' associations in
2 Nebraska, each from a different congressional district;
3 (b) A representative of a home inspectors' association in Nebraska;
4 (c) A representative of an international building code organization;
5 (d) A representative of a Nebraska realtors' organization;
6 (e) Two representatives of respiratory disease organizations, each
7 from a different organization;
8 (f) A representative of a cancer research and prevention
9 organization;
10 (g) A representative of the League of Nebraska Municipalities;
11 (h) Three community public health representatives, each from a
12 different congressional district;
13 (i) A professional engineer as defined in section 81-3422; and
14 (j) An architect as defined in section 81-3404.
15 (2) The task force shall meet at the call of the chairperson. The
16 appointed members of the task force shall serve without compensation but
17 shall be reimbursed for their actual and necessary expenses as provided
18 in sections 81-1174 to 81-1177. The department shall provide staff and
19 support for the operation of the task force.
20 (3) The task force shall develop minimum standards for radon
21 resistant new construction and shall recommend such minimum standards to
22 the Governor and to the Health and Human Services Committee of the
23 Legislature. In developing such minimum standards, the task force shall:
24 (a) Design the minimum standards so that they may be enforced by a
25 county, city, or village as part of its local building code;
26 (b) Consider Appendix F of the International Residential Code for
27 One- and Two-Family Dwellings, 2012 edition, published by the
28 International Code Council; and
29 (c) Consider including the following provisions in such minimum
30 standards:
31 (i) A requirement that the installation of an active radon
1 mitigation system only be performed by a radon mitigation specialist;
2 (ii) A requirement that the installation of radon resistant new
3 construction only be performed by a building contractor or his or her
4 subcontractors or by a radon mitigation specialist; and
5 (iii) A requirement that only a radon mitigation specialist be
6 allowed to install a radon vent fan or upgrade a passive new construction
7 pipe to an active radon mitigation system.
8 (4) The task force shall provide its recommendation by December 15,
9 2015. The task force and this section terminate on January 1, 2016.
10 Sec. 5. It is the intent of the Legislature that the recommendation
11 provided by the Radon Resistant New Construction Task Force under section
12 4 of this act be used by the Legislature during the 2016 legislative
13 session to establish, in statute, minimum standards for radon resistant
14 new construction.
VISITORS

Visitors to the Chamber were 15 members of Leadership York; 50 twelfth-grade students from Syracuse; 10 members of Leadership Beatrice; 9 members of Leadership Ogallala; and Senator Hilkemann's wife, Julie, and Diane Murphy and Bev Layten from Omaha.

The Doctor of the Day was Dr. Nathan Krug from Central City.

ADJOURNMENT

At 11:50 a.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Thursday, February 19, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
TWENTY-NINTH DAY - FEBRUARY 19, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 2015

PRAYER

The prayer was offered by Pastor Jim Haack, Beautiful Savior Lutheran Church, La Vista.

ROLL CALL

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

The roll was called and all members were present except Senator Larson who was excused; and Senators Craighead, Kolowski, Krist, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 13, 2015

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

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

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Economic Development:

Brenda L. Hicks-Sorensen, 7305 Pioneers Blvd., #604, Lincoln, NE 68506

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

LEGISLATIVE RESOLUTION 59. Introduced by Hilkemann, 4.

WHEREAS, November 2015 is National Family Caregivers Month; and
WHEREAS, about 250,000 people in Nebraska, 14 percent of the state's population, are 65 years of age and older, and that number is expected to increase in the next 15 years to 417,000 people, or 20 percent of the state's population in 2030; and
WHEREAS, an estimated 40,000 people in Nebraska, 2 percent of the state's population, are 85 years of age and older, and that number is expected to increase in the next 15 years to about 50,000 people, or 2.4 percent of the state's population in 2030; and
WHEREAS, it is estimated that 37,000 people in Nebraska have Alzheimer's disease, and this number is expected to increase to 44,000 people by 2025 with an expected 70 percent of the people with Alzheimer's disease and other forms of dementia living at home; and
WHEREAS, at least 20 percent of those persons 65 years of age and older need some level of assistance with the activities of daily living, and there are an estimated 220,000 adults in Nebraska providing paid and unpaid care to adult relatives or friends; and
WHEREAS, both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes; and
WHEREAS, the longer a senior is able to provide for his or her own care, the less the burden that is placed on public assistance offered by the state and federal governments.

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

1. That the Legislature recognizes the importance of caregiving and the caregiving profession and supports the private home health care industry and the efforts of family caregivers throughout Nebraska by encouraging individuals to provide care to family, friends, and neighbors.
2. That the Legislature encourages accessible and affordable care for seniors and supports the continuing review of state policies and current state programs which address the needs of seniors and their family caregivers.
3. That the Legislature encourages the Department of Health and Human Services to continue working to educate people in Nebraska on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.
4. That the Legislature recognizes November 2015 as Nebraska Caregivers Month and encourages citizens to participate in activities related to National Family Caregivers Month.

5. That a copy of this resolution be sent to the Department of Health and Human Services.

Laid over.

LEGISLATIVE RESOLUTION 60. Introduced by Hadley, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday, February 28, 2015, will present the Distinguished NEBRASKAlander Award to three honorees at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Gene Haynes, an Omaha educator and community leader, who has been principal of Omaha North Magnet High School for 13 years. Gene led the development of the privately-funded Haddix Center at Omaha North High School which draws students from across Omaha to study science, technology, engineering, and mathematics. Gene has been a teacher, coach, and an administrator in the Omaha Public Schools for 48 years, including 29 years at Omaha North High School, and has received numerous awards for his work in education and the community; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Gene Haynes, an Omaha educator and community leader, who has been principal of Omaha North Magnet High School for 13 years. Gene led the development of the privately-funded Haddix Center at Omaha North High School which draws students from across Omaha to study science, technology, engineering, and mathematics. Gene has been a teacher, coach, and an administrator in the Omaha Public Schools for 48 years, including 29 years at Omaha North High School, and has received numerous awards for his work in education and the community; and

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WHEREAS, a Distinguished NEBRASKAlander Award will be presented to United States Senator Mike Johanns who has brought great recognition to Nebraska through more than 30 years of public service at all levels of government. Mike served as the 28th Secretary of the United States Department of Agriculture, and was then elected to the United States Senate where he served from 2009-2015. Mike's public service began in 1983 as a county commissioner and city councilman before his election as mayor of Lincoln in 1995. He served as Governor of Nebraska from 1999-2005 where he took a strong leadership role in agriculture, economic development, and foreign trade; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to United States Senator Mike Johanns who has brought great recognition to Nebraska through more than 30 years of public service at all levels of government. Mike served as the 28th Secretary of the United States Department of Agriculture, and was then elected to the United States Senate where he served from 2009-2015. Mike's public service began in 1983 as a county commissioner and city councilman before his election as mayor of Lincoln in 1995. He served as Governor of Nebraska from 1999-2005 where he took a strong leadership role in agriculture, economic development, and foreign trade; and

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WHEREAS, a Distinguished NEBRASKAlander Award will be presented to United States Senator Mike Johanns who has brought great recognition to Nebraska through more than 30 years of public service at all levels of government. Mike served as the 28th Secretary of the United States Department of Agriculture, and was then elected to the United States Senate where he served from 2009-2015. Mike's public service began in 1983 as a county commissioner and city councilman before his election as mayor of Lincoln in 1995. He served as Governor of Nebraska from 1999-2005 where he took a strong leadership role in agriculture, economic development, and foreign trade; and

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.
2. That a copy of this resolution be given to Gene Haynes, Mike Johanns, and Paul Younes.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 513:

- Nebraska Investment Council
  - Michael W. Walden-Newman, State Investment Officer

Voting in the affirmative, 37:

Baker       Ebke       Hilkemann  Mello       Smith
Bloomfield  Friesen   Hughes     Morfeld    Stinner
Bolz        Garrett    Johnson    Nordquist  Sullivan
Campbell    Gloor      Kintner    Pansing     Brooks Watermeier
Coash       Groene     Kolterman  Riepe      Williams
Cook        Haar, K.   Kuehn      Schnoor
Craighead   Hadley     Lindstrom  Schumacher
Crawford    Hansen     McCollister Seiler

Voting in the negative, 0.

Present and not voting, 8:

Brasch      Davis      Howard     Scheer
Chambers    Harr, B.   McCoy      Schilz

Excused and not voting, 4:

Kolowski    Krist      Larson     Murante

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SPEAKER HADLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 430. Senator Mello offered his amendment, AM242, found on page 431.

The Mello amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 269. ER19, found on page 440, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 94. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 52. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 260. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 261. ER23, found on page 440, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 271. ER24, found on page 441, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 241. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 305. ER21, found on page 455, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 107. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 87. ER26, found on page 486, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 90. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 194. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 301. ER28, found on page 490, was adopted. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 314. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 252. ER29, found on page 490, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 286. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 116. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 266. ER30, found on page 490, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 312. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 313. ER31, found on page 491, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 45. ER32, found on page 491, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 180. ER33, found on page 491, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 298. ER35, found on page 491, was adopted.
Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 352. ER34, found on page 491, was adopted.
Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 61. Introduced by Kintner, 2.

WHEREAS, Kathleen Gottsch has been named the city administrator for Springfield; and
WHEREAS, Kathleen is currently the city clerk and treasurer which are positions she will maintain in her new job as city administrator; and
WHEREAS, Kathleen has been an employee of Springfield for the past eight years; and
WHEREAS, the Mayor of Springfield, Mike Dill, describes Kathleen as a "very bright, very capable" employee and the right person for the job.

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

1. That the Legislature congratulates Kathleen Gottsch for being named the city administrator for Springfield.
2. That a copy of the resolution be sent to Kathleen Gottsch.

Laid over.

PRESIDENT FOLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 88. Senator Bloomfield offered his amendment, AM184, found on page 424.

Senator Chambers offered the following amendment to the Bloomfield amendment:
FA12
Amend AM184
In line 1 strike "eight" and insert "seven".

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 his amendment.

Voting in the affirmative, 6:

Bloomfield   Ebke   Schnoor
Brasch       Kintner  Seiler

Voting in the negative, 32:

Bolz       Groene     Johnson  Morfeld  Stinner
Campbell   Haar, K.  Kolowski  Murante  Sullivan
Coash      Hadley     Kolterman Nordquist  Watermeier
Cook       Harr, B.   Kuehn     Pansing  Brooks  Williams
Crawford   Hilkemann Lindstrom Riepe
Friesen    Howard     McCollister  Scheer
Gloor      Hughes     McCoy     Smith

Present and not voting, 8:

Baker      Davis     Hansen  Schilz
Chambers   Garrett   Mello   Schumacher
Excused and not voting, 3:

Craighead    Krist    Larson

The Chambers amendment lost with 6 ayes, 32 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
MO33
Reconsider the vote on FA12.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Bloomfield withdrew his amendment, AM184, found on page 424 and considered in this day's Journal.

Senator Bloomfield offered the following amendment:
FA13
Strike "sixteen" in line 16 page 2 and insert in its place "nine".

The Bloomfield amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 122. Senator Bloomfield offered his amendment, AM407, found on page 535.

The Bloomfield amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 142. ER20, found on page 441, was adopted.

Senator Schilz offered his amendment, AM255, found on page 517.

The Schilz amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 142A. Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 160. Senator Coash offered the Larson amendment, AM254, found on page 502.

The Larson amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

SENATOR GLOOR PRESIDING

LEGISLATIVE BILL 272. ER22, found on page 455, was adopted.

Senator Garrett offered the following amendment:

AM309

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:
4 (a) Private employer means a sole proprietorship, a corporation, a
5 partnership, an association, a limited liability company, or any other
6 entity with one or more employees;
7 (b) Veteran means (i) a person who served full-time duty with
8 military pay and allowances in the armed forces of the United States,
9 except for training or for determining physical fitness, and was
10 discharged or otherwise separated with a characterization of honorable or
11 general (under honorable conditions), or (ii) the spouse of a veteran who
12 (A) has a one hundred percent permanent disability as determined by the
13 United States Department of Veterans Affairs or (B) was killed in hostile
14 action; and
15 (c) Voluntary veterans preference employment policy means a private
16 employer’s voluntary preference for hiring and promoting a veteran over
17 another equally qualified applicant or employee.
18 (2) A private employer may adopt a voluntary veterans preference
19 employment policy. Such policy shall be in writing and applied uniformly
20 to decisions regarding hiring and promotion.
21 (3) If a private employer offers a voluntary veterans preference
22 employment policy, a veteran desiring to use such policy shall provide
23 the private employer with a copy of the veteran’s Department of Defense
24 Form 214, also known as the DD Form 214, or its successor form. A spouse
25 of a veteran desiring to use such preference shall provide the private
26 employer with a copy of the veteran’s Department of Defense Form 214 or
27 its successor form, proof of marriage to the veteran, and either (a) a
1 copy of the veteran's disability verification from the United States
2 Department of Veterans Affairs demonstrating a one hundred percent
3 permanent disability rating or (b) a copy of the veteran's Department of
4 Defense Form 1300 or its successor form documenting that the veteran was
5 killed in hostile action.
6 (4) If a private employer implements a voluntary veterans preference
7 employment policy, it shall notify the Commissioner of Labor of such
8 policy. The commissioner shall use the information to maintain a registry
9 of the private employers that have a voluntary veterans preference
10 employment policy in Nebraska.
11 (5) A voluntary veterans preference employment policy shall not be
12 considered a violation of any state or local equal employment opportunity
13 law including the Nebraska Fair Employment Practice Act.

The Garrett amendment was adopted with 31 ayes, 0 nays, 11 present and
not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 446. Senator Nordquist offered his amendment,
AM339, found on page 504.

The Nordquist amendment was adopted with 31 ayes, 0 nays, 11 present and
not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 181. Advanced to Enrollment and Review for
Engrossment.

LEGISLATIVE BILL 167. ER36, found on page 520, was adopted.

Senator Mello offered the following amendment:
AM440
1 1. On page 2, line 13, strike "September" and insert "November".

The Mello amendment was adopted with 35 ayes, 0 nays, 7 present and not
voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 34. Placed on Select File.
LEGISLATIVE BILL 46. Placed on Select File.
LEGISLATIVE BILL 129. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 123. Placed on General File.
LEGISLATIVE BILL 246. Placed on General File.
LEGISLATIVE BILL 277. Placed on General File.
AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB77:

AM403
1 1. On page 4, line 14, after the period insert "No state funds shall
2 be utilized to pay for elective abortion services or to promote elective
3 abortion services. The department shall ensure that any funds received
4 under this subsection shall not be spent or used in any way to contract
5 with any entity that performs or promotes elective abortion services or
6 with any entity that affiliates with any entity that performs or promotes
7 elective abortions. For purposes of this subsection, elective abortion
8 means an abortion (a) other than a spontaneous abortion or (b) that is
9 performed for any reason other than to prevent the death of the female
10 upon whom the abortion is performed.".

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

Monday, March 9, 2015 1:30 p.m.

Agency 13 - Education, Department of
Agency 32 - Educational Lands and Funds, Board of
Agency 34 - Library Commission, Nebraska
Agency 69 - Arts Council, Nebraska
LB185
LB274

Tuesday, March 10, 2015 1:30 p.m.

Agency 5 - Supreme Court
Agency 11 - Attorney General
Agency 94 - Public Advocacy, Commission on
Agency 15 - Parole, Nebraska Board of
Agency 46 - Correctional Services, Department of
LB229
LB237
LB654

Room 1003

Wednesday, March 11, 2015 1:30 p.m.

Agency 23 - Labor, Department of
Agency 54 - Historical Society, Nebraska State
Thursday, March 12, 2015 1:30 p.m.

LB374
LB537
LB461
Agency 31 - Military Department
Agency 29 - Natural Resources, Department of
Agency 84 - Environmental Quality, Department of
Agency 33 - Game and Parks Commission

(Signed) Heath Mello, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Groene - LB437
Ebke - LB172, LB173, and LB268

VISITORS

Visitors to the Chamber were representatives from 10 Nebraska franchises of Home Instead Senior Care including founders Paul and Lori Hogan; 50 first- through eleventh-grade home school students from Lincoln; and 18 fourth-grade students, teacher, and sponsors from St. John Lutheran School, Seward.

The Doctor of the Day was Dr. Susan Evans from Omaha.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Murante, the Legislature adjourned until 9:00 a.m., Friday, February 20, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Senator Garrett.

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 Craighead, Kolowski, Kuehn, Murante, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 19, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed)  Patrick J. O'Donnell
        Clerk of the Legislature

Ashworth, Bill
Yahoo, Inc.
Castleberry, William
Facebook
Coburn, Tom
Convention of States Action
Hladik, Johnathan
Center for Rural Affairs
Mueller Robak
PLL Performance Group
O'Hara Lindsay & Associates, Inc.
Vandelay Investments, LLC
Wright, Lee
Farmers Group, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php

MOTION - Return LB40 to Select File

Senator Chambers moved to return LB40 to Select File for the following specific amendment:
FA14
Strike the enacting clause.

Senator Chambers requested a record vote on the motion to return.

Voting in the affirmative, 0.

Voting in the negative, 43:

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

Present and not voting, 4:

Baker        Chambers  Davis   Krist

Excused and not voting, 2:

Kolowski    Schilz

The Chambers motion to return failed with 0 ayes, 43 nays, 4 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following motion:
MO34
Reconsider the motion to return to Select File for purposes of striking the enacting clause.
Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB40 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 40.**

A BILL FOR AN ACT relating to retirement; to amend sections 16-1019, 16-1038, 23-2305.01, 23-2322, 24-704.01, 79-904.01, 79-948, 79-9,104, 81-2019.01, 81-2032, 84-1305.02, 84-1324, 84-1503, and 84-1505, Reissue Revised Statutes of Nebraska, and sections 14-2111, 24-710.02, and 48-1401, Revised Statutes Cumulative Supplement, 2014; to eliminate unconstitutional provisions related to payment of benefits or annuities for civil damages; to grant the Public Employees Retirement Board certain investigative powers; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**SPEAKER HADLEY PRESIDING**
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB41 with 46 ayes, 0 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 41.

A BILL FOR AN ACT relating to retirement; to amend sections 23-1118 and 23-2301, Revised Statutes Cumulative Supplement, 2014; to change the size of a county for purposes of county employees retirement; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to retirement; to amend section 13-2402, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to annual reports; and to repeal the original section.

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

Voting in the affirmative, 48:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 43.**

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2619, 30-3002, 30-3003, 30-3004, and 30-3005, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2014; to provide for appointment of standby guardians for incapacitated persons; to transfer and change provisions regarding recovery of estate assets; to provide for recovery of assets of wards as prescribed; to provide enforcement procedures; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
Present and not voting, 1:

Groene

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

LEGISLATIVE BILL 65. With Emergency Clause.

A BILL FOR AN ACT relating to counties; to amend section 23-2,100, Reissue Revised Statutes of Nebraska; to provide powers and duties for county boards upon termination of a township board; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

Baker
Bloomfield
Bolz
Brasch
Campbell
Chambers
Coash
Cook
Crawford
Davis
Ebke
Friesen
Garrett
Gloor
Groene
Haar, K.
Hadley
Hansen
Harr, B.
Hilkemann
Howard
Hughes
Johnson
Kintner
Kolowski
Kolterman
Kuehn
Larson
Lindstrom
McCollister
McCoy
Mello
Morfeld
Murante
Nordquist
Nordquist
Riepe
Schilz
Schnoor
Schumacher
Seiler
Smith
Stinner
Sulluan
Swell
Watermeier
Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 91.

A BILL FOR AN ACT relating to livestock; to repeal provisions regarding scabies, diseased swine, and hog cholera; to repeal the Hog Cholera Control and Eradication Act; and to outright repeal sections 54-724.01, 54-724.02, 54-726.04, 54-1401, 54-1402, 54-1403, 54-1404, 54-1405, 54-1406, 54-1407, 54-1408, 54-1409, 54-1410, 54-1411, 54-1501, 54-1503, 54-1505, 54-1508, 54-1509, 54-1510, 54-1511, 54-1512, 54-1513, 54-1514, 54-1515, 54-1516, 54-1517, 54-1518, 54-1519, 54-1520, 54-1521, 54-1522, and 54-1523, Reissue Revised Statutes of Nebraska.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

LEGISLATIVE BILL 92.

A BILL FOR AN ACT relating to the Agricultural Liming Materials Act; to amend sections 2-4323, 2-4324, 2-4326, and 2-4327, Reissue Revised Statutes of Nebraska; to change requirements for annual report filing and report publication; to change provisions relating to enforcement; to provide for seizure and disposal of noncompliant agricultural liming materials; to change penalties; to provide a duty for the Attorney General and local county attorneys; to remove an obsolete provision; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 48:
Voting in the negative, 0.

Present and not voting, 1:

Stinner

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

**MOTION - Return LB93 to Select File**

Senator Chambers moved to return LB93 to Select File for the following specific amendment:
FA15
Strike the enacting clause.

The Chambers motion to return failed with 2 ayes, 39 nays, and 8 present and not voting.

**BILL ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB93 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 93.**

A BILL FOR AN ACT relating to the Nebraska Commercial Fertilizer and Soil Conditioner Act; to amend sections 81-2,162.02, 81-2,162.04, 81-2,162.05, 81-2,162.06, 81-2,162.07, 81-2,162.08, 81-2,162.11, 81-2,162.23, and 81-2,162.27, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change labeling requirements; to change penalties; to change requirements for publishing sales information; to remove a license application requirement; to change provisions relating to a fund; to harmonize provisions; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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<tr>
<th>Baker</th>
<th>Davis</th>
<th>Hilkemann</th>
<th>Lindstrom</th>
<th>Schilz</th>
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<td>Nordquist</td>
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<td>Cook</td>
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<td>Crawford</td>
<td>Harr, B.</td>
<td>Larson</td>
<td>Scheer</td>
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Voting in the negative, 0.

Not voting, 0.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 62. Introduced by Cook, 13.

WHEREAS, Dr. Paulette C. Walker is the 25th National President of Delta Sigma Theta Sorority, Incorporated; and
WHEREAS, Dr. Walker was initiated into Delta Sigma Theta Sorority, Incorporated, through the Epsilon Epsilon Chapter of Michigan State University in 1966; and
WHEREAS, Dr. Walker has served the sorority on the local, regional, and national levels; and
WHEREAS, Dr. Walker spent her professional career as an educator, a nationally recognized researcher, and an advocate for excellence in public education before her retirement in 2011; and
WHEREAS, Dr. Walker has received the distinguished Ronald McNair Scholars Research Mentor Award and the Ronald McNair Scholars Role Model Mentor Award; and
WHEREAS, Delta Sigma Theta Sorority, Incorporated, is celebrating its 102nd anniversary in 2015; and
WHEREAS, the mission of Delta Sigma Theta Sorority, Incorporated, is to provide assistance and support through established programs in local communities and throughout the world and to confront the challenges facing African-Americans; and
WHEREAS, Delta Sigma Theta Sorority, Incorporated, has been serving Nebraska communities since the University of Nebraska-Lincoln chapter was established in 1922.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Dr. Paulette C. Walker for her outstanding service with Delta Sigma Theta Sorority, Incorporated.
2. That a copy of this resolution be sent to Dr. Paulette C. Walker.

Laid over.

LEGISLATIVE RESOLUTION 63. Introduced by Cook, 13.

WHEREAS, Soror Jan M. Carpenter Baker was elected the 30th Mid-Western Regional Director of Alpha Kappa Alpha Sorority, Incorporated, in 2014; and
WHEREAS, Jan began her membership in Alpha Kappa Alpha Sorority, Incorporated, at the University of Missouri in Columbia in 1977, and has been a member of Mu Omega Chapter in Kansas City, Missouri, since 1981; and
WHEREAS, Jan has been active in the Alpha Kappa Alpha Sorority, Incorporated, at the local, regional, and international levels, serving in numerous key leadership positions; and
WHEREAS, Alpha Kappa Alpha Sorority, Incorporated, is celebrating its 107th anniversary in 2015; and
WHEREAS, the mission of Alpha Kappa Alpha Sorority, Incorporated, is to encourage lifelong personal and professional development in its members and to organize its members to effectively advocate for social change that results in equality and equity for all citizens of the world; and
WHEREAS, Alpha Kappa Alpha Sorority, Incorporated, has been serving Nebraska communities since the Gamma Beta Chapter was chartered in 1940 at the University of Nebraska Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Soror Jan M. Carpenter Baker on her election and for her outstanding service with Alpha Kappa Alpha Sorority, Incorporated.
2. That a copy of this resolution be sent to Soror Jan M. Carpenter Baker.

Laid over.

LEGISLATIVE RESOLUTION 64. Introduced by Friesen, 34.

WHEREAS, Nathan Olsufka, a member of Troop 28 from Aurora, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Nathan 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, 12 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, Nathan removed the old fence and sign at the George Western Cemetery near Marquette and replaced them with a new fence and sign; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Nathan Olsufka on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Nathan Olsufka.

Laid over.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 290. Placed on General File.

LEGISLATIVE BILL 189. Placed on General File with amendment.

AM412
1 1. Renumber section 5 as section 3.
2 2. On page 7, strike lines 20 through 22 and insert "whether growing or not, which contains any quantifiable amount of tetrahydrocannabinols. Marijuana includes every manufacture or preparation of such plant or its seeds which contain any quantifiable amount of tetrahydrocannabinols. Marijuana does not include marijuana concentrate, industrial hemp as defined in section 2-5701, or any product made from the mature stalks or sterilized seeds of a plant of the genus cannabis;".
3 3. On page 9, line 26, after the semicolon insert "and"; and strike lines 27 through 31.
4 4. On page 10, line 1, strike "44" and insert "43".
5 5. On page 13, line 14, strike "5" and insert "3".
6 6. On page 17, strike line 31 and show as stricken.
7 7. On page 18, strike line 1; in line 2 strike "9" and insert "7";
15 in line 3 strike "10" and insert "8"; in line 8 strike "11" and insert "12"; in line 9 strike "13" and insert "10"; after line 9 insert the following new subdivision:
18 "(11) Tetrahydrocannabinols;" in line 23 strike "(13)", show as stricken, and insert "(12)"; in line 24 strike "(14)", show as stricken, and insert "(13)"; in line 25 strike "(15)", show as stricken, and insert "(14)"; and in line 29 strike "16" and insert "15".
22 8. On page 19, line 1, strike "17" and insert "16"; in line 5 strike "18" and insert "17"; in line 8 strike "19" and insert "18"; in line 11 strike "20" and insert "19"; in line 12 strike "21" and insert "20"; in line 13 strike "22" and insert "21"; in line 14 strike "23" and insert "22"; and in line 22 strike "24" and insert "23".
27 9. On page 20, line 4, strike "contained" and insert "occurring"; and in line 5 after "cannabis" insert an underscored comma.
10 10. On page 23, line 20, strike "25" and insert "24".
11 10. On page 26, line 18, strike "26" and insert "25".
12 12. On page 27, line 14, strike "(28)", show as stricken, and insert "(26)".
6 13. On page 43, line 9, after "unless" insert "(a)"; and in line 11 after "practice" insert "or (b) such substance is in the possession of a person as authorized under section 2-5701, in compliance with rules and regulations adopted and promulgated by the Department of Agriculture".
14 14. On page 46, strike beginning with the last "or" in line 21 through "concentrate" in line 22 and show the older matter as stricken.
15 15. On page 47, line 6, after "of" insert "marijuana concentrate or"; and in line 7 strike "(c)(24)" and insert "(c)(23)".
16 16. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 253. Placed on General File with amendment.
AM278
1 1. On page 2, line 6, strike "husband and wife", show as stricken, and insert "spouses".

LEGISLATIVE BILL 505. Placed on General File with amendment.
AM391
1 1. On page 2, line 7, after "agency" insert ", except as provided in subsection (4) of this section or"; in line 12 strike "except" and show as stricken; and in line 26 after "(1)" insert "or (4)".
4 2. On page 3, line 27, after "agencies" insert ", except as provided in subsection (4) of this section".
14 3. On page 4, line 2, strike "offense" and insert "case"; strike 7 lines 5 through 8 and insert the following new subsections:
8 "(4) That part of the criminal history record information described in subsection (3) of this section may be disseminated to individuals or agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that specifically authorizes access to the information, limits the use of the information to research, evaluative, or statistical activities, and ensures the confidentiality and security of the information.
15. (5) In any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry, a person cannot be questioned with respect to any offense for which the record is sealed. If an inquiry is made in violation of this subsection, the person may respond as if the offense never occurred.

(Signed) Les Seiler, Chairperson
Agriculture

LEGISLATIVE BILL 183. Placed on General File with amendment. AM445

1. On page 4, strike beginning with "File" in line 12 through "States" in line 14, show the old matter as stricken, and insert "File a reviewed or audited fiscal year-end financial statement prepared by an independent certified public accounting firm"; and in line 30 strike "accountant's", show as stricken, and insert "accounting firm's".

(Signed) Jerry Johnson, Chairperson
COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 430. Placed on Final Reading. ST7

The following changes, required to be reported for publication in the Journal, have been made:
1. On page 1, line 2, "funds" has been struck and "and reappropriate funds; to eliminate an appropriation" inserted.

(Signed) Matt Hansen, Chairperson
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Hadley, Marilyn - Nebraska Educational Telecommunications Commission - Education
Hicks-Sorensen, Brenda L., Director - Department of Economic Development - Banking, Commerce and Insurance
Patlan, Virgil J., Sr. - Board of Parole - Judiciary

(Signed) Bob Krist, Chairperson
Executive Board
COMMITTEE REPORT(S)
  Judiciary

The Judiciary 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.

Scott R. Frakes, Director - Department of Correctional Services

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

The Judiciary 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.

Darrell E. Fisher, Executive Director - Nebraska Commission on Law Enforcement and Criminal Justice

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 19, 2015

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

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

Contingent upon your approval, the following individual is being reappointed to the Commission for the Deaf and Hard of Hearing:

John Hogue, 924 West 14th Street, Falls City, NE 68355

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures
LEGISLATIVE BILL 173. Placed on General File with amendment.
AM472 is available in the Bill Room.

(Signed)  Les Seiler, Chairperson
Executive Board

LEGISLATIVE RESOLUTION 32. Reported to the Legislature for further consideration with the following amendment:
AM331
1 1. Strike the original provisions and insert the following new provisions:
2 WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, by the One Hundred Second Legislature, First Session, 2012, in Legislative Resolution 365, and by the One Hundred Third Legislature, First Session, 2013, in Legislative Resolution 20. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report.
3 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
4 1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.
5 2. That the Developmental Disabilities Special Investigative Committee shall provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee.
10 Committee dated December 15, 2008, are implemented in a timely fashion.
11 3. That the Developmental Disabilities Special Investigative
12 Committee is hereby authorized to continue to study the quality of care
13 and related staffing issues at the Beatrice State Developmental Center
14 and other such facilities, including options and funding for services for
15 residents.
16 4. That the Developmental Disabilities Special Investigative
17 Committee is hereby authorized to continue investigation of the placement
18 and quality of care statewide for the developmentally disabled in
19 Nebraska, including a determination of whether adequate staffing,
20 funding, and capacity exist for persons to receive community-based
21 services, a review of staffing practices at community-based care
22 facilities, and an analysis of the relationship of those practices to the
23 quality of care provided to the developmentally disabled.
24 5. That the Developmental Disabilities Special Investigative
25 Committee shall review the processes of how the Division of Developmental
26 Disabilities of the Department of Health and Human Services determines
27 eligibility for services for individuals who are in need of services, as
28 well as the processes utilized by the division to determine when
29 individuals who have received services are no longer eligible for such
30 services.
31 6. That the Developmental Disabilities Special Investigative
1 Committee shall brief the Health and Human Services Committee of the
2 Legislature by December 15, 2015, and December 15, 2016, and issue a
3 report with its findings and recommendations to the Legislature as
4 circumstances warrant.
5 7. That the Developmental Disabilities Special Investigative
6 Committee is hereby authorized to continue its work until the beginning
7 of the One Hundred Fifth Legislature, First Session.

LEGISLATIVE RESOLUTION 33. Reported to the Legislature for
further consideration with the following amendment:
AM310
1 1. Strike the original provisions and insert the following new
2 provisions:
3 WHEREAS, in 2008, the Department of Health and Human Services (DHHS)
4 began to develop the ACCESSNebraska system. ACCESSNebraska is a system
5 that is intended to efficiently determine public assistance eligibility
6 and provide service delivery. Since the implementation of this system,
7 the Legislature has conducted several hearings on bills and resolutions
8 related to ACCESSNebraska. In these hearings, the realities and problems
9 faced by clients navigating the ACCESSNebraska system were revealed,
10 including long call wait times, lost documentation, erroneous public
11 assistance decisions, and a general difficulty for clients to get the
12 assistance they needed in a timely manner; and
13 WHEREAS, the One Hundred Third Legislature, Second Session, adopted
14 Legislative Resolution 400, which created the ACCESSNebraska Special
15 Investigative Committee of the Legislature to study the ACCESSNebraska
16 system; and
WHEREAS, on December 15, 2014, the committee issued a report and recommendations related to ACCESSNebraska. The committee found the ACCESSNebraska system has been and continues to be plagued with problems. The committee also found ACCESSNebraska front-line workers have not been given the proper tools to complete daunting work loads; and

WHEREAS, the committee recommended among other things that the ACCESSNebraska Special Investigative Committee be continued to provide ongoing oversight for the ACCESSNebraska system.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Special Investigative Committee. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. That the ACCESSNebraska Special Investigative Committee of the Legislature is hereby authorized to study the adequacy of staffing and training of DHHS employees working within the ACCESSNebraska system, including the number of employees for local offices, the number of employees for call centers and document imaging centers, the type and amount of training received, the education levels and years of experience of employees, client access to employees, and the need for and availability of dedicated caseworkers for clients. The scope of the committee's investigation shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and use of and access to databases to allow for data matching. The committee shall also investigate the effectiveness of processes and structures used by the ACCESSNebraska system, including system design, management structure, and system goals. The committee shall also investigate the need for new or additional data collection to determine system effectiveness. The committee shall analyze the experiences of clients and their family members and examine customer service experience, access to benefits, and responses to changing family needs. The committee shall utilize existing studies and reports and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation.

3. That the ACCESSNebraska Special Investigative Committee shall brief the Health and Human Services Committee of the Legislature by December 15, 2015, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.
8 4. That the ACCESSNebraska Special Investigative Committee is hereby
9 authorized to continue its work until the beginning of the One Hundred
10 Fourth Legislature, Second Session.

(Signed) Bob Krist, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 37. Placed on Select File with amendment.
ER41
1 1. On page 6, line 21, strike "the"; and in line 22 strike the
2 second "the".
3 2. On page 7, line 20, after "(g)" insert "the"; in line 22 after
4 "(h)" insert "the" and after "(i)" insert "the"; and in line 24 after
5 "(j)" insert "the".
6 3. On page 23, strike beginning with the period in line 6 through
7 "earlier" in line 8 and show the old matter as stricken.
8 4. On page 28, line 15, strike the first "the"; in lines 20 and 27
9 strike "the"; and in line 22 strike "section" and insert "sections".
10 5. On page 30, line 29, after "66" insert "of this act".

(Signed) Matt Hansen, Chairperson

BILLS ON FINAL READING
Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the
reading at large of LB95 with 47 ayes, 1 nay, and 1 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT relating to bicycles; to amend sections 28-109,
39-101, 60-122, 60-338, 60-611, 60-637, 60-638, and 60-640, Reissue
Revised Statutes of Nebraska, and sections 60-123, 60-339, 60-471,
60-4,182, and 60-501, Revised Statutes Cumulative Supplement, 2014; to
redefine bicycle to include certain electric-powered bicycles; to exclude
bicycles from certain definitions of motor vehicle; to harmonize provisions;
and to repeal the original sections.

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

Voting in the affirmative, 48:
Voting in the negative, 0.

Present and not voting, 1:

Haar, K.

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 99. With Emergency Clause.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1429, Reissue Revised Statutes of Nebraska; to eliminate a duty for the Education Committee of the Legislature as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

Baker  Davis  Hilkemann  Lindstrom  Schilz
Bloomfield  Ebke  Howard  McCollister  Schnoor
Bolz  Friesen  Hughes  McCoy  Schumacher
Brasch  Garrett  Kintner  Morfeld  Smith
Campbell  Gloor  Kolowski  Murante  Stinner
Chambers  Groene  Kolterman  Nordquist  Sullivan
Coash  Hadley  Krist  Pansing Brooks Watermeier
Cook  Hansen  Kuehn  Riepe  Williams
Craighead  Harr, B.  Larson  Scheer
Crawford  Hilkemann  Lindstrom  Schilz

Voting in the negative, 0.

Not voting, 0.
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 100.**

A BILL FOR AN ACT relating to the Community College Aid Act; to amend sections 85-1503 and 85-2234, Reissue Revised Statutes of Nebraska; to provide for allocation of state aid amounts to tribally controlled community colleges; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**SENATOR KRIST PRESIDING**

**LEGISLATIVE BILL 109. With Emergency Clause.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-502.01, Reissue Revised Statutes of Nebraska; to change residency provisions for veterans and their spouses and dependents and other eligible persons; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB118 with 42 ayes, 1 nay, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 118. With Emergency Clause.

A BILL FOR AN ACT relating to tobacco; to amend sections 53-103.08, 53-1,120.01, 71-5716, and 71-5717, Reissue Revised Statutes of Nebraska, and sections 28-1429.03, 53-101, 53-131, and 71-5730, Revised Statutes Cumulative Supplement, 2014; to define cigar shop; to permit certain sales as prescribed; to provide for a nonrefundable application fee; to provide and change requirements for cigar shops; to state and restate intent; to preempt county resolutions and city ordinances relating to smoking in cigar shops; to exempt tobacco retail outlets and cigar shops from the Nebraska Clean Indoor Air Act; to provide requirements for tobacco retail outlets; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 45:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 126.**

A BILL FOR AN ACT relating to retirement; to amend section 23-1118, Revised Statutes Cumulative Supplement, 2014; to change the applicability of certain county retirement provisions; to change a combined contribution rate as prescribed; to provide for an irrevocable election regarding future contributions; and to repeal the original section.

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

Voting in the affirmative, 49:

- Baker
- Davis
- Hilkemann
- Lindstrom
- Schilz
- Bloomfield
- Ebke
- Howard
- McCollister
- Schnoor
- Bolz
- Friesen
- Hughes
- McCoy
- Schumacher
- Brasch
- Garrett
- Kintner
- Mello
- Seiler
- Coash
- Haar, K.
- Kolowski
- Morfeld
- Smith
- Craighead
- Hadley
- Koltermann
- Murante
- Stinner
- Crawford
- Hansen
- Krist
- Nordquist
- Sullivan
- Davis
- Harr, B.
- Kuehn
- Riepe
- Watermeier
- Ebke
- Hilkemann
- Larson
- Scheer
- Williams

Voting in the negative, 0.
Not voting, 0.

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

**LEGISLATIVE BILL 149.**

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 150.**

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Reissue Revised Statutes of Nebraska, and section 18-2705, Revised Statutes Cumulative Supplement, 2014; to redefine terms; and to repeal the original sections.

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

Voting in the affirmative, 47:
LEGISLATIVE BILL 151.

A BILL FOR AN ACT relating to real property; to amend sections 25-2142, 76-1006, and 76-1012, Reissue Revised Statutes of Nebraska; to provide for a person designated to accept city or village notices in cases of mortgaged property or trust deed default; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB157 with 43 ayes, 1 nay, and 5 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 157.**

A BILL FOR AN ACT relating to corporations; to amend sections 21-245, 21-2,127, 21-2,128, 21-2,133, 21-2,134, 21-2,143, 21-2,145, 21-2,230, and 21-2,231, Revised Statutes Cumulative Supplement, 2014, and Laws 2014, LB 749, section 295; to change operative date provisions relating to the Nebraska Model Business Corporation Act; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 49:

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Voting in the negative, 0.

Not voting, 0.

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

**SPEAKER HADLEY PRESIDING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 159.**

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-105 and 1-106, Reissue Revised Statutes of Nebraska; to define
and redefine terms; to provide for peer review; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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Voting in the negative, 0.

Not voting, 0.

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB168 with 49 ayes, 0 nays, and 0 not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 168.**

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4015, 19-4016, 19-4017, 19-4017.01, 19-4020, 19-4021, 19-4025, 19-4026, 19-4027, 19-4028, 19-4029, 19-4030, 19-4033, 19-4037, and 19-4038, Reissue Revised Statutes of Nebraska; to authorize expansion of existing district boundaries; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 19-4024, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 170.**

A BILL FOR AN ACT relating to the Sports Arena Facility Support Fund; to amend section 13-3108, Revised Statutes Cumulative Supplement, 2014; to change distribution provisions; and to repeal the original section.

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

Voting in the affirmative, 49:

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Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 171.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Cumulative Supplement, 2014; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB198 with 45 ayes, 0 nays, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 198.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-3904, 44-3909, 44-4049, 44-4054, and 44-4055, Reissue Revised Statutes of Nebraska; to change prelicensing and continuing education requirements; to define terms; to authorize licenses for limited line pre-need funeral insurance; to harmonize provisions; and to repeal the original sections.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB219 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 219.

A BILL FOR AN ACT relating to child custody and visitation; to amend sections 43-2922 and 43-2929, Revised Statutes Cumulative Supplement, 2014; to adopt the Uniform Deployed Parents Custody and Visitation Act; to change and eliminate provisions relating to military parents; to provide an operative date; to repeal the original sections; and to outright repeal section 43-2929.01, Revised Statutes Cumulative Supplement, 2014.

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

Voting in the affirmative, 49:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB220 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 220.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 81-8,310 and 82-108.02, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Nebraska 150 Sesquicentennial Plates; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB220 with 44 ayes, 1 nay, and 4 present and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 220.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 81-8,310 and 82-108.02, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2014; to provide for Nebraska 150 Sesquicentennial Plates; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 49:

Baker  Davis  Hilkemann  Lindstrom  Schilz
Bloomfield  Ebke  Howard  McCollister  Schnoor
Bolz  Friesen  Hughes  McCoy  Schumacher
Brasch  Garrett  Johnson  Mello  Seiler
Campbell  Gloor  Kintner  Morfeld  Smith
Chambers  Groene  Kolowski  Murante  Stinner
Coash  Haar, K.  Kolterman  Nordquist  Sullivan
Cook  Hadley  Krist  Pansing Brooks Watermeier
Craighead  Hansen  Kuehn  Riepe  Williams
Crawford  Harr, B.  Larson  Scheer
Voting in the negative, 0.

Not voting, 0.

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 220A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 220, One Hundred Fourth Legislature, First Session, 2015.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 247.**

A BILL FOR AN ACT relating to the Uniform Partnership Act of 1998; to amend section 67-405, Reissue Revised Statutes of Nebraska; to change the interest rate for obligations arising under the Uniform Partnership Act of 1998; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 49:

Baker    Davis    Hilkemann    Lindstrom    Schilz
Bloomfield    Ebke    Howard    McCollister    Schnoor
Bolz    Friesen    Hughes    McCoy    Schumacher
Brasch    Garrett    Johnson    Mello    Seiler
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Coash    Haar, K.    Kolterman    Nordquist    Sullivan
Cook    Hadley    Krist    Pansing    Brooks    Watermeier
Craighead    Hansen    Kuehn    Riepe    Williams
Crawford    Harr, B.    Larson    Scheer

Voting in the negative, 0.

Not voting, 0.

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

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL** 52. Placed on Final Reading.
**LEGISLATIVE BILL** 87. Placed on Final Reading.
**LEGISLATIVE BILL** 90. Placed on Final Reading.
**LEGISLATIVE BILL** 94. Placed on Final Reading.
**LEGISLATIVE BILL** 107. Placed on Final Reading.
**LEGISLATIVE BILL** 116. Placed on Final Reading.
**LEGISLATIVE BILL** 194. Placed on Final Reading.
**LEGISLATIVE BILL** 241. Placed on Final Reading.
**LEGISLATIVE BILL** 252. Placed on Final Reading.
**LEGISLATIVE BILL** 260. Placed on Final Reading.
**LEGISLATIVE BILL** 261. Placed on Final Reading.
**LEGISLATIVE BILL** 266. Placed on Final Reading.
**LEGISLATIVE BILL** 269. Placed on Final Reading.
**LEGISLATIVE BILL** 271. Placed on Final Reading.
**LEGISLATIVE BILL** 286. Placed on Final Reading.
**LEGISLATIVE BILL** 301. Placed on Final Reading.
**LEGISLATIVE BILL** 305. Placed on Final Reading.
**LEGISLATIVE BILL** 312. Placed on Final Reading.
**LEGISLATIVE BILL** 314. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson
AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB284:

AM468

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

Section 1. Section 13-3101, Reissue Revised Statutes of Nebraska, is amended to read:

13-3101 Sections 13-3101 to 13-3109 and section 4 of this act shall be known and may be cited as the Sports Arena Facility Financing Assistance Act.

Sec. 2. Section 13-3102, Reissue Revised Statutes of Nebraska, is amended to read:

13-3102 For purposes of the Sports Arena Facility Financing Assistance Act:

1. Board means a board consisting of the Governor, the State Treasurer, the chairperson of the Nebraska Investment Council, the chairperson of the Nebraska State Board of Public Accountancy, and a professor of economics on the faculty of a state postsecondary educational institution appointed to a two-year term on the board by the Coordinating Commission for Postsecondary Education. For administrative and budget purposes only, the board shall be considered part of the Department of Revenue;

2. Bond means a general obligation bond, redevelopment bond, lease-purchase bond, revenue bond, or combination of any such bonds;

3. Eligible sports arena facility means:

(a) Any publicly owned, enclosed, and temperature-controlled building primarily used for sports that has a permanent seating capacity of at least three thousand but no more than seven thousand seats and in which initial occupancy occurs on or after July 1, 2010. Eligible sports arena facility includes stadiums, arenas, dressing and locker facilities, concession areas, parking facilities, and onsite administrative offices connected with operating the facilities; and

(b) Any racetrack enclosure licensed by the State Racing Commission in which initial occupancy occurs on or after July 1, 2010, including concession areas, parking facilities, and onsite administrative offices connected with operating the racetrack;

4. General obligation bond means any bond or refunding bond issued by a political subdivision and which is payable from the proceeds of an ad valorem tax;

5. Increase in state sales tax revenue means the amount of state sales tax revenue collected by a nearby retailer during the fiscal year for which state assistance is calculated minus the amount of state sales tax revenue collected by the nearby retailer in the fiscal year that ended immediately preceding the date of occupancy of the eligible sports arena facility, except that the amount of state sales tax revenue of a nearby retailer shall not be less than zero;

6. Nearby retailer means a retailer as defined in section 77-2701.32 that is located within one thousand six hundred yards of an
eligible sports arena facility, measured from the facility but not from any parking facility or other structure. The term includes a subsequent owner of a nearby retailer operating at the same location;

(7) New state sales tax revenue means:

(a) For nearby retailers that commenced collecting state sales tax during the period of time beginning twenty-four months prior to occupancy of the eligible sports arena facility and ending one hundred twenty-four months after the occupancy of the eligible sports arena facility, one hundred percent of the state sales tax revenue collected by the nearby retailer and sourced under sections 77-2703.01 to 77-2703.04 to a location within one thousand six hundred yards of the eligible sports arena facility; and

(b) For nearby retailers that commenced collecting state sales tax prior to twenty-four months prior to occupancy of the eligible sports arena facility, the increase in state sales tax revenue collected by the nearby retailer and sourced under sections 77-2703.01 to 77-2703.04 to a location within one thousand six hundred yards of the facility;

(8) Political subdivision means any city, village, or county; and

(9) Revenue bond means any bond or refunding bond issued by a political subdivision which is limited or special rather than a general obligation bond of the political subdivision and which is not payable from the proceeds of an ad valorem tax.

Sec. 3. Section 13-3108, Revised Statutes Cumulative Supplement, 2014, is amended to read:

13-3108 (1) The Sports Arena Facility Support Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) Upon receiving the certification described in subsection (3) of section 13-3107, the State Treasurer shall transfer the amount certified to the fund.

(3)(a) It is the intent of the Legislature to appropriate from the fund money to be distributed as provided in subsections (4) and (5) of this section to any political subdivision for which an application for state assistance under the Sports Arena Facility Financing Assistance Act has been approved an amount not to exceed seventy percent of the (i) state sales tax revenue collected by retailers doing business at eligible sports arena facilities on sales at such facilities, (ii) state sales tax revenue collected on primary and secondary box office sales of admissions to such facilities, and (iii) new state sales tax revenue collected by nearby retailers and sourced under sections 77-2703.01 to 77-2703.04 to a location within one thousand six hundred yards of the eligible facility.

(b) The amount to be appropriated for distribution as state assistance to a political subdivision under this subsection for any one year after the tenth year shall not exceed the highest such amount appropriated under subdivision (3)(a) of this section during any one year.
of the first ten years of such appropriation. If seventy percent of the
state sales tax revenue as described in subdivision (3)(a) of this
section exceeds the amount to be appropriated under this subdivision,
such excess funds shall be transferred to the General Fund.
(4) The amount certified under subsection (3) of section 13-3107
shall be distributed as state assistance on or before April 15, 2014.
(5) Beginning in 2014, quarterly distributions of state assistance
shall be made. Such quarterly distributions shall be based on the
certifications provided under subsection (4) of section 13-3107 and shall
occur within fifteen days after receipt of such certification.
(6) The total amount of state assistance approved for an eligible
sports arena facility shall not (a) exceed fifty million dollars or (b)
be paid out for more than twenty years after the issuance of the first
bond for the sports arena facility.
(7) State assistance to the political subdivision shall no longer be
available upon the retirement of the bonds issued to acquire, construct,
 improve, or equip the facility or any subsequent bonds that refunded the
original issue or when state assistance reaches the amount determined
under subsection (6) of this section, whichever comes first.
(8) State assistance shall not be used for an operating subsidy or
other ancillary facility.
(9) The thirty percent of state sales tax revenue remaining after
the appropriation and transfer in subsection (3) of this section shall be
appropriated by the Legislature to the Civic and Community Center
Financing Fund.
(10) Except as provided in subsection (11) of this section for a
city of the primary class, any municipality that has applied for and
received a grant of assistance under the Civic and Community Center
Facility Financing Act shall not receive state assistance under the Sports Arena
Facility Financing Assistance Act for the same project for which the
grant was awarded under the Civic and Community Center Financing Act.
(11) A city of the primary class shall not be eligible to receive a
grant of assistance from the Civic and Community Center Financing Act if
the city has applied for and received a grant of assistance under the
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Chambers - LB483
Krist - LB485

VISITORS

Visitors to the Chamber were 24 dental hygiene students from UNL; 7 third-, fourth-, eighth-, and tenth-grade students and sponsors from Sutton and Auburn; and 25 members of the Nebraska State Bar Association Leadership Academy from across the state.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 12:11 p.m., on a motion by Senator Watermeier, the Legislature adjourned until 10:00 a.m., Monday, February 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FIRST DAY - FEBRUARY 23, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 23, 2015

PRAYER

The prayer was offered by Pastor Mario Hatcher, Bellevue Christian Center, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Schilz and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 20, 2015, at 12:18 p.m. were the following: LBs 40, 41, 42, 43, 65e, 91, 92, 93, 95, 99e, 100, 109e, 118e, 126, 149, 150, 151, 157, 159, 168, 170, 171e, 198, 219, 220, 220A, and 247.

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

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 45. Placed on Final Reading.
LEGISLATIVE BILL 180. Placed on Final Reading.
LEGISLATIVE BILL 298. Placed on Final Reading.
ST10
The following changes, required to be reported for publication in the Journal, have been made:
1. On page 10, line 6, "subsection (6) of this section" has been struck and "this subsection" inserted.

LEGISLATIVE BILL 313. Placed on Final Reading.
LEGISLATIVE BILL 352. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 65. Introduced by Seiler, 33.

WHEREAS, Antonio (Levi) Acosta, a member of Troop 207 from Hastings, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Levi 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, 12 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, Levi landscaped the National Weather Service office located in Hastings which took over 150 community service hours to complete; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Levi, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Antonio (Levi) Acosta on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Antonio (Levi) Acosta.

Laid over.
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 53, 54, and 55 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 53, 54, and 55.

GENERAL FILE

LEGISLATIVE BILL 10. Title read. Considered.

Senator Cook offered her amendment, AM344, found on page 478.

PRESIDENT FOLEY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)

Banking, Commerce and Insurance

Room 1507

Monday, March 9, 2015 1:30 p.m.

Brenda L. Hicks-Sorensen - Department of Economic Development

(Signed) Jim Scheer, Chairperson

COMMITTEE REPORT(S)

Natural Resources

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

David Bracht, Director - State Energy Office

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

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

Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission
Aye: Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

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

Donald P. Batie - Nebraska Natural Resources Commission
Owen A. Palm - Nebraska Natural Resources Commission

Aye: Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 97. Placed on General File.

LEGISLATIVE BILL 275. Placed on General File.

LEGISLATIVE BILL 474. Placed on General File with amendment.

AM347
1 1. On page 7, line 19; page 9, line 30; page 10, lines 1, 9, 13, 18,
2 21, and 29; page 11, lines 6, 14, 16, 20, and 24; and page 12, lines 3
3 and 8, strike "Protection" and insert "Conservation".
4 2. On page 10, line 2, strike "protection" and insert
5 "conservation".

LEGISLATIVE BILL 642. Placed on General File with amendment.

AM402
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 37-1214, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 37-1214 (1) Except as otherwise provided in section 37-1211, the
6 owner of each motorboat shall register such vessel or renew the
7 registration every three years as provided in section 37-1226. The owner
8 of such vessel shall file an initial application for a certificate of
9 number pursuant to section 37-1216 with a county treasurer on forms
10 approved and provided by the commission. The application shall be signed
11 by the owner of the vessel, shall contain the year manufactured, and
12 shall be accompanied by a fee for the three-year period of not less than
13 twenty dollars and not more than twenty-three dollars for Class 1 boats,
14 not less than forty dollars and not more than forty-six dollars for Class
15 2 boats, not less than sixty dollars and not more than sixty-seven
16 dollars and fifty cents for Class 3 boats, and not less than one hundred
17 dollars and not more than one hundred fifteen dollars for Class 4 boats,
18 as established by the commission pursuant to section 37-327.
19. (2) This subsection applies beginning on an implementation date
20. designated by the Director of Motor Vehicles in cooperation with the
21. commission. The director shall designate an implementation date on or
22. before January 1, 2020, for motorboat registration. In addition to the
23. information required under subsection (1) of this section, the
24. application for registration shall contain (a) the full legal name as
25. defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
26. operator's license number or state identification card number of each
27. owner, if applicable, and one or more of the identification elements as
28. listed in section 60-484 of each owner, if applicable, and (ii) if any
29. owner is a business entity, a nonprofit organization, an estate, a trust,
30. or a church-controlled organization, its tax identification number.

Sec. 2. Section 37-1278, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:
6 37-1278 (1) Application for a certificate of title shall be
7 presented to the county treasurer, shall be made upon a form prescribed
8 by the Department of Motor Vehicles, and shall be accompanied by the fee
9 prescribed in section 37-1287. The owner of a motorboat for which a
10 certificate of title is required shall obtain a certificate of title
11 prior to registration required under section 37-1214.
12 (2)(a) If a certificate of title has previously been issued for the
13 motorboat in this state, the application for a new certificate of title
14 shall be accompanied by the certificate of title duly assigned. If a
15 certificate of title has not previously been issued for the motorboat in
16 this state, the application shall be accompanied by a certificate of
17 number from this state, a manufacturer's or importer's certificate, a
18 duly certified copy thereof, proof of purchase from a governmental agency
19 or political subdivision, a certificate of title from another state, or a
20 court order issued by a court of record, a manufacturer's certificate of
21 origin, or an assigned registration certificate, if the motorboat was
22 brought into this state from a state which does not have a certificate of
23 title law. The county treasurer shall retain the evidence of title
24 presented by the applicant on which the certificate of title is issued.
25 When the evidence of title presented by the applicant is a certificate of
26 title or an assigned registration certificate issued by another state,
27 the department shall notify the state of prior issuance that the
28 certificate has been surrendered. If a certificate of title has not
29 previously been issued for the motorboat in this state and the applicant
30 is unable to provide such documentation, the applicant may apply for a
31 bonded certificate of title as prescribed in section 37-1278.01.
1 (b) This subdivision applies beginning on an implementation date
2 designated by the Director of Motor Vehicles. The director shall
3 designate an implementation date which is on or before January 1, 2020.
4 In addition to the information required under subdivision (2)(a) of this
5 section, the application for registration shall contain (i) the full
6 legal name as defined in section 60-468.01 of each owner and (ii)(A) the
7 motor vehicle operator’s license number or state identification card
8 number of each owner, if applicable, and one or more of the
9 identification elements as listed in section 60-484 of each owner, if
applicable, and (B) if any owner is a business entity, a nonprofit
organization, an estate, a trust, or a church-controlled organization.
its tax identification number.
(3) The county treasurer shall use reasonable diligence in
ascertaining whether or not the statements in the application for a
certificate of title are true by checking the application and documents
accompanying the same with the records of motorboats in his or her
office. If he or she is satisfied that the applicant is the owner of the
motorboat and that the application is in the proper form, the county
treasurer shall issue a certificate of title over his or her signature
and sealed with his or her seal.
(4) In the case of the sale of a motorboat, the certificate of title
shall be obtained in the name of the purchaser upon application signed by
the purchaser, except that for titles to be held by husband and wife,
applications may be accepted by the county treasurer upon the signature
of either spouse as a signature for himself or herself and as an agent
for his or her spouse.
(5) In all cases of transfers of motorboats, the application for a
certificate of title shall be filed within thirty days after the delivery
of the motorboat. A dealer need not apply for a certificate of title for
a motorboat in stock or acquired for stock purposes, but upon transfer of
a motorboat in stock or acquired for stock purposes, the dealer shall
give the transferee a reassignment of the certificate of title on the
motorboat or an assignment of a manufacturer's or importer's certificate.
If all reassignments printed on the certificate of title have been used,
the dealer shall obtain title in his or her name prior to any subsequent
transfer.
Sec. 3. Section 60-144, Revised Statutes Cumulative Supplement,
2014, is amended to read:
60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
(d) of this subsection, the county treasurer shall be responsible for
issuing and filing certificates of title for vehicles, and each county
shall issue and file such certificates of title using the vehicle titling
and registration computer system prescribed by the department.
Application for a certificate of title shall be made upon a form
prescribed by the department. All applications shall be accompanied by
the appropriate fee or fees.
(ii) This subdivision applies beginning on an implementation date
designated by the director. The director shall designate an
implementation date which is on or before January 1, 2020. In addition to
the information required under subdivision (1)(a)(i) of this section, the
application for registration shall contain (A) the full legal name as
defined in section 60-468.01 of each owner and (B)(i) the motor vehicle
operator's license number or state identification card number of each
owner, if applicable, and one or more of the identification elements as
listed in section 60-484 of each owner, if applicable, and (II) if any
owner is a business entity, a nonprofit organization, an estate, a trust,
or a church-controlled organization, its tax identification number.
(b) The department shall issue and file certificates of title for
THIRTY-FIRST DAY - FEBRUARY 23, 2015

28 Nebraska-based fleet vehicles. Application for a certificate of title
29 shall be made upon a form prescribed by the department. All applications
30 shall be accompanied by the appropriate fee or fees.
31 (c) The department shall issue and file certificates of title for
1 state-owned vehicles. Application for a certificate of title shall be
2 made upon a form prescribed by the department. All applications shall be
3 accompanied by the appropriate fee or fees.
4 (d) The department shall issue certificates of title pursuant to
5 section 60-142.06. Application for a certificate of title shall be made
6 upon a form prescribed by the department. All applications shall be
7 accompanied by the appropriate fee or fees.
8 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,
9 or a minibike resides in Nebraska, the application shall be filed with
10 the county treasurer of the county in which the owner resides.
11 (3)(a) Except as otherwise provided in subdivision (b) of this
12 subsection, if a vehicle, other than an all-terrain vehicle, a utility-
13 type vehicle, or a minibike, has situs in Nebraska, the application shall
14 be filed with the county treasurer of the county in which the vehicle has
15 situs.
16 (b) If a motor vehicle dealer licensed under the Motor Vehicle
17 Industry Regulation Act, applies for a certificate of title for a
18 vehicle, the application may be filed with the county treasurer of any
19 county.
20 (4) If the owner of a vehicle is a nonresident, the application
21 shall be filed in the county in which the transaction is consummated.
22 (5) The application shall be filed within thirty days after the
23 delivery of the vehicle.
24 (6) All applicants registering a vehicle pursuant to section
25 60-3,198 shall file the application for a certificate of title with the
26 Division of Motor Carrier Services of the department. The division shall
27 deliver the certificate to the applicant if there are no liens on the
28 vehicle. If there are one or more liens on the vehicle, the certificate
29 of title shall be handled as provided in section 60-164. All certificates
30 of title issued by the division shall be issued in the manner prescribed
31 for the county treasurer in section 60-152.
1 Sec. 4. Section 60-386, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:
3 60-386 (1) Each new application shall contain, in addition to other
4 information as may be required by the department, the name and
5 residential and mailing address of the applicant and a description of the
6 motor vehicle or trailer, including the color, the manufacturer, the
7 identification number, the United States Department of Transportation
8 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations
9 existed on January 1, 2015, and the weight of the motor vehicle or
10 trailer required by the Motor Vehicle Registration Act. With the
11 application the applicant shall pay the proper registration fee and shall
12 state whether the motor vehicle is propelled by alternative fuel and, if
13 alternative fuel, the type of fuel. The application shall also contain a
14 notification that bulk fuel purchasers may be subject to federal excise
tax liability. The department shall include such notification in the
notices required by section 60-3,186.
(2) This subsection applies beginning on an implementation date
designated by the director. The director shall designate an
implementation date which is on or before January 1, 2020. In addition to
the information required under subsection (1) of this section, the
application for registration shall contain (a) the full legal name as
defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
operator's license number or state identification card number of each
owner, if applicable, and one or more of the identification elements as
listed in section 60-484 of each owner, if applicable, and (ii) if any
owner is a business entity, a nonprofit organization, an estate, a trust,
or a church-controlled organization, its tax identification number.
Sec. 5. Original sections 37-1214, 37-1278, 60-144, and 60-386,
Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Jim Smith, Chairperson
Judiciary

LEGISLATIVE BILL 415. Placed on General File with amendment.
AM200
1 1. Insert the following new section:
2 Sec. 65. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 66. Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely
affected by problem gambling; and
WHEREAS, the State of Nebraska allocates funds to provide education,
counseling, and support to families affected by problem gambling; and
WHEREAS, the key to recognizing problem gambling is awareness; and
WHEREAS, in order to promote prevention of problem gambling in the
future, educating citizens about the dangers of problem gambling is crucial.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature recognizes March 2015 as Problem Gambling
   Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Council on
   Problem Gambling, the Nebraska Council on Compulsive Gambling, and
   the Nebraska Commission on Problem Gambling.

Laid over.
The following bills were read for the first time by title:

**LEGISLATIVE BILL 77A.** Introduced by Nordquist, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 77, One Hundred Fourth Legislature, First Session, 2015; to change appropriations; and to declare an emergency.

**LEGISLATIVE BILL 586A.** Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 586, One Hundred Fourth Legislature, First Session, 2015.

**GENERAL FILE**

**LEGISLATIVE BILL 10.** Senator Chambers offered the following motion:

MO35
Bracket until June 5, 2015.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 88.** Placed on Final Reading.

**LEGISLATIVE BILL 122.** Placed on Final Reading.

**LEGISLATIVE BILL 142.** Placed on Final Reading.

ST8
The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "section 37-1220" has been struck and "sections 37-1220 and 37-1273" inserted.

**LEGISLATIVE BILL 142A.** Placed on Final Reading.

**LEGISLATIVE BILL 160.** Placed on Final Reading.

**LEGISLATIVE BILL 167.** Placed on Final Reading.

**LEGISLATIVE BILL 181.** Placed on Final Reading.

**LEGISLATIVE BILL 272.** Placed on Final Reading.
LEGISLATIVE BILL 446. Placed on Final Reading.

ST9

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

1. On page 1, line 2, "79-904.01," has been inserted after the first comma; and in line 5 "to prohibit refund of certain contributions as prescribed;" has been inserted after the semicolon.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Ronnie Mitchell, Director - Department of Aeronautics

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

LEGISLATIVE BILL 283. Placed on General File.

LEGISLATIVE BILL 365. Placed on General File.

LEGISLATIVE BILL 514. Placed on General File.

LEGISLATIVE BILL 561. Placed on General File.

LEGISLATIVE RESOLUTION 26CA. Placed on General File.

LEGISLATIVE BILL 282. Indefinitely postponed.

(Signed) John Murante, Chairperson

General Affairs

LEGISLATIVE BILL 330. Placed on General File with amendment.

AM113

1 1. Strike original sections 1, 8, 15, and 18 to 20 and insert the
2 following new sections:
3 Section 1. Section 53-101, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 53-101 Sections 53-101 to 53-1,122 and sections 6, 8, and 13 of this
6 act shall be known and may be cited as the Nebraska Liquor Control Act.
7 Sec. 8. (1) The holder of a Class C license may obtain a limited
8 bottling endorsement for such license as prescribed in this section. The
9 endorsement shall be issued for the same period and may be renewed in the
10 same manner as the Class C license. A limited bottling endorsement may
11 not be used in conjunction with a special designated license.
12 (2) A licensee desiring to obtain a limited bottling endorsement for
13 a license shall file with the commission an application upon such forms
14 as the commission prescribes and a fee of three hundred dollars payable
15 to the commission.
16 (3) The holder of a limited bottling endorsement may sell beer for
17 consumption off the licensed premises in sealed containers filled as
18 provided in this subsection if:
19 (a) The sale occurs on the licensed premises of the licensee during
20 the hours the licensee is authorized to sell beer;
21 (b) The licensee uses sanitary containers purchased by the customer
22 from the licensee or exchanged for containers previously purchased by the
23 customer from the licensee. The containers shall prominently display the
24 endorsement holder's trade name or logo or some other mark that is unique
25 to the endorsement holder and shall hold no more than thirty-two ounces;
26 (c) The licensee seals the container in a manner designed so that it
27 is visibly apparent whether the sealed container has been tampered with
1 or opened or seals the container and places the container in a bag
2 designed so that it is visibly apparent whether the sealed container has
3 been tampered with or opened; and
4 (d) The licensee provides a dated receipt to the customer and
5 attaches a copy of the dated receipt to the sealed container or, if the
6 sealed container is placed in a bag, to the bag.

Sec. 10. Section 53-131, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:
10 (1) Any person desiring to obtain a new license to sell
11 alcoholic liquor at retail, a craft brewery license, or a microdistillery
12 license shall file with the commission:
13 (a) An application in triplicate original upon forms the commission
14 prescribes, including the information required by subsection (3) of this
15 section for an application to operate a cigar bar;
16 (b) The license fee if under sections 53-124 and 53-124.01 such fee
17 is payable to the commission, which fee shall be returned to the
18 applicant if the application is denied; and
19 (c) The nonrefundable application fee in the sum of four hundred
20 dollars, except that the nonrefundable application fee for an application
21 for a cigar bar shall be one thousand dollars.
22 (2) The commission shall notify the clerk of the city or village in
23 which such license is sought or, if the license sought is not sought
24 within a city or village, the county clerk of the county in which such
25 license is sought, of the receipt of the application and shall include
26 one copy of the application with the notice. No such license shall be
27 issued or denied by the commission until the expiration of the time
28 allowed for the receipt of a recommendation of denial or an objection
29 requiring a hearing under subdivision (1)(a) or (b) of section 53-133.
30 During the period of forty-five days after the date of receipt by mail or
31 electronic delivery of such application from the commission, the local
32 governing body of such city, village, or county may make and submit to
33 the commission recommendations relative to the granting or refusal to
34 grant such license to the applicant.
For an application to operate a cigar bar, the application shall include proof of the cigar bar's annual gross revenue as requested by the commission and such other information as requested by the commission to establish the intent to operate as a cigar bar. The commission may adopt and promulgate rules and regulations to regulate cigar bars.

For renewal of a license under this section, a licensee shall file with the commission an application, the license fee as provided in subdivision (1)(b) of this section, and a renewal fee of forty-five dollars.

The Legislature finds that encouraging manufacturers of beer to use beer-related crops grown in this state in their manufacturing operations stimulates the creation of jobs and investments in small communities in this state, encourages the use of lands upon which beer-related crops may be grown, and provides tax revenue to the state which would not otherwise be realized. It is the intent of the Legislature to encourage the use of such beer-related crops by providing a nonrefundable tax credit as provided in this section.

For purposes of this section, beer-related crop means barley, hops, or any other grain customarily used in the manufacture of beer.

A nonrefundable credit against the tax imposed in section 53-160 shall be allowed to any manufacturer of beer if at least ten percent of the beer-related crops used by such manufacturer in the previous calendar year were grown in this state. The credit shall be an amount equal to the percentage specified in subsection (4) of this section multiplied by the total amount of tax paid under section 53-160 in the previous calendar year on the first twenty thousand barrels of beer sold by such manufacturer.

The percentage used to determine the credit shall be as follows:

(a) If at least ten percent but less than forty percent of the beer-related crops used by the manufacturer in the previous calendar year were grown in this state, the percentage used to determine the credit shall be fifteen percent;

(b) If at least forty percent but less than seventy percent of the beer-related crops used by the manufacturer in the previous calendar year were grown in this state, the percentage used to determine the credit shall be twenty-five percent; and

(c) If at least seventy percent of the beer-related crops used by the manufacturer in the previous calendar year were grown in this state, the percentage used to determine the credit shall be thirty-five percent.

A manufacturer of beer shall apply for the credit to the commission on a form prescribed by the commission. The application shall be submitted on or before January 25 of each year and shall contain the following information:

(a) The name of the manufacturer;

(b) The total number of barrels of beer sold and the total amount of tax paid under section 53-160 during the previous calendar year;

(c) The percentage of beer-related crops used by the manufacturer in the previous calendar year that were grown in this state; and

(d) Such other information as required by the commission to verify
that the manufacturer is qualified to receive the credit allowed under
this section and to calculate the amount of the credit.
(6) If the manufacturer of beer qualifies for the credit, the
commission shall approve the application and notify the manufacturer of
the amount of the credit approved. The manufacturer may then claim the
credit on the reports due each month under section 53-164.01 as an offset
against the taxes due pursuant to such reports until the credit is fully
utilized or until the following December 31, whichever occurs first.
Sec. 19. Original sections 53-103.01, 53-103.02, 53-130, 53-135,
30 53-167.02, 53-167.03, 53-1,111, and 53-1,113, Reissue Revised Statutes of
31 Nebraska, and sections 53-101, 53-103, 53-103.03, 53-123.15, 53-131,
1 53-133, and 53-177, Revised Statutes Cumulative Supplement, 2014, are
2 repealed.
3 Sec. 20. Since an emergency exists, this act takes effect when
4 passed and approved according to law.
5 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 460. Placed on General File with amendment.
AM396 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson
Transportation and Telecommunications

LEGISLATIVE BILL 231. Placed on General File with amendment.
AM296 is available in the Bill Room.

LEGISLATIVE BILL 498. Placed on General File with amendment.
AM413 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB37:
AM470
1 1. Insert the following new section:
2 Sec. 28. Section 28-411, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 28-411 (1) Every practitioner who is authorized to administer or
5 professionally use controlled substances shall keep a record of such
6 controlled substances received by him or her and a record of all such
7 controlled substances administered or professionally used by him or her,
8 other than by medical order issued by a practitioner authorized to
9 prescribe, in accordance with subsection (4) of this section.
10 (2) Manufacturers, wholesalers, distributors, and reverse
11 distributors shall keep records of all controlled substances compounded,
12 mixed, cultivated, grown, or by any other process produced or prepared
13 and of all controlled substances received and disposed of by them, in
14 accordance with subsection (4) of this section.
15 (3) Pharmacies shall keep records of all controlled substances
16 received and disposed of by them, in accordance with subsection (4) of
17 this section.
18 (4) The record of controlled substances received shall in every case
19 show (a) the date of receipt, (b) the name, address, and Drug Enforcement
20 Administration number of the person receiving the controlled substances,
21 (c) the name, address, and Drug Enforcement Administration number of the
22 person from whom received, (d) the kind and quantity of controlled
23 substances received, (e) the kind and quantity of controlled substances
24 produced or removed from process of manufacture, and (f) the date of such
25 production or removal from process of manufacture. The record shall in
26 every case show the proportion of morphine, cocaine, or ecgonine
27 contained in or producible from crude opium or coca leaves received or
1 produced. The record of all controlled substances sold, administered,
2 dispensed, or otherwise disposed of shall show the date of selling,
3 administering, or dispensing, the name and address of the person to whom
4 or for whose use or the owner and species of animal for which the
5 controlled substances were sold, administered, or dispensed, and the kind
6 and quantity of controlled substances. For any lost, destroyed, or stolen
7 controlled substances, the record shall list the kind and quantity of
8 such controlled substances and the discovery date of such loss,
9 destruction, or theft. Every such record shall be kept for a period of
10 five years from the date of the transaction recorded.
11 (5) Any person authorized to compound controlled substances shall
12 comply with section 45 of this act.
13 2. On page 17, line 2, strike "The" and insert "Beginning January 1,
14 2017, the"; and strike beginning with the comma in line 2 through the
15 second comma in line 3.
16 3. On page 36, line 10, strike beginning with "Each" through the
17 last comma and insert "Beginning January 1, 2016, each hospital shall".
18 4. On page 50, line 27, after "sections" insert "28-411,".
19 5. Renumber the remaining sections and correct the internal
20 references accordingly.

Senator Kolowski filed the following amendment to LB558:

AM489
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 81-2,245.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 81-2,245.01 Food establishment shall mean an operation that stores,
5 prepares, packages, serves, sells, vends, or otherwise provides food for
6 human consumption. The term does not include:
7 (1) An establishment or vending machine operation that offers only
8 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled
9 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato
10 or corn chips; pretzels; cheese puffs and curls; crackers; popped
11 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other
12 pastries, that are not potentially hazardous foods;
13 (2) A produce stand that only offers whole, uncut fresh fruits and
14 vegetables;
15 (3) A food processing plant;
16 (4) A salvage operation;
17 (5) A private home where food is prepared or served for personal
18 use, a small day care in the home, or a hunting lodge, guest ranch, or
19 other operation where no more than ten paying guests eat meals in the
20 home;
21 (6) A private home or other area where food that is not potentially
22 hazardous food is prepared:
23 (a) For sale or service at a religious, charitable, or fraternal
24 organization's bake sale or similar function; or
25 (b) For sale directly to the consumer at a farmer's market if the consumer is informed by a clearly visible placard at the
26 sale location that the food was prepared in a kitchen that is not subject
1 to regulation and inspection by the regulatory authority; or
2 (c) For sale directly to a consumer or indirectly to a consumer
3 through a food establishment if:
4 (i) The private home or other area is required to obtain a permit by
5 the department on forms developed by the department. The permit shall
6 identify a specific listing of the food products allowed to be produced
7 by the permittee. Prior to issuing a permit, the department shall inspect
8 the premises of the private home or other area to determine that it is in
9 substantial compliance with the following requirements:
10 (A) Only those specific foods identified on the permit may be
11 produced;
12 (B) No person other than the permittee, or a person under the direct
13 supervision of the permittee, may be engaged in the processing,
14 preparing, packaging, or handling of any food products or be in the
15 kitchen during the preparation, packaging, or handling of any food
16 products;
17 (C) No preparation, packaging, or handling of food products occurs
18 in the kitchen concurrent with any other domestic activities such as
19 family meal preparation, dishwashing, clothes washing or ironing, kitchen
20 cleaning, or guest entertainment;
21 (D) No infants, small children, or pets are in the kitchen during
22 the preparation, packaging, or handling of any food products;
23 (E) All food contact surfaces, equipment, and utensils used for the
24 preparation, packaging, or handling of any food products are washed,
25 rinsed, and sanitized before each use;
26 (F) All food preparation and food and equipment storage areas are
27 maintained free of rodents and insects;
28 (G) All persons involved in the preparation and packaging of food
29 products:
30 (I) Are not working in the kitchen when ill;
31 (II) Wash their hands before any food preparation and food packaging
1 activities; and
2 (II) Avoid bare hand contact with ready-to-eat foods through the
3 use of single-service gloves, bakery papers, tongs, or other utensils;
Any private home or other area which has a private water supply has had the water supply tested prior to initial permitting and at least annually thereafter and demonstrates through a written record of testing that the water supply is potable. The department may require more frequent testing as deemed necessary. After the initial inspection, the department may inspect at any time and whenever the department has reason to believe the permittee is in violation of the requirements of this subdivision or is operating in an unsanitary manner. The department may also inspect the permitted area in response to a foodborne illness outbreak, consumer complaint, or other public health emergency. All permittees under this subdivision shall sign a document attesting that the permittee expressly grants to the department the right to enter the private home or other area during normal business hours, or at other reasonable times, for the purposes of inspection, including the collection of food samples. The initial permit fee charged under this subdivision shall be eighty-six dollars. The initial and annual inspection fee charged under this subdivision shall be eighty-six dollars. The initial permit fee and initial inspection fee shall be paid at the time of application. The annual inspection fee shall be due on August 1 of each year thereafter.

The consumer is informed by a clearly visible placard at the sale location or on the package or container label that contains the following information printed in English:

(A) The name and address of the permittee;
(B) The name of the food product;
(C) The ingredients of the food product in descending order of predominance by weight;
(D) The net weight or net volume of the food product;
(E) Allergen information as specified by federal labeling requirements; and
(F) The following statement printed in at least ten-point type in a color that provides a clear contrast to the background label: "Homemade Food that is not Subject to Routine Government Food Safety Inspection";

(iii) The permittee has not more than fifty thousand dollars in gross annual sales during a calendar year. The department may request, in writing, documentation to verify the calendar year gross annual sales of the permittee;
(iv) The permittee does not employ more than one full-time equivalent employee, not including a family member or a member of the permittee's household; and
(v) The permittee and his or her employees have undergone food handler training provided online on the department's web site. The department shall develop and make available an online food handler training program on its web site not later than December 31, 2015.

(7) A private home or other area where food is prepared for distribution at a fundraising event for a charitable purpose if the consumer is informed by a clearly visible placard at the serving location that the food was prepared in a kitchen that is not subject to regulation...
22 and inspection by the regulatory authority. This subdivision does not
23 apply to a caterer or other establishment providing food for the event if
24 the caterer or establishment receives compensation for providing the
25 food;
26 (8) The location where food prepared by a caterer is served so long
27 as the caterer only minimally handles the food at the serving location;
28 (9) Educational institutions, health care facilities, nursing homes,
29 and governmental organizations which are inspected by a state agency or a
30 political subdivision other than the regulatory authority for sanitation
31 in the food preparation areas;
1 (10) A pharmacy as defined in section 71-425 if the pharmacy only
2 sells prepackaged pharmaceutical, medicinal, or health supplement foods
3 that are not potentially hazardous or foods described in subdivision (1)
4 of this section; and
5 (11) An establishment which is not a commercial food establishment
6 and which sells only commercially packaged foods that are not potentially
7 hazardous foods.

VISITORS

Visitors to the Chamber were a group from the Nebraska Grocery Industry
Association.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Garrett, the Legislature adjourned
until 9:00 a.m., Tuesday, February 24, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SECOND DAY - FEBRUARY 24, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

  Legislative Chamber, Lincoln, Nebraska
  Tuesday, February 24, 2015

PRAYER

The prayer was offered by Senator Kolowski.

ROLL CALL

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

The roll was called and all members were present except Senator Schilz who was excused; and Senators Garrett and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

ANNOUNCEMENT(S)

Senator Bloomfield designates LB31 as his priority bill.

Senator Baker designates LB431 as his priority bill.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 221. Placed on General File with amendment.

AM467

1 1. On page 3, line 21, strike "shall" and insert "may"; and in line
2 27 strike "ten" and insert "twenty".
3 2. On page 4, line 14, strike "ten" and insert "twenty".

The Judiciary 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.

Gerard A. (Fred) Ruiz - Crime Victim's Reparations Committee
Michelle Schindler - Crime Victim's Reparations Committee
Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 67. Introduced by Ebke, 32.

WHEREAS, Arne and Esther Larsen celebrated their 80th wedding anniversary on December 23, 2014; and
WHEREAS, Arne and Esther are one of the longest married couples living in Nebraska. Arne is 103 years old and Esther is 99 years old; and
WHEREAS, Arne and Esther were married in 1934 at Bethel Lutheran Church near Superior; and
WHEREAS, after being married, Arne and Esther moved into a two-bedroom home without electricity or running water on a farm near Hebron; and
WHEREAS, after several years of working side by side on the farm, Arne and Esther moved into Hebron in 1945; and
WHEREAS, Arne and Esther now live in an assisted living facility in Hebron where they share an apartment filled with photos of their two children DeLoyd and Rogene, as well as their three grandchildren and six great-grandchildren; and
WHEREAS, nearly 200 people attended their 80th anniversary open house in December; and
WHEREAS, after 80 years of marriage, Arne and Esther consider themselves "the richest people in Thayer County".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Arne and Esther Larsen on their 80th wedding anniversary.
2. That a copy of this resolution be sent to Arne and Esther Larsen.

Laid over.

LEGISLATIVE RESOLUTION 68. Introduced by Ebke, 32.

WHEREAS, the Friend High School wrestling team finished second at the 2015 Class D State Wrestling Championships; and
WHEREAS, the Friend Bulldogs showed outstanding determination, teamwork, and skill during the competition and earned a team score of 95.5 points; and
WHEREAS, the Friend Bulldogs had three state finalists including two state champions on their team; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Friend High School wrestling team for finishing second at the 2015 Class D State Wrestling Championships.
2. That a copy of this resolution be sent to the Friend High School wrestling team.

Laid over.

UNANIMOUS CONSENT - Room Change

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 24, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 430. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB530A, section 1; to appropriate and reappropriate funds; to eliminate an appropriation; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

Baker  Crawford  Hilkemann  Lindstrom  Schnoor
Bloomfield Davis  Howard  McCollister  Schumacher
Bolz  Ebke  Hughes  McCoy  Seiler
Brasch  Friesen  Johnson  Mello  Stinner
Campbell  Gloor  Kolowski  Morfeld  Sullivan
Chambers  Haar, K.  Kolterman  Nordquist  Watermeier
Coash  Hadley  Krist  Pansing  Brooks  Williams
Cook  Hansen  Kuehn  Riepe
Craighead  Harr, B.  Kuehn  Riepe  Scheer

Voting in the negative, 0.

Present and not voting, 3:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB430.

**GENERAL FILE**

**LEGISLATIVE BILL 10.** Senator Chambers renewed his motion, MO35, found on page 601, to bracket until June 5, 2015.

**SENATOR HOWARD PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 375.** Placed on General File.

**LEGISLATIVE BILL 515.** Placed on General File with amendment. AM380
1. On page 2, line 29, before "children" insert "minor".

(Signed) Jim Scheer, Chairperson

Health and Human Services

**LEGISLATIVE BILL 80.** Placed on General File.

**LEGISLATIVE BILL 452.** Placed on General File.

**LEGISLATIVE BILL 315.** Placed on General File with amendment. AM458
1. Strike the original sections and insert the following new 2 sections:
3 Section 1. Section 68-974, Revised Statutes Cumulative Supplement, 4 2014, is amended to read:
5 68-974 (1) The department shall contract with one or more recovery 6 audit contractors to promote the integrity of the medical assistance
program and to assist with cost-containment efforts and recovery audits. The contract or contracts shall include services for (a) cost-avoidance through identification of third-party liability, (b) cost recovery of third-party liability through postpayment reimbursement, (c) casualty recovery of payments by identifying and recovering costs for claims that were the result of an accident or neglect and payable by a casualty insurer, and (d) reviews of claims submitted by providers of services or other individuals furnishing items and services for which payment has been made to determine whether providers have been underpaid or overpaid, and to take actions to recover any overpayments identified or make payment for any underpayment identified.

(2) Notwithstanding any other provision of law, all recovery audit contractors retained by the department when conducting a recovery audit shall:

(a) Review claims within two years from the date of the payment;
(b) Send a determination letter concluding an audit within sixty days after receipt of all requested material from a provider;
(c) In any records request to a provider, furnish information sufficient for the provider to identify the patient, procedure, or location;
(d) Develop and implement with the department a procedure in which an improper payment identified by an audit is permitted to be rebilled as a corrected claim;
(e) Utilize a licensed health care professional from the area of practice being audited to establish relevant audit methodology consistent with established practice guidelines, standards of care, and state-issued medicaid provider handbooks;
(f) Provide a written notification and explanation of an adverse determination that includes the reason for the adverse determination, the medical criteria on which the adverse determination was based, an explanation of the provider’s appeal rights, and, if applicable, an explanation of the appropriate procedure to rebill in accordance with subdivision (2)(d) of this section; and
(g) Schedule any onsite audits with advance notice of not less than ten business days and make a good faith effort to establish a mutually agreed upon time and date for the onsite audit.

(3) The department shall exclude the following from the scope of review of recovery audit contractors: (a) Claims processed or paid through a capitated medicaid managed care program; (b) medical necessity reviews in which the provider has obtained prior authorization for the service and in which the authorized service was provided; and (c) any claims that are currently being audited or that have already been audited by the recovery audit contractor or by another entity.

(4) The department shall contract with one or more persons to support a health insurance premium assistance payment program.

(5) The department may enter into any other contracts deemed to increase the efforts to promote the integrity of the medical assistance program.

(6) Contracts entered into under the authority of this section may
be on a contingent fee basis. Contracts entered into on a contingent fee
basis shall provide that contingent fee payments are based upon amounts
recovered, not amounts identified, and that contingent fee payments are
not to be paid on amounts subsequently repaid due to determinations made
in appeal proceedings. Whether the contract is a contingent fee contract
or otherwise, the contractor shall not recover overpayments by the
department until all appeals have been completed unless there is a
credible allegation of fraudulent activity by the provider, the
contractor has referred the claims to the department for investigation,
and an investigation has commenced. In that event, the contractor may
recover overpayment prior to the conclusion of the appeals process. In
any contract between the department and a recovery audit contractor, the
payment or fee provided for identification of overpayments shall be the
same provided for identification of underpayments. Contracts shall be in
compliance with federal law and regulations when pertinent, including a
limit on contingent fees of no more than twelve and one-half percent of
amounts recovered, and initial contracts shall be entered into as soon as
practicable under such federal law and regulations.

(7) All amounts recovered and savings generated as a result of
this section shall be returned to the medical assistance program.

(8) Records requests made by a recovery audit contractor in any one-
hundred-eighty-day period shall be limited to not more than five percent
of the number of claims filed by the provider for the specific service
being reviewed, not to exceed two hundred records. The contractor shall.allow a provider no less than forty-five days to respond to and comply
with a record request. If the contractor can demonstrate a significant
provider error rate relative to an audit of records, the contractor may
make a request to the department to initiate an additional records
request regarding the subject under review for the purpose of further
review and validation. The contractor shall not make the request until
the time period for the appeals process has expired and the provider
given the opportunity to contest to the department the second records
request.

(9) On an annual basis, the department shall require the recovery
audit contractor to compile and publish on the department’s Internet web
site metrics related to the performance of each recovery audit
contractor. Such metrics shall include: (a) The number and type of issues
reviewed; (b) the number of medical records requested; (c) the number of
overpayments and the aggregate dollar amounts associated with the
overpayments identified by the contractor; (d) the number of
underpayments and the aggregate dollar amounts associated with the
identified underpayments; (e) the duration of audits from initiation to
time of completion; (f) the number of adverse determinations and the
overturn rating of those determinations in the appeal process; (g) the
number of appeals filed by providers and the disposition status of such
appeals; (h) the contractor’s compensation structure and dollar amount of
compensation; and (i) a copy of the department’s contract with the
recovery audit contractor.

(10) The recovery audit contractor, in conjunction with the
16 department, shall perform educational and training programs annually for
17 providers that encompass a summary of audit results, description of
18 common issues, problems, and mistakes identified through audits and
19 reviews, and a discussion of opportunities for improvement in provider
20 performance with respect to claims, billing, and documentation.
21 (11) Providers shall be allowed to submit records requested as a
22 result of an audit in electronic format which shall include either
23 compact disc or digital versatile disc or via facsimile transmission, at
24 the request of the provider.
25 (12)(a) A provider shall have the right to appeal a determination
26 made by the recovery audit contractor.
27 (b) The contractor shall establish an informal consultation process.
28 Within thirty days after receipt of notification of an adverse
29 determination from the contractor, the provider may request an informal
30 consultation with the contractor and the Medicaid Program Integrity Unit
31 of the Division of Medicaid and Long-Term Care of the department to
32 discuss and attempt to resolve the findings or portion of such findings
33 in the adverse determination letter. The request shall be made to the
34 contractor. The consultation shall occur within thirty days after the
35 provider's request for informal consultation.
36 (c) Within thirty days after an informal consultation, or within
37 thirty days after notification of a final decision or an adverse
38 determination if no informal consultation is requested, a provider may
39 request an administrative appeal of the final decision or adverse
40 determination as set forth in the Administrative Procedure Act.
41 (13 6) The department shall by December 1 of each year, 2012,
42 report to the Legislature the status of the contracts, including the
43 parties, the programs and issues addressed, the estimated cost recovery,
44 and the savings accrued as a result of the contracts. Such report shall
45 be filed electronically.
46 (14 7) For purposes of this section:
47 (a) Adverse determination means any decision rendered by the
48 recovery audit contractor that results in a payment to a provider for a
49 claim for service being reduced or rescinded;
50 (b) Person means bodies politic and corporate, societies,
51 communities, the public generally, individuals, partnerships, limited
52 liability companies, joint-stock companies, and associations; and
53 (c) Recovery audit contractor means private entities with which
54 the department contracts to audit claims for medical assistance, identify
55 underpayments and overpayments, and recoup overpayments.
56 Sec. 2. Original section 68-974, Revised Statutes Cumulative
57 Supplement, 2014, is repealed.
58 (Signed) Kathy Campbell, Chairperson
59 Government, Military and Veterans Affairs
60
61 LEGISLATIVE BILL 621. Placed on General File.
LEGISLATIVE BILL 539. Placed on General File with amendment.
AM487 is available in the Bill Room.

(Signed) John Murante, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 69. Introduced by Pansing Brooks, 28; Campbell, 25.

WHEREAS, Thomas R. Buecker was born on November 14, 1948, in Lincoln, Nebraska; and
WHEREAS, Tom graduated from Sidney High School in 1966 and went on to earn a bachelor's degree from Kearney State College. Tom received a master's degree from Chadron State College in 1992; and
WHEREAS, in 1974, Tom married Colleen Kay Blakeman and together they raised their two children, Michael and Anne; and
WHEREAS, in 1977, Tom was named the curator of the Neligh Flour Mill, and in 1985, he transferred to the Fort Robinson Museum near Crawford; and
WHEREAS, Tom spent 26 years researching and telling the story of Fort Robinson, including writing his master's degree thesis on the early history of Fort Robinson and his book "Fort Robinson and the American West 1874-1899"; and
WHEREAS, in 2011, Tom moved to Lincoln and worked at the Thomas Kennard House and the Nebraska Museum of History where he continued his research and writing; and
WHEREAS, in 2009, Tom was awarded the Distinguished Alumni Award from the University of Nebraska at Kearney; and
WHEREAS, Tom passed away on February 2, 2015.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the contributions of Thomas R. Buecker and extends its sympathy to his family.
2. That a copy of this resolution be sent to the family of Thomas R. Buecker.

Laid over.

LEGISLATIVE RESOLUTION 70. Introduced by Ebke, 32.

WHEREAS, Zemua Baptista, a junior at Friend High School, won the 2015 Class D State Wrestling Championship in the 152-pound division; and
WHEREAS, Zemua's win helped lead the Friend Bulldogs to a second-place team finish; and
WHEREAS, this is Zemua's second state wrestling championship, having also won as a sophomore; and
WHEREAS, Zemua finished the year with a 39-1 record.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Zemua Baptista on his state wrestling championship and his career achievements.
2. That a copy of this resolution be sent to Zemua Baptista.

Laid over.

LEGISLATIVE RESOLUTION 71. Introduced by Ebke, 32.

WHEREAS, Patrick Dempsey, a senior at Friend High School, won the 2015 Class D State Wrestling Championship in the 170-pound division; and
WHEREAS, Patrick's win helped lead the Friend Bulldogs to a second-place team finish; and
WHEREAS, this is Patrick's first state wrestling championship; and
WHEREAS, Patrick finished the year with a 45-1 record, and a career record of 161-19.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Patrick Dempsey on his state wrestling championship and his career achievements.
2. That a copy of this resolution be sent to Patrick Dempsey.

Laid over.

LEGISLATIVE RESOLUTION 72. Introduced by Krist, 10.

WHEREAS, Sister Mary Evangeline Randolph was born on September 25, 1919; and
WHEREAS, in 1960, Sister Evangeline recognized a need in Omaha for a school to educate children with special needs where they could learn, grow, and belong; and
WHEREAS, at the time, Sister Evangeline was teaching three students at St. James Orphanage who had cognitive disabilities that prevented them from enrolling in the public school system; and
WHEREAS, Sister Evangeline founded the Madonna School to help teach children with special needs; and
WHEREAS, by 1970, there were 38 children attending classes at the growing Madonna School; and
WHEREAS, through the help of volunteers and donors, Sister Evangeline was able to purchase a church in the Benson area and remodel it to accommodate the growing number of students; and
WHEREAS, today, there are 58 children and young adults attending the Madonna School from ages 5 to 21; and
WHEREAS, Sister Evangeline passed away on February 9, 2015.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature recognizes the contributions of Sister Mary Evangeline Randolph and extends its sympathy to her family.
2. That a copy of this resolution be sent to the family of Sister Mary Evangeline Randolph and the Madonna School.

Laid over.

BILL ON FIRST READING
The following bill was read for the first time by title:

LEGISLATIVE BILL 12A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 12, One Hundred Fourth Legislature, First Session, 2015.

REFERENCE COMMITTEE REPORT
The Legislative Council Executive Board submits the following report:

Hogue, John - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

PRESENTED TO THE GOVERNOR
Presented to the Governor on February 24, 2015, at 9:56 a.m. was the following: LB430e.

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

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO35, found on page 601 and considered in this day's Journal, to bracket until June 5, 2015, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to bracket.
The Chambers motion to bracket failed with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO36
Reconsider the vote to bracket.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 15:

Bolz  Cook  Hansen  Kolowski  Nordquist
Campbell  Crawford  Harr, B.  Morfeld  Schumacher
Chambers  Haar, K.  Howard  Nordquist  Sullivan

Voting in the negative, 29:

Bloomfield  Friesen  Hilkemann  Lindstrom  Schnoor
Brasch  Garrett  Hughes  McCollister  Seiler
Coash  Gloor  Johnson  McCoy  Smith
Craighead  Groene  Kintner  Murante  Stinner
Davis  Hadley  Koltermans  Riepe  Watermeier
Ebke  Harr, B.  Kuehn  Scheer  Williams

Present and not voting, 4:

Baker  Chambers  Krist  Schumacher

Excused and not voting, 3:

Larson  Mello  Schilz

The Chambers motion to bracket failed with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.
The Chambers motion to reconsider failed with 15 ayes, 29 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Cook renewed her amendment, AM344, found on page 478 and considered on page 595.

Senator Cook moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Voting in the affirmative, 34:

- Baker
- Crawford
- Hansen
- Kolterman
- Riepe
- Bolz
- Friesen
- Harr, B.
- Kuehn
- Scheer
- Brasch
- Garrett
- Hilkemann
- Lindstrom
- Seiler
- Campbell
- Gloor
- Howard
- McCoy
- Smith
- Chambers
- Groene
- Hughes
- Murante
- Sullivan
- Cook
- Haar, K.
- Johnson
- Nordquist
- Williams
- Craighead
- Hadley
- Kolowski
- Pansin

Voting in the negative, 4:

- Davis
- Kintner
- Schumacher
- Watermeier

Present and not voting, 2:

- Bloomfield
- Schnoor

Absent and not voting, 1:

- McCollister
Excused and not voting, 8:

Coash Kris
Ebke Larson Morfeld Schilz Stinner

The Cook amendment was adopted with 34 ayes, 4 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORT(S)**
Transportation and Telecommunications

**LEGISLATIVE BILL 570.** Placed on General File with amendment.

AM398

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

   Section 1. Section 60-6,381, Revised Statutes Cumulative Supplement, 2014, is amended to read:

   60-6,381 (1)(a) A city or village may adopt an ordinance authorizing the operation of golf car vehicles within the corporate limits of the city or village if the operation is on streets adjacent and contiguous to a golf course.

   (b) A county board may adopt a resolution authorizing the operation of golf car vehicles within the county if the operation is on roads adjacent and contiguous to a golf course.

   (c) Any person operating a golf car vehicle as authorized under this section shall have a valid Class O operator's license, and the owner of the golf car vehicle shall have liability insurance coverage for the golf car vehicle. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days after such a request. The Department of Roads may prohibit the operation of golf car vehicles on any highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

   (d) The restrictions of subsection (2) of this section do not apply to ordinances adopted under this subsection.

2. (a) A city or village may adopt an ordinance authorizing the operation of golf car vehicles on streets within the corporate limits of the city or village if the operation is between sunrise and sunset and on streets with a posted speed limit of thirty-five miles per hour. When operating a golf car vehicle as authorized under this subsection, the operator shall not operate such vehicle at a speed in excess of twenty miles per hour. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such
a highway in order to cross a portion of the highway system which
intersects a street as directed in subsection (3) of this section. A city
or village may, as part of such ordinance, implement standards for
operation of golf car vehicles that are more stringent than the
restrictions of this subsection for the safety of the operator and the
public.

(b) A county board may adopt an ordinance pursuant to section 23-187
authorizing the operation of golf car vehicles on roads within the county
if the operation is (i) between sunrise and sunset and (ii) on roads with
a posted speed limit of thirty-five miles per hour or less. When
operating a golf car vehicle as authorized under this subsection, the
operator shall not operate such vehicle at a speed in excess of twenty
miles per hour. A golf car vehicle shall not be operated at any time on
any state or federal highway but may be operated upon such highway in
order to cross a portion of the highway system which intersects a road as
directed in subsection (3) of this section. A county may, as part of such
ordinance, implement standards for operation of golf car vehicles that
are more stringent than the restrictions of this subsection for the
safety of the operator and the public.

(c) Any person operating a golf car vehicle as authorized under this
subsection shall have a valid Class O operator’s license, and the owner
of the golf car vehicle shall have liability insurance coverage for the
golf car vehicle. The person operating the golf car vehicle shall provide
proof of such insurance coverage to any peace officer requesting such
proof within five days after such a request. The liability insurance
coverage shall be subject to limits, exclusive of interest and costs, as
follows: Twenty-five thousand dollars because of bodily injury to or
death of one person in any one accident and, subject to such limit for
one person, fifty thousand dollars because of bodily injury to or death
of two or more persons in any one accident, and twenty-five thousand
dollars because of injury to or destruction of property of others in any
one accident.

(3) The crossing of a highway shall be permitted by a golf car
vehicle only if:

(a) The crossing is made at an angle of approximately ninety degrees
to the direction of the highway and at a place where no obstruction
prevents a quick and safe crossing;
(b) The golf car vehicle is brought to a complete stop before
crossing the shoulder or roadway of the highway;
(c) The operator yields the right-of-way to all oncoming traffic
that constitutes an immediate potential hazard; and
(d) In crossing a divided highway, the crossing is made only at an
intersection of such highway with a street or road, as applicable.

(4) For purposes of this section:

(a) Road means a public way for the purposes of vehicular travel,
including the entire area within the right-of-way; and
(b) Street means a public way for the purposes of vehicular travel
in a city or village and includes the entire area within the right-of-
way.
23 Sec. 2. Original section 60-6,381, Revised Statutes Cumulative 24 Supplement, 2014, is repealed.

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)

Education

The Education 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.

Michelle Suarez - Board of Trustees of the Nebraska State Colleges
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges


The Education 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.

Linda Poole - Technical Advisory Committee for Statewide Assessment
Richard Sawyer - Technical Advisory Committee for Statewide Assessment


The Education 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.

Glenn R. Wilson Jr. - Board of Educational Lands and Funds


The Education 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.

Patricia M. Kircher - Nebraska Educational Telecommunications Commission


(Signed) Kate Sullivan, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 73. Introduced by Ebke, 32; Chambers, 11.

WHEREAS, the President and Vice President of the United States are elected by the Electoral College which consists of 538 presidential electors from the fifty states and the District of Columbia; and

WHEREAS, a candidate must currently receive a majority of 270 electoral votes to win the office of President or Vice President; and

WHEREAS, Article II, Section 1, Clause 2, of the United States Constitution requires each state legislature to determine how presidential electors for each state are chosen; and

WHEREAS, in every state except Maine and Nebraska, presidential electors are chosen by a "winner-take-all" method which awards all presidential electors to the candidate who receives the most votes in those states; and

WHEREAS, Maine and Nebraska use a proportional method whereby presidential electors are allocated based on the popular vote winner within each state's congressional districts and the statewide popular vote winner receives two additional presidential electors; and

WHEREAS, advocates of the proportional method for allocating presidential electors believe it encourages grassroots organizing within each congressional district and incentivizes presidential candidates to broaden their campaigns in otherwise noncompetitive states; and

WHEREAS, in the interest of fairness, all states should have the same method for allocating presidential electors and the proportional method is most democratic method while still maintaining the Electoral College.

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

1. That the Legislature urges each state to adopt or continue the proportional method for allocating presidential electors.
2. That a copy of this resolution be sent to each state legislature.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 366A. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Fourth Legislature, First Session, 2015.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kolterman - LB373
Coash - LB485

VISITORS

Visitors to the Chamber were 27 members of Leadership Hastings; 7 seventh- and eighth-grade students, teacher, and sponsors from Platte Valley Christian School; Katie Fischer Ziegler, NCSL Liaison, from Denver, CO; and 20 members of Leadership Lincoln County.

The Doctor of the Day was Dr. John A. Craig from Omaha.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-THIRD DAY - FEBRUARY 25, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 25, 2015

PRAYER

The prayer was offered by Pastor Earl Fuoss, Lutheran Church - Missouri Synod, Wayne.

ROLL CALL

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

The roll was called and all members were present except Senator Coash who was excused; and Senators Campbell, Craighead, K. Haar, Hansen, Hilkemann, Larson, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 74. Introduced by Garrett, 3; Crawford, 45.

WHEREAS, Bellevue University was founded as Bellevue College in 1966; and
WHEREAS, Bellevue University provides a quality education to approximately 10,000 students annually; and
WHEREAS, Bellevue University established a Military-Veteran Services Center which offers services and support for military and veteran students; and
WHEREAS, the Military-Veteran Services Center exemplifies Bellevue University's commitment to serving members of the military, veterans, and their families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature commends Bellevue University for its commitment to members of the military, veterans, and their families.

2. That a copy of this resolution be sent to Bellevue University.

Laid over.

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB177:

AM434

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 70-619, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 70-619 (1) The corporate powers of the district shall be vested in
6 and exercised by the board of directors of the district. No person shall
7 be qualified to hold office as a member of the board of directors unless
8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
9 of the subdivision from which a director is to be elected if such
10 chartered territory is subdivided for election purposes as provided in
11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
12 combined subdivisions from which directors are to be elected at large as
13 provided in section 70-612 or (b) he or she is a retail customer duly
14 certified in accordance with subsection (3) of section 70-604.03.
15 (2)(a) No person who is a full-time or part-time employee of the
16 district shall be eligible to serve as a member of the board of directors
17 of that district and no high-level manager employed by a district may
18 serve as a member of the board of directors of any district unless such
19 person (i) resigns or (ii) assumes an unpaid leave of absence for the
20 term as a member. The employing district shall grant such leave of
21 absence when requested by any employee for the purpose of the employee
22 serving as a member of such the board, A of directors. No person shall be
23 qualified to be a member of more than one such district board, except
24 that a director of a rural public power district may serve as a director
25 of another public power district formed or organized for the purpose of
26 generating electric energy or transmitting electric energy exclusively
27 for resale to some other public power districts, rural electric
28 cooperatives, and membership associations or municipalities. No member of
29 a governing body of any one of the municipalities within the areas of the
30 district may not shall be qualified to serve on the original board of
31 directors under sections 70-603 to 70-609.
32 (b) For purposes of this subsection, high-level manager means a
33 person employed by a district who serves in a high-level managerial
34 position, including chief executive officer, president, vice president,
35 chief financial officer, chief operations officer, general manager, or
36 assistant general manager.
37 Sec. 2. Original section 70-619, Revised Statutes Cumulative
38 Supplement, 2014, is repealed.
2. On page 1, line 1, after "power" insert "district"; and in line 3
14 after the semicolon insert "to define a term;".

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR73 was referred to the Reference Committee.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 25, 2015, summarizing the recommended appropriations for the following biennium.

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 595:

State Energy Office
   David Bracht, Director

Voting in the affirmative, 32:

Baker  Friesen  Hughes  Mello  Schumacher
Bloomfield  Garrett  Kolowski  Murante  Seiler
Chambers  Gloor  Krist  Pansing  Brooks  Stinner
Cook  Groene  Kuehn  Riepe  Williams
Crawford  Hadley  Lindstrom  Scheer
Davis  Harr, B.  McCollister  Schilz
Ebke  Howard  McCoy  Schnoor

Voting in the negative, 0.

Present and not voting, 9:

Bolz  Johnson  Kolterman  Smith  Watermeier
Brasch  Kintne  Nordquist  Sullivan

Excused and not voting, 8:

Campbell  Craighead  Hansen  Larson
Coash  Haar, K.  Hilkemann  Morfeld

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.
Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 595:

Nebraska Oil and Gas Conservation Commission
Thomas D. Oliver

Voting in the affirmative, 35:

Baker   Ebke   Hughes   Lindstrom   Scheer
Bloomfield Friesen Johnson McCollister Schilz
Bolz Garrett Kintner McCoy Schnoor
Brasch Gloor Kolowski Mello Schumacher
Chambers Groene Kolterman Murante Seiler
Crawford Hadley Krist Pansing Brooks Smith
Davis Howard Kuehn Riepe Williams

Voting in the negative, 0.

Present and not voting, 7:

Campbell Harr, B. Stinner Watermeier
Cook Nordquist Sullivan

Excused and not voting, 7:

Coash Haar, K. Hilkemann Morfeld
Craighed Hansen Larson

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 596:

Nebraska Natural Resources Commission
Donald P. Batie
Owen A. Palm

Voting in the affirmative, 39:

Baker   Davis   Hughes   McCollister   Schilz
Bloomfield Ebke   Johnson McCoy Schnoor
Bolz Friesen Kintner Mello Schumacher
Brasch Garrett Kolowski Murante Seiler
Chambers Grooer Kolterman Nordquist Smith
Crawford Hadley Krist Pansing Brooks Stinner
Cook Hilkemann Kuehn Riepe Williams
Crawford Howard Lindstrom Scheer
Voting in the negative, 0.

Present and not voting, 4:

Groene Harr, B. Sullivan Watermeier

Excused and not voting, 6:

Coash Haar, K. Larson
Craighed Hansen Morfeld

The appointments were confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 602:
Department of Aeronautics
Ronnie Mitchell, Director

Voting in the affirmative, 40:

Baker Davis Howard Lindstrom Schilz
Bloomfield Ebke Hughes McCollister Schnoor
Bolz Friesen Johnson McCoy Schumacher
Brasch Garrett Kintner Mello Seiler
Campbell Gloor Kolowski Murante Stinner
Chambers Groene Kolterman Nordquist Sullivan
Cook Hadley Krist Pansing Brooks Watermeier
Crawford Hilkemann Kuehn Riepe Williams

Voting in the negative, 0.

Present and not voting, 3:

Harr, B. Scheer Smith

Excused and not voting, 6:

Coash Haar, K. Larson
Craighed Hansen Morfeld

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.
Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 611:

Crime Victim's Reparations Committee
  Gerard A. (Fred) Ruiz
  Michelle Schindler

Voting in the affirmative, 39:

Baker  Ebke  Hughes  McCoy  Schumacher
Bloomfield  Friesen  Johnson  Mello  Seiler
Brasch  Garrett  Kintner  Murante  Smith
Campbell  Gloor  Koltermann  Nordquist  Stinner
Chambers  Groene  Krist  Pansing  Brooks  Sullivan
Cook  Hadley  Kuehn  Riepe  Watermeier
Crawford  Hilkemann  Lindstrom  Scheer  Williams
Davis  Howard  McCollister  Schnoor

Voting in the negative, 0.

Present and not voting, 6:

Bolz  Kolowski  Morfeld
Harr, B.  Larson  Schilz

Excused and not voting, 4:

Coash  Craighead  Haar, K.  Hansen

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 10. Senator Chambers offered the following motion:
MO37
Recommit to the Government, Military and Veterans Affairs Committee.

PRESIDENT FOLEY PRESIDING

Pending.
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 56, 57, and 58 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 56, 57, and 58.

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO37, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

Pending.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 431. Placed on General File.
LEGISLATIVE BILL 477. Placed on General File.
LEGISLATIVE BILL 513. Placed on General File.

LEGISLATIVE BILL 49. Indefinitely postponed.
LEGISLATIVE BILL 616. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 75. Introduced by Kolterman, 24.

WHEREAS, Steven Bader, a senior at Centennial High School, won the 2015 Class C State Wrestling Championship in the 145-pound division; and
WHEREAS, Steven's win helped lead the Centennial Broncos to a sixth-place team finish; and
WHEREAS, Steven displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Steven Bader on his state wrestling championship.
2. That a copy of this resolution be sent to Steven Bader.

Laid over.
LEGISLATIVE RESOLUTION 76. Introduced by Kolterman, 24.

WHEREAS, Doyle Trout, a senior at Centennial High School, won the 2015 Class C State Wrestling Championship in the 126-pound division; and
WHEREAS, the victory gave Doyle his fourth straight state wrestling championship; and
WHEREAS, Doyle displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Doyle Trout on his state wrestling championship.
2. That a copy of this resolution be sent to Doyle Trout.

Laid over.

LEGISLATIVE RESOLUTION 77. Introduced by Johnson, 23.

WHEREAS, Drew Ratkovec of East Butler High School won the 2015 Class C State Wrestling Championship in the 138-pound division; and
WHEREAS, Drew's win helped lead the East Butler Tigers to a fourth-place team finish; and
WHEREAS, Drew displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Drew Ratkovec on his state wrestling championship.
2. That a copy of this resolution be sent to Drew Ratkovec.

Laid over.

LEGISLATIVE RESOLUTION 78. Introduced by Johnson, 23.

WHEREAS, Alexander Reimers of David City Aquinas Catholic High School won the 2015 Class C State Wrestling Championship in the 195-pound division; and
WHEREAS, Alexander's win helped lead the David City Aquinas Catholic Monarchs to an eighth-place team finish; and
WHEREAS, Alexander displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Alexander Reimers on his state wrestling championship.
2. That a copy of this resolution be sent to Alexander Reimers.

Laid over.

LEGISLATIVE RESOLUTION 79. Introduced by Johnson, 23.

WHEREAS, Matthew Kindler of David City Aquinas Catholic High School won the 2015 Class C State Wrestling Championship in the 182-pound division; and
WHEREAS, Matthew's win helped lead the David City Aquinas Catholic Monarchs to an eighth-place team finish; and
WHEREAS, Matthew displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Matthew Kindler on his state wrestling championship.
2. That a copy of this resolution be sent to Matthew Kindler.

Laid over.

LEGISLATIVE RESOLUTION 80. Introduced by Johnson, 23.

WHEREAS, Trevor Nichelson of Ashland-Greenwood High School won the 2015 Class B State Wrestling Championship in the 170-pound division; and
WHEREAS, Trevor's win helped lead the Ashland-Greenwood Bluejays to a fourth-place team finish; and
WHEREAS, Trevor displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Trevor Nichelson on his state wrestling championship.
2. That a copy of this resolution be sent to Trevor Nichelson.
LEGISLATIVE RESOLUTION 81. Introduced by Johnson, 23.

WHEREAS, Ben Stille of Ashland-Greenwood High School won the 2015 Class B State Wrestling Championship in the 220-pound division; and
WHEREAS, Ben's win helped lead the Ashland-Greenwood Bluejays to a fourth-place team finish; and
WHEREAS, Ben displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Ben Stille on his state wrestling championship.
2. That a copy of this resolution be sent to Ben Stille.

Laid over.

LEGISLATIVE RESOLUTION 82. Introduced by Johnson, 23.

WHEREAS, Wyatt Phillips of David City High School won the 2015 Class C State Wrestling Championship in the 120-pound division; and
WHEREAS, Wyatt's win helped lead the David City Scouts to a fifth-place team finish; and
WHEREAS, Wyatt displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Wyatt Phillips on his state wrestling championship.
2. That a copy of this resolution be sent to Wyatt Phillips.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR Committee
LR73 Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board
CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO37, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

SPEAKER HADLEY PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB10:
AM528
1 1. Strike the original sections and all amendments thereto and
2 insert the following new section:
3 Section 1. (1) The Legislature finds that:
4 (a) The President and Vice President of the United States are
5 elected by the Electoral College which consists of 538 presidential
6 electors from the fifty states and the District of Columbia;
7 (b) A candidate must currently receive a majority of 270 electoral
8 votes to win the office of President or Vice President;
9 (c) Article II, Section 1, Clause 2, of the United States
10 Constitution requires each state legislature to determine how
11 presidential electors for each state are chosen;
12 (d) In every state except Maine and Nebraska, presidential electors
13 are chosen by a “winner-take-all” method which awards all presidential
14 electors to the candidate who receives the most votes in those states;
15 (e) Maine and Nebraska use a proportional method whereby
16 presidential electors are allocated based on the popular vote winner
17 within each state’s congressional districts and the statewide popular
18 vote winner receives two additional presidential electors;
19 (f) Advocates of the proportional method for allocating presidential
20 electors believe it encourages grassroots organizing within each
21 congressional district and incentivizes presidential candidates to
22 broaden their campaigns in otherwise noncompetitive states; and
23 (g) In the interest of fairness, all states should have the same
24 method for allocating presidential electors and the proportional method
25 is most democratic method while still maintaining the Electoral College.
26 (2) It is the intent of the Legislature to urge each state to adopt
27 or continue the proportional method for allocating presidential electors.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Cook - LB167
Morfeld - LB485

VISITORS

Visitors to the Chamber were members from the League of Women Voters of Nebraska and American Association of University Women of Nebraska; and 60 fourth-grade students and teachers from Morton Elementary, Lexington.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 2015.

Patrick J. O’Donnell
Clerk of the Legislature
THIRTY-FOURTH DAY - FEBRUARY 26, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 26, 2015

PRAYER

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

ROLL CALL

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

The roll was called and all members were present except Senator McCoy who was excused; and Senators Campbell, Craighead, Davis, Hansen, Howard, Krist, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, and 61 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 59, 60, and 61.

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 625:
   Board of Trustees of the Nebraska State Colleges
       Michelle Suarez
       Jess D. Zeiss

Voting in the affirmative, 30:
The appointments were confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 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 625:

Technical Advisory Committee for Statewide Assessment

- Linda Poole
- Richard Sawyer

Voting in the affirmative, 32:

- Baker
- Garrett
- Hughes
- Mello
- Schnoor
- Bloomfield
- Garrett
- Kolowski
- Nordquist
- Schumacher
- Bolz
- Gloor
- Koterman
- Pasing Brooks
- Stiner
- Brasch
- Groene
- Kuehn
- Riepe
- Stinner
- Cook
- Hadley
- Lindstrom
- Scheer
- Sullivan
- Crawford
- Hilkemann
- McCollister
- Schilz
- Williams

Voting in the negative, 0.

Present and not voting, 9:

- Chambers
- Friesen
- Harr, B.
- Larson
- Watermeier
- Coash
- Haar, K.
- Johnson
- Schilz

Excused and not voting, 8:

- Campbell
- Davis
- Howard
- McCoy
- Craighead
- Hansen
- Krist
- Murante
The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 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 625:
   Board of Educational Lands and Funds
   Glenn R. Wilson Jr.

Voting in the affirmative, 33:

Baker    Gloor    Kolowski    Morfeld    Schumacher
Bloomfield Groene Kolterman Nordquist Smith
Brasch    Haar, K.    Kuehn    Pansing Brooks Stinner
Cook Hadley Larson Riepe Sullivan
Crawford Hilkemann Lindstrom Scheer Williams
Ebke Hughes McCollister Schilz
Garrett Kintner Mello Schnoor

Voting in the negative, 0.

Present and not voting, 8:

Bolz Coash Harr, B. Seiler
Chambers Friesen Johnson Watermeier

Excused and not voting, 8:

Campbell Davis Howard McCoy
Craighead Hansen Krist Murante

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 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 625:
   Nebraska Educational Telecommunications Commission
   Patricia M. Kircher

Voting in the affirmative, 33:
The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 83. Introduced by Larson, 40.

WHEREAS, Dylan Loberg of Randolph High School won the 2015 Class D State Wrestling Championship in the 195-pound division; and
WHEREAS, Dylan's win helped lead the Randolph Cardinals to a fifth-place team finish; and
WHEREAS, Dylan displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Dylan Loberg on his state wrestling championship.
2. That a copy of this resolution be sent to Dylan Loberg.

Laid over.

LEGISLATIVE RESOLUTION 84. Introduced by Larson, 40.

WHEREAS, Garret Zimmerer of Creighton Community High School won the 2015 Class D State Wrestling Championship in the 120-pound division; and
WHEREAS, Garret's win helped lead the Creighton Community Bulldogs to a fourth-place team finish; and
WHEREAS, Garret displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Garret Zimmerer on his state wrestling championship.
2. That a copy of this resolution be sent to Garret Zimmerer.

Laid over.

LEGISLATIVE RESOLUTION 85. Introduced by Larson, 40.

WHEREAS, Ty Sawyer, a member of Troop 245 from O'Neill, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Ty 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, 12 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, Ty repaired and repainted playground teeter-totters for the Lions Club Kiddie Park in O'Neill. Prior to Ty's project, the teeter-totters were in need of new seats that were safe for children to use; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Ty, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Ty Sawyer on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ty Sawyer.

Laid over.
LEGISLATIVE RESOLUTION 86. Introduced by Larson, 40.

WHEREAS, Cody Watson, a member of Troop 245 from O'Neill, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cody 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, 12 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, Cody rebuilt and then installed a sign located at the Lions Club Kiddie Park in O'Neill. Prior to Cody's project, the sign had deteriorated and fallen down; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Cody, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Cody Watson on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Cody Watson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 77. Title read. Considered.

Committee AM109, found on page 449, was offered.

Senator Murante moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

The committee amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.
SENATOR KRIST PRESIDING

Senator Bolz offered the following amendment:
FA16
On page 4, line 14, after the period, insert "no state funds shall be utilized to pay for elective abortion services or to promote elective abortion services."

The Bolz amendment was adopted with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

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

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

Voting in the affirmative, 21:

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<tr>
<th>Baker</th>
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<td>Craighead</td>
<td>Hadley</td>
<td>McCollister</td>
<td>Schumacher</td>
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</tbody>
</table>

Voting in the negative, 23:

| Bloomfield | Garrett | Kintner | Murante | Stinner |
| Brasch | Groene | Koltermann | Riepe | Watermeier |
| Coash | Hilkemann | Krist | Schnoor | Williams |
| Ebke | Hughes | Kuehn | Seiler |
| Friesen | Johnson | Lindstrom | Smith |

Present and not voting, 3:

| Bolz | Scheer | Schilz |

Excused and not voting, 2:

| Larson | McCoy |

Failed to advance to Enrollment and Review Initial with 21 ayes, 23 nays, 3 present and not voting, and 2 excused and not voting.
NOTICE OF COMMITTEE HEARING(S)
Appropriations

Room 1524

Monday, March 16, 2015 1:30 p.m.

Agency 25 - Health and Human Services
Divisions: Operations, Medicaid and Long Term Care, Public Health, and Veterans Homes
LB125
LB82
LB98
LB233
LB332
LB397
LB418

Tuesday, March 17, 2015 1:30 p.m.

Agency 25 - Health and Human Services
Divisions: Developmental Disabilities, Children and Family Services, Behavioral Health
LB381
LB485
LB506

Room 1003

Wednesday, March 18, 2015 1:30 p.m.

Agency 40 - Motor Vehicle Licensing Board, Nebraska
Agency 17 - Aeronautics, Department of
Agency 27 - Roads, Department of
LB633

Thursday, March 19, 2015 1:30 p.m.

Agency 7 - Governor
Agency 8 - Lieutenant Governor
Agency 9 - Secretary of State
Agency 10 - Auditor of Public Accounts
Agency 12 - State Treasurer
Agency 14 - Public Service Commission
Agency 3 - Legislative Council

(Signed) Heath Mello, Chairperson
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB599
Bolz - LB315
Krist - LB599
Coash, Kolterman - LB396
Stinner - LB599
Garrett - LB599

VISITORS

Visitors to the Chamber were 6 members of a home school family from Oxford; 4 fifth-, seventh-, and eighth-grade home school students and teacher from Minden; 25 ninth-grade students from Omaha South High School; and members of Alpha Kappa Alpha Sorority, Inc. from Lincoln and Omaha.

The Doctor of the Day was Dr. LuDane Simmons from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Scheer, the Legislature adjourned until 9:00 a.m., Friday, February 27, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-FIFTH DAY - FEBRUARY 27, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 27, 2015

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

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

The roll was called and all members were present except Senators Cook and McCoy who were excused; and Senators Craighead and Groene who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 176. Placed on General File with amendment.

AM495

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

2 Sec. 2. Section 54-2604, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 54-2604  (1) Except as provided in subsection (2) of this section, a
5 packer shall not:
6 (a) Directly or indirectly own, control, or operate a livestock
7 operation in this state; or
8 (b) Directly or indirectly be engaged in the ownership, keeping, or
9 feeding of livestock, other than temporary ownership, keeping, and
10 feeding not to exceed fourteen days which is necessary and incidental to,
11 and immediately prior to, the process of slaughter.
12 (2) Subdivision (1)(b) of this section does not apply to the
13 ownership, keeping, or feeding of swine by a packer at one or more
14 contract swine operations in this state if the packer does not own, keep,
15 or feed swine in this state except for the purpose of the slaughtering of
16 swine or the manufacturing or preparation of carcasses of swine or goods
17 originating from the carcasses in one or more processing facilities owned
18 or controlled by the packer.
19 (3) For purposes of this section, indirectly own, control, or
20 operate a livestock operation and indirectly be engaged in the ownership,
21 keeping, or feeding of livestock includes:
22 (a) Receiving the net revenue or a share of the net revenue derived
23 from a livestock operation or from a person who contracts for the care
24 and feeding of livestock in this state, unless the packer is not involved
25 in the management of the livestock operation;
26 (b) Assuming a morbidity or mortality production risk if the
27 livestock are fed or otherwise maintained as part of a livestock
28 operation in this state, unless the packer is not involved in the
29 management of the livestock operation;
30 (c) Loaning money or guaranteeing, acting as a surety for, or
31 otherwise financing a livestock operation in this state or a person who
32 contracts for the care and feeding of livestock in this state. For
33 purposes of this subdivision, loaning money or guaranteeing, acting as a
34 surety for, or otherwise financing a livestock operation does not include
35 executing a contract for the purchase of livestock by a packer,
36 including, but not limited to, forward contracts, marketing agreements,
37 long-term arrangements, formula arrangements, other noncash sales
38 arrangements, contracts that contain a ledger balance unsecured by
39 collateral of the debtor or other price risk sharing arrangements, or
40 providing an open account or loan unsecured by collateral of the debtor
41 or a ledger balance or loan secured by collateral of the debtor so long
42 as the amount due from the debtor does not exceed one million dollars.
43 After May 27, 1999, it is unlawful for a packer to directly or
44 indirectly be engaged in the ownership, keeping, or feeding of livestock
45 for the production of livestock or livestock products, other than
46 temporary ownership, keeping, and feeding, not to exceed five days,
47 necessary and incidental to the process of slaughter.

(Signed) Jerry Johnson, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 26, 2015

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 40, 41, 42, 43, 65e, 91, 92, 93, 95, 99e, and
100 were received in my office on February 20, 2015.
These bills were signed and delivered to the Secretary of State on February 26, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

February 26, 2015

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 118e, 126, 149, 150, 151, 157, 159, 168, 170, 171e, 198, 219, 220, 220A, and 247 were received in my office on February 20, 2015. LB 430e was received in the Governor's Office on February 24, 2015.

These bills were signed and delivered to the Secretary of State on February 26, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

February 26, 2015

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

Dear Mr. President and Members of the Legislature:

I have signed LB 109e but with concerns that I want to share with you.

I agree with the underlying goal of the legislation which is to allow a veteran, a spouse, or a dependent to continue to qualify for veterans' educational benefits under the federal "Veterans Access, Choice, and Accountability Act of 2014." As presented in its final form, however, LB 109 is a potentially unconstitutional violation of Article I, Section 29 of the Nebraska Constitution.
Last year, the U.S. Congress made changes to its law governing the use of federal education assistance benefits. In one of those changes, Congress declared that veterans would not be able to use their benefits in any state public institution of higher education, if a state did not change its law to match the new federal requirements. LB 109 was introduced to change our state statutes in accordance with the federal law.

Both the federal statutes and federal regulations that are incorporated by referenced into our state law by LB 109 reference a "veteran" and a "spouse." Nebraska's Constitution provides that only marriage between a man and a woman will be recognized under state law.

Federal guidance that has been issued regarding the federal education program suggests that states are mandated to recognize same-sex unions for purposes of this federal benefit. To the extent that the federal government attempts to interpret the changes contained in LB 109 in a manner that would usurp our Constitution, then I will seek to challenge such an interpretation and I will ask you to consider a future legislative change that will reject the federal bureaucracy's attempt to mandate its view of marriage upon our citizens.

Sincerely,

(Signed) Pete Ricketts
Governor

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 26, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brinkman, Jennifer
Tetrad Property Group

Meckler, Mark
Convention of States Action

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php
LEGISLATIVE RESOLUTION 87. Introduced by Seiler, 33.

WHEREAS, Connor Laux, a freshman at Hastings High School, won the 2015 Class A State Wrestling Championship in the 106-pound division; and

WHEREAS, Connor is the first freshman at Hastings High School to win an individual state wrestling championship; and

WHEREAS, Nolan Laux, a senior at Hastings High School, won the 2015 Class A State Wrestling Championship in the 126-pound division; and

WHEREAS, Nolan has medaled four times at the State Wrestling Championship and is a two-time state champion; and

WHEREAS, Brian Laux, Connor and Nolan's father, is the coach of the Hastings High School wrestling team and was a member of the 1988 Hastings High School State Wrestling Championship team. Brian watched each of his two sons win their state championships; and

WHEREAS, Connor and Nolan's wins helped lead the Hastings Tigers to a fifth-place team finish and earn a team score of 95 points; and

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

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

1. That the Legislature congratulates Connor and Nolan Laux on their state wrestling championships.
2. That a copy of this resolution be sent to Connor Laux, Nolan Laux, and their coach Brian Laux.

Laid over.

ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.

MOTION(S) - Return LB52 to Select File

Senator Crawford moved to return LB52 to Select File for the following specific amendment:
FA17
Strike the enacting clause.

Senator Crawford withdrew her motion to return.

Senator Chambers moved to return LB52 to Select File for the following specific amendment:
FA18
Strike the enacting clause.

Senator Chambers withdrew his motion to return.
BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 52.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2014; to exempt sanitary drainage districts from sales and use taxes; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 46:

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Voting in the negative, 0.

Excused and not voting, 3:

| Cook    | Craighead | McCoy |

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

MOTION - Return LB87 to Select File

Senator Chambers moved to return LB87 to Select File for the following specific amendment:

FA19

Strike the enacting clause.

Senator Chambers withdrew his motion to return.
BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend sections 43-4202 and 43-4207, Revised Statutes Cumulative Supplement, 2014; to change membership on the commission; to change and eliminate reporting requirements; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

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

MOTION(S) - Return LB90 to Select File

Senator Chambers moved to return LB90 to Select File for the following specific amendment:

FA20
Strike the enacting clause.

Senator Chambers withdrew his motion to return.
Senator Johnson moved to return LB90 to Select File for the following specific amendment:

FA25
Strike the enacting clause.

Senator Johnson withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend sections 71-6207.02 and 71-6223.02, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions regarding initiation of a directed review; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
MOTION - Return LB94 to Select File

Senator Chambers moved to return LB94 to Select File for the following specific amendment:
FA21
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-165.01, Reissue Revised Statutes of Nebraska; to provide for issuance of a printed certificate of title to a nonresident as prescribed; to eliminate obsolete provisions; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:
Cook Howard McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
MOTION(S) - Return LB107 to Select File

Senator Chambers moved to return LB107 to Select File for the following specific amendment:
FA22  
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

Senator Krist moved to return LB107 to Select File for the following specific amendment:
FA26  
Strike the enacting clause.

Senator Krist withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 107.

A BILL FOR AN ACT relating to nurses; to amend sections 38-206, 38-2302, 38-2310, 38-2322, and 38-2323, Reissue Revised Statutes of Nebraska, and sections 38-2301 and 38-2315, Revised Statutes Cumulative Supplement, 2014; to eliminate requirements for integrated practice agreements for nurse practitioners; to provide for transition-to-practice agreements; to change provisions relating to credentialing and regulation; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker  
Bolz  
Braesch  
Campbell  
Chambers  
Coash  
Craighead  
Crawford  
Davis  
Ebke  
Friesen  
Garrett  
Gloor  
Groene  
Haar, K.  
Hadley  
Hansen  
Harr, B.  
Hilkemann  
Howard  
Hughes  
Johnson  
Kintner  
Kolowski  
Koltermans  
Krist  
Kuehn  
Larson  
Lindstrom  
McCullister  
Mello  
Morfeld  
Murante  
Nordquist  
Pansing  
Rief  
Scheer  
Schilz  
Schnoor  
Schumacher  
Seiler  
Smith  
Stinner  
Sullivan  
Watermeier  

Voting in the negative, 0.

Present and not voting, 1:
Bloomfield

Excused and not voting, 2:

Cook McCoy

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

**LEGISLATIVE BILL 116.**

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735.06, Reissue Revised Statutes of Nebraska, and section 31-735, Revised Statutes Cumulative Supplement, 2014; to change election procedures and membership for certain boards of trustees as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

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

**LEGISLATIVE BILL 142.** With Emergency Clause.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-1220 and 37-1273, Reissue Revised Statutes of Nebraska, and sections 37-201, 37-1214, 37-1215, and 37-1219, Revised Statutes Cumulative Supplement, 2014; to create the Aquatic Invasive Species Program; to
provide funding; to create a fee and stamp; to harmonize provisions; to
repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Bloomfield

Excused and not voting, 2:

Cook         McCoy

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

LEGISLATIVE BILL 142A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 142, One Hundred
Fourth Legislature, First Session, 2015; and to declare an emergency.

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

Voting in the affirmative, 46:
LEGISLATIVE BILL 194.

A BILL FOR AN ACT relating to the Supreme Court; to create the Supreme Court Attorney Services Cash Fund; and to provide for the use of the fund.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook  McCoy

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

**LEGISLATIVE BILL 241.**

A BILL FOR AN ACT relating to cemeteries; to amend sections 15-241, 16-243, 17-941, and 17-945, Reissue Revised Statutes of Nebraska; to change provisions relating to conveyances of cemetery lots; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

- Cook
- McCoy

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

**LEGISLATIVE BILL 252.**

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1106, Reissue Revised Statutes of Nebraska, and section 8-1108.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to registration by coordination and federal covered securities; and to repeal the original sections.

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

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

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

**LEGISLATIVE BILL 260.** With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to authorize the Property Tax Administrator to correct errors as prescribed; and to declare an emergency.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Scheer
Excused and not voting, 2:

Cook McCoy

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB261 with 46 ayes, 1 nay, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 261. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-519, 13-520, 77-115, 77-376, and 77-1248, Reissue Revised Statutes of Nebraska, and sections 23-2306, 69-2708, 77-1342, 77-2604, 77-2604.01, 77-27-235, 77-2904, and 77-3442, Revised Statutes Cumulative Supplement, 2014; to eliminate obsolete provisions relating to transferring the assessment function to counties; to change provisions relating to the sharing of tax information; to change provisions relating to the valuation of flight equipment of air carriers; to disallow interest on refunds relating to certain tax credits; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1340.05 and 77-1340.06, Reissue Revised Statutes of Nebraska, and section 77-1340.04, Revised Statutes Cumulative Supplement, 2014; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.
A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB266 with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 266.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-102, 14-103, 15-211, 15-268, 16-207, 16-240, 17-123, 17-123.01, 17-207, and 17-555, Reissue Revised Statutes of Nebraska, and sections 16-230 and 17-563, Revised Statutes Cumulative Supplement, 2014; to change provisions regarding jurisdiction for municipalities to enforce ordinances; to change nuisance ordinance provisions as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 269.**

A BILL FOR AN ACT relating to the Abstracters Act; to amend section 76-550, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to a roster of all registered abstracters; and to repeal the original section.

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

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

Cook      McCoy

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB271 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 271.**

A BILL FOR AN ACT relating to labor; to amend sections 48-602, 48-603, 48-603.01, 48-605, 48-625, 48-648, 48-648.01, 48-654, 48-660.01, and 48-669, Reissue Revised Statutes of Nebraska, and section 48-663.01,
Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions of the Employment Security Law; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker    Ebke    Hughes    Mello    Seiler
Bloomfield    Friesen    Johnson    Morfeld    Smith
Bolz    Garrett    Kintner    Murante    Stinner
Brasch    Groene    Kolowski    Nordquist    Sullivan
Campbell    Haar, K.    Koltermann    Pansing    Brooks    Watermeier
Chambers    Hadley    Krist    Riepe    Williams
Coash    Hansen    Kuehn    Scheer
Craigebead    Harr, B.    Larson    Schilz
Crawford    Hilkemann    Lindstrom    Schnoor
Davis    Howard    McCollister    Schumacher

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 2:

Cook    McCoy

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 286.** With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1,140, 8-355, and 21-17,115, Revised Statutes Cumulative Supplement, 2014; to revise powers of state-chartered banks, building and loan associations, and credit unions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:
A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 301.

A BILL FOR AN ACT relating to courts; to amend sections 24-107, 24-209, 24-212, 85-176, and 85-177, Reissue Revised Statutes of Nebraska; to change provisions relating to format and distribution of court opinions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Cook  McCoy

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

**LEGISLATIVE BILL 305. With Emergency Clause.**

A BILL FOR AN ACT relating to veterans aid; to amend section 80-403, Reissue Revised Statutes of Nebraska; to allow the veterans aid fund to be used for transportation costs for veterans; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

- Baker
- Bloomfield
- Bolz
- Brasch
- Campbell
- Chambers
- Coash
- Craighead
- Crawford
- Davis
- Ebke
- Ebke
- Howard
- Friesen
- Garrett
- Groene
- Haar, K.
- Hadley
- Hansen
- Harr, B.
- Hilkemann
- McCollister
- Hughes
- Johnson
- Kolowski
- Kolterman
- Krist
- Kuehn
- Larson
- Lindstrom
- Mello
- Morfeld
- Nordquist
- Pansing
- Riepe
- Scheer
- Schilz
- Seiler
- Smith
- Stinner
- Sullivan
- Watermeier

Voting in the negative, 0.

Excused and not voting, 2:

- Cook
- McCoy

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

**LEGISLATIVE BILL 312.**

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1348, 39-1349, 39-1350, 39-1351, 39-1352, 39-1353, and 81-1701, Reissue Revised Statutes of Nebraska; to change provisions relating to the letting of construction contracts; to provide an exemption from the Nebraska Consultants' Competitive Negotiation Act; and to repeal the original sections.

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

Voting in the affirmative, 47:
Voting in the negative, 0.

Excused and not voting, 2:

Cook McCoy

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

LEGISLATIVE BILL 314.

A BILL FOR AN ACT relating to county courts; to amend section 24-517, Revised Statutes Cumulative Supplement, 2014; to state matters subject to the jurisdiction of county courts; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 52, 87, 90, 94, 107, 116, 142, 142A, 194, 241, 252, 260, 261, 266, 269, 271, 286, 301, 305, 312, and 314.

**NOTICE OF COMMITTEE HEARING(S)**

Nebraska Retirement Systems

Room 1525

Wednesday, March 25, 2015 12:00 p.m.

Presentation of Annual Reports

(Signed) Jeremy Nordquist, Chairperson

Business and Labor

Room 2102

Monday, March 16, 2015 1:30 p.m.

Steven Bley - Boiler Safety Code Advisory Board
Robert Kirkpatrick - Boiler Safety Code Advisory Board
Thomas E. Phipps - Boiler Safety Code Advisory Board

(Signed) Burke Harr, Chairperson

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

Senator Morfeld filed the following amendment to LB439:

AM441

1. Strike the original sections, and all amendments thereto, and
2. insert the following new sections:
3. Section 1. Section 53-180.05, Revised Statutes Cumulative Supplement, 2014, is amended to read:
5. 53-180.05 (1) Except as provided in subsection (2) of this section,
6. any person who violates section 53-180 shall be guilty of a Class I misdemeanor.
8. (2) Any person who knowingly and intentionally violates section
9. 53-180 shall be guilty of a Class IIIA felony and serve a mandatory
10. minimum of at least thirty days’ imprisonment as part of any sentence he
11. or she receives if serious bodily injury or death to any person resulted
12. and was proximately caused by a minor's (a) consumption of the alcoholic
13. liquor provided or (b) impaired condition which, in whole or in part, can
be attributed to the alcoholic liquor provided.
(3) Any person who violates any of the provisions of section
53-180.01 or 53-180.03 shall be guilty of a Class III misdemeanor.
(4)(a) Except as otherwise provided in subdivision (b) of this
subsection, any person older than eighteen years of age and under the
age of twenty-one years violating section 53-180.02 is guilty of a Class
III misdemeanor.
(b) Subdivision (a) of this subsection shall not apply if the
person:
(i) Requested emergency medical assistance in response to the
possible alcohol overdose of himself or herself or another person as soon
as the emergency situation is apparent after such violation of section
53-180.02;
(ii) Was the first person to make a request for medical assistance
under subdivision (b)(i) of this subsection as soon as the emergency
situation is apparent after such violation of section 53-180.02; and
(iii) If the person requested emergency medical assistance for the
possible alcohol overdose of another person, such person:
(A) Remained on the scene until the medical assistance arrived; and
(B) Cooperated with medical assistance and law enforcement
personnel.
(c) A person shall not initiate or maintain an action against a
peace officer or the employing state agency or political subdivision
based on the officer's compliance or failure to comply with subdivision
(b) of this subsection.
(5) Any person eighteen years of age or younger violating section
53-180.02 is guilty of a misdemeanor as provided in section 53-181 and
shall be punished as provided in such section.
(6) Any person who knowingly manufactures, creates, or alters any
form of identification for the purpose of sale or delivery of such form
of identification to a person under the age of twenty-one years shall be
guilty of a Class I misdemeanor. For purposes of this subsection, form of
identification means any card, paper, or legal document that may be used
to establish the age of the person named thereon for the purpose of
purchasing alcoholic liquor.
(7) When a minor is arrested for a violation of sections 53-180 to
53-180.02 or subsection (6) of this section, the law enforcement agency
employing the arresting peace officer shall make a reasonable attempt to
notify such minor's parent or guardian of the arrest.
Sec. 2. Section 53-181, Reissue Revised Statutes of Nebraska, is
amended to read:
(1) Except as otherwise provided in subsection (3) of this
section, the penalty for violation of section 53-180.02 by a person
eighteen years of age or younger shall be as follows:
(4) If the person convicted or adjudicated of violating such
section has one or more licenses or permits issued under the Motor
Vehicle Operator's License Act:
(a) For the first offense, such person is guilty of a Class III
misdemeanor and the court may, as a part of the judgment of conviction or
5 adjudication, impound any such licenses or permits for thirty days and
6 require such person to attend an alcohol education class;
7 (ij b) For a second offense, such person is guilty of a Class III
8 misdemeanor and the court, as part of the judgment of conviction or
9 adjudication, may (A i) impound any such licenses or permits for ninety
10 days and (B ii) require such person to complete no fewer than twenty and
11 no more than forty hours of community service and to attend an alcohol
12 education class; and
13 (iii c) For a third or subsequent offense, such person is guilty of
14 a Class III misdemeanor and the court, as part of the judgment of
15 conviction or adjudication, may (A i) impound any such licenses or
16 permits for twelve months and (B ii) require such person to complete no
17 fewer than sixty hours of community service, to attend an alcohol
18 education class, and to submit to an alcohol assessment by a licensed
19 alcohol and drug counselor; and
20 (b 2) If the person convicted or adjudicated of violating such
21 section does not have a permit or license issued under the Motor Vehicle
22 Operator's License Act:
23 (i a) For the first offense, such person is guilty of a Class III
24 misdemeanor and the court, as part of the judgment of conviction or
25 adjudication, may (A i) prohibit such person from obtaining any permit or
26 any license pursuant to the act for which such person would otherwise be
27 eligible until thirty days after the date of such order and (B ii)
28 require such person to attend an alcohol education class;
29 (ii b) For a second offense, such person is guilty of a Class III
30 misdemeanor and the court, as part of the judgment of conviction or
31 adjudication, may (A i) prohibit such person from obtaining any permit or
32 any license pursuant to the act for which such person would otherwise be
33 eligible until ninety days after the date of such order and (B ii)
34 require such person to complete no fewer than twenty hours and no more
35 than forty hours of community service and to attend an alcohol education
36 class; and
37 (iii c) For a third or subsequent offense, such person is guilty of
38 a Class III misdemeanor and the court, as part of the judgment of
39 conviction or adjudication, may (A i) prohibit such person from obtaining
40 any permit or any license pursuant to the act for which such person would
41 otherwise be eligible until twelve months after the date of such order and (B ii)
42 require such person to complete no fewer than sixty hours of
43 community service, to attend an alcohol education class, and to submit to
44 an alcohol assessment by a licensed alcohol and drug counselor.
45 (2) A copy of an abstract of the court's conviction or adjudication
46 shall be transmitted to the Director of Motor Vehicles pursuant to
47 sections 60-497.01 to 60-497.04.
48 (3) Subsection (1) of this section shall not apply if the person:
49 (a) Requested emergency medical assistance in response to the
50 possible alcohol overdose of himself or herself or another person as soon
51 as the emergency situation is apparent after such violation of section
52 53-180.02;
53 (b) Was the first person to make a request for medical assistance
23 under subdivision (a) of this subsection as soon as the emergency
24 situation is apparent after such violation of section 53-180.02; and
25 (c) If the person requested emergency medical assistance for the
26 possible alcohol overdose of another person, such person;
27 (i) Remained on the scene until the medical assistance arrived; and
28 (ii) Cooperated with medical assistance and law enforcement
29 personnel.
30 (4) A person shall not initiate or maintain an action against a
31 peace officer or the employing state agency or political subdivision
32 based on the officer's compliance or failure to comply with subsection
33 (3) of this section.
3 Sec. 3. Original section 53-181, Reissue Revised Statutes of
4 Nebraska, and section 53-180.05, Revised Statutes Cumulative Supplement,
5 2014, are repealed.

Senator Schumacher filed the following amendment to LB279:
AM263
1 1. On page 9, line 31; page 12, line 1; page 14, line 6; page 16,
2 line 9; and page 19, lines 10 and 11, strike "2016" and insert "2017".
3 2. On page 31, line 7, strike "2016" and insert "2017".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 88. Introduced by Kolowski, 31.

WHEREAS, Skutt Catholic High School in Omaha won the 2015 Class B
State Wrestling Championship; and
WHEREAS, the Skutt Catholic Skyhawks showed outstanding
determination, teamwork, and skill during the competition and earned a
team score of 119 points; and
WHEREAS, the Skutt Catholic Skyhawks have won the State Wrestling
Championship 17 times in the last 18 years; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic
achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates the Skutt Catholic High School
wrestling team for winning the 2015 Class B State Wrestling Championship.
2. That a copy of this resolution be sent to the Skutt Catholic High School
wrestling team and Head Coach Brad Hildebrandt.

Laid over.

LEGISLATIVE RESOLUTION 89. Introduced by Kolowski, 31.

WHEREAS, Millard South High School won the 2015 Class A State
Wrestling Championship; and
WHEREAS, the Millard South Patriots showed outstanding determination, teamwork, and skill during the competition and earned a team score of 172.5 points; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Millard South High School wrestling team for winning the 2015 Class A State Wrestling Championship.

2. That a copy of this resolution be sent to the Millard South High School wrestling team and Head Coach Doug Denson.

Laid over.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 599. Placed on General File with amendment.

AM526

1 1. Insert the following new section:
2 Sec. 2. This act becomes operative on January 1, 2016.
3 2. On page 2, strike beginning with "seven" in line 25 through
4 "cents" in line 26 and insert "at least eight dollars".
5 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 627. Placed on General File with amendment.

AM232 is available in the Bill Room.

(Signed) Burke Harr, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 570:

Nebraska Commission on Law Enforcement and Criminal Justice
Darrell E. Fisher, Director

Voting in the affirmative, 40:

Baker    Davis    Howard    Larson    Schnoor
Bloomfield Ebke    Hughes    McCollister Schumacher
Bolz    Friesen    Johnson    Mello    Seiler
Brasch    Garrett    Kintner    Murante    Smith
Campbell    Gloor    Kolowski    Nordquist Stinner
Chambers    Groene    Koltermen    Pansing Brooks Sullivan
Craighead    Haar, K.    Krist    Riepe    Watermeier
Crawford    Hadley    Kuehn    Schilz    Williams
Voting in the negative, 0.

Present and not voting, 6:

Coash    Harr, B.    Lindstrom
Hansen    Hilkemann   Scheer

Excused and not voting, 3:

Cook      McCoy      Morfeld

The appointment was confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 570:

Department of Correctional Services
Scott R. Frakes, Director

Voting in the affirmative, 41:

Baker    Ebke     Howard     McCollister   Seiler
Bloomfield FriesenHughesMelloSmith
Bolz     Garrett   Johnson    Murante     Stinner
Brasch   Gloor     Kintner    Nordquist    Watermeier
Campbell GroeneKolowskiPansingBrooksWilliams
Chambers Haar, K. Koltermann Riepe
Craighead Hadley   Krist      Schilz
Crawford Hansen   Kuehn      Schnoor
Davis    Hilkemann Larson     Schumacher

Voting in the negative, 0.

Present and not voting, 5:

Coash    Harr, B.    Lindstrom Scheer Sullivan

Excused and not voting, 3:

Cook      McCoy      Morfeld

The appointment was confirmed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 32. Read. Considered.

Committee AM331, found on page 571, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

LR32, as amended, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 33. Read. Considered.

Committee AM310, found on page 572, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LR33, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 34. Read. Considered.

Committee AM290, found on page 508, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LR34, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 146. Title read. Considered.

Committee AM142, found on page 449, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 39. Indefinitely postponed.

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB179:

AM550
1 1. On page 3, lines 10, 11, and 28, strike the new matter; and in
2 line 29 strike "renew a registration" and insert "At the time of"
WHEREAS, the Wahoo High School dance team won the Pom division at the 2015 Class C-1 State Cheer and Dance Championships; and
WHEREAS, team members are Rochelle Olson, Janae Pearson, Lauren Kastanek, Emily Pestal, Morgan Novak, Claire Johnston, Carleigh Olson, and Maddie Talbert; and
WHEREAS, the team displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Wahoo High School dance team on winning the Pom division at the 2015 C-1 State Cheer and Dance Championships.
2. That a copy of this resolution be sent to the Wahoo High School dance team.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 2015, at 11:40 a.m. were the following: LBs 52, 87, 90, 94, 107, 116, 142e, 142Ae, 194, 241, 252, 260e, 261e, 266, 269, 271, 286e, 301, 305e, 312, and 314.

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

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash, Davis, Larson - LB599
Davis, Kolterman, Krist, McCollister - LB268
Groene - LB329
Bloomfield - LB599
VISITORS

Visitors to the Chamber were Kamryn Sannicks from Lincoln North Star High School; 6 high-school students and teacher from Seward; Commander Jason Geddes, Commanding Officer of the USS Nebraska; Burkett Johanns from Lincoln; and 80 fourth-grade students, teachers, and sponsors from Ashland-Greenwood.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Larson, the Legislature adjourned until 10:00 a.m., Monday, March 2, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
THIRTY-SIXTH DAY - MARCH 2, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 2, 2015

PRAYER

The prayer was offered by Pastor Rick Wheatley, New Life Baptist Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Larson who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 91. Introduced by Bolz, 29.

WHEREAS, National Professional Social Work Month is observed in the month of March; and
WHEREAS, the primary mission of social work is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable; and
WHEREAS, social work is the profession of hope, fueled by resiliency and advocacy. Social workers make a difference because they help millions of struggling people every day; and
WHEREAS, in the United States, there are more than 600,000 highly trained professional social workers who have helped clients find their strength, resiliency, and self-advocacy to navigate life's challenges; and
WHEREAS, resilience and determination alone cannot overcome all crises, but weaving those strengths with targeted advocacy can change people's lives; and
WHEREAS, the social work profession has a distinguished history of not only providing social safety nets to the most vulnerable people, but also challenging the systems that impede social mobility.

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

1. That the Legislature recognizes March 2015 as Professional Social Work Month in Nebraska.
2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

LEGISLATIVE RESOLUTION 92. Introduced by Seiler, 33.

WHEREAS, Lincoln Elementary School in Hastings was selected as a National Model Professional Learning Community School by All Things PLC; and
WHEREAS, Lincoln Elementary School is only the second elementary school in Nebraska to receive this national distinction; and
WHEREAS, with this honor, the students, teachers, and staff of Lincoln Elementary School have been recognized for their exceptional academic performance and extraordinary effectiveness; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the students, teachers, and staff of Lincoln Elementary School for gaining prestigious recognition as a National Model Professional Learning Community School.
2. That a copy of this resolution be sent to Principal Montessa Munoz at Lincoln Elementary School.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, and 72.
LEGISLATIVE BILL 10. Senator Chambers withdrew his motion, MO37, found on page 634 and considered on pages 635 and 639, to recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers offered his amendment, AM366, found on page 514.

SPEAKER HADLEY PRESIDING

Senator McCoy offered the following motion: MO38
Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 33:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Friesen</th>
<th>Johnson</th>
<th>McCollister</th>
<th>Schnoor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Garrett</td>
<td>Kintner</td>
<td>McCoy</td>
<td>Seiler</td>
</tr>
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<td>Brasch</td>
<td>Gloor</td>
<td>Kolterman</td>
<td>Murante</td>
<td>Smith</td>
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<tr>
<td>Coash</td>
<td>Groene</td>
<td>Krist</td>
<td>Riepe</td>
<td>Stinner</td>
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<tr>
<td>Craighead</td>
<td>Hadley</td>
<td>Kuehn</td>
<td>Scheer</td>
<td>Watermeier</td>
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<tr>
<td>Davis</td>
<td>Hilkemann</td>
<td>Larson</td>
<td>Schilz</td>
<td>Williams</td>
</tr>
<tr>
<td>Ebke</td>
<td>Hughes</td>
<td>Lindstrom</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Voting in the negative, 16:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Crawford</th>
<th>Harr, B.</th>
<th>Mello</th>
<th>Pansing Brooks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>Haar, K.</td>
<td>Howard</td>
<td>Morfeld</td>
<td>Schumacher</td>
</tr>
<tr>
<td>Chambers</td>
<td>Hansen</td>
<td>Kolowski</td>
<td>Nordquist</td>
<td>Sullivan</td>
</tr>
<tr>
<td>Cook</td>
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</tbody>
</table>

Not voting, 0.

The McCoy motion to invoke cloture prevailed with 33 ayes, 16 nays, and 0 not voting.

The Chambers amendment, AM366, lost with 17 ayes, 31 nays, and 1 present and not not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:
Advanced to Enrollment and Review Initial with 31 ayes, 17 nays, and 1 present and not voting.

The Chair declared the call raised.

PRESIDENT FOLEY PRESIDING

COMMITTEE REPORT(S)
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR32.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 32. Introduced by Krist, 10.

WHEREAS, the One Hundredth Legislature, Second Session, 2008, adopted Legislative Resolution 283 to establish the Developmental Disabilities Special Investigative Committee of the Legislature. The committee was then reauthorized by the One Hundred First Legislature, First Session, 2009, in Legislative Resolution 11, by the One Hundred Second Legislature, First Session, 2011, in Legislative Resolution 47, by the One Hundred Second Legislature, Second Session, 2012, in Legislative Resolution 365, and by the One Hundred Third Legislature, First Session, 2013, in Legislative Resolution 20. The committee was authorized to study the quality of care and related staffing issues at the Beatrice State
Developmental Center, investigate the placement and quality of care statewide for the developmentally disabled in Nebraska, and determine how and why such services to the developmentally disabled were permitted to decline to the level documented in the United States Department of Justice report.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Developmental Disabilities Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. That the Developmental Disabilities Special Investigative Committee shall provide oversight to ensure that the terms of the United States Department of Justice Consent Decree and the recommendations from the Report of the Developmental Disabilities Special Investigative Committee dated December 15, 2008, are implemented in a timely fashion.

3. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue to study the quality of care and related staffing issues at the Beatrice State Developmental Center and other such facilities, including options and funding for services for residents.

4. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue investigation of the placement and quality of care statewide for the developmentally disabled in Nebraska, including a determination of whether adequate staffing, funding, and capacity exist for persons to receive community-based services, a review of staffing practices at community-based care facilities, and an analysis of the relationship of those practices to the quality of care provided to the developmentally disabled.

5. That the Developmental Disabilities Special Investigative Committee shall review the processes of how the Division of Developmental Disabilities of the Department of Health and Human Services determines eligibility for services for individuals who are in need of services, as well as the processes utilized by the division to determine when individuals who have received services are no longer eligible for such services.

6. That the Developmental Disabilities Special Investigative Committee shall brief the Health and Human Services Committee of the Legislature by December 15, 2015, and December 15, 2016, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.
7. That the Developmental Disabilities Special Investigative Committee is hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

The following resolution was correctly enrolled: LR33.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 33. Introduced by Krist, 10.

WHEREAS, in 2008, the Department of Health and Human Services (DHHS) began to develop the ACCESSNebraska system. ACCESSNebraska is a system that is intended to efficiently determine public assistance eligibility and provide service delivery. Since the implementation of this system, the Legislature has conducted several hearings on bills and resolutions related to ACCESSNebraska. In these hearings, the realities and problems faced by clients navigating the ACCESSNebraska system were revealed, including long call wait times, lost documentation, erroneous public assistance decisions, and a general difficulty for clients to get the assistance they needed in a timely manner; and

WHEREAS, the One Hundred Third Legislature, Second Session, adopted Legislative Resolution 400, which created the ACCESSNebraska Special Investigative Committee of the Legislature to study the ACCESSNebraska system; and

WHEREAS, on December 15, 2014, the committee issued a report and recommendations related to ACCESSNebraska. The committee found the ACCESSNebraska system has been and continues to be plagued with problems. The committee also found ACCESSNebraska front-line workers have not been given the proper tools to complete daunting workloads; and

WHEREAS, the committee recommended among other things that the ACCESSNebraska Special Investigative Committee be continued to provide ongoing oversight for the ACCESSNebraska system.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the ACCESSNebraska Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative
committee and is hereby authorized to hold hearings and issue subpoenas as is deemed necessary by the committee.

2. That the ACCESSNebraska Special Investigative Committee of the Legislature is hereby authorized to study the adequacy of staffing and training of DHHS employees working within the ACCESSNebraska system, including the number of employees for local offices, the number of employees for call centers and document imaging centers, the type and amount of training received, the education levels and years of experience of employees, client access to employees, and the need for and availability of dedicated caseworkers for clients. The scope of the committee's investigation shall include, but not be limited to, the adequacy of technology used within the ACCESSNebraska system, including telephone systems, computer software, case management, information technology, and use of and access to data bases to allow for data matching. The committee shall also investigate the effectiveness of processes and structures used by the ACCESSNebraska system, including system design, management structure, and system goals. The committee shall also investigate the need for new or additional data collection to determine system effectiveness. The committee shall analyze the experiences of clients and their family members and examine customer service experience, access to benefits, and responses to changing family needs. The committee shall utilize existing studies and reports and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation.

3. That the ACCESSNebraska Special Investigative Committee shall brief the Health and Human Services Committee of the Legislature by December 15, 2015, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

4. That the ACCESSNebraska Special Investigative Committee is hereby authorized to continue its work until the beginning of the One Hundred Fourth Legislature, Second Session.

The following resolution was correctly enrolled: LR34.

(Signed) Matt Hansen, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 34. Introduced by Krist, 10; Bolz, 29; Chambers, 11; Mello, 5; Schumacher, 22; Seiler, 33.

WHEREAS, the Department of Correctional Services Special Investigative Committee of the Legislature was created in LR424, One Hundred Third Legislature, Second Session; and

WHEREAS, the committee, having completed its work and issued its report on December 15, 2014, discovered additional problems within the Department of Correctional Services during the course of its LR424 study; and
WHEREAS, the Legislature believes that further study and oversight of the department is necessary in order to prevent additional mistakes and to correct inadequate department procedures and policies.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and reappoint the Department of Correctional Services Special Investigative Committee of the Legislature. The committee shall consist of up to eleven members of the Legislature appointed by the Executive Board. The Executive Board shall appoint the chairperson and vice-chairperson of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the following with respect to the Department of Correctional Services:
   (a) The adequacy of programs designed to rehabilitate inmates;
   (b) The funding history of programs designed to rehabilitate inmates;
   (c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;
   (d) The policies relating to the solitary confinement, segregation, or other isolation of inmates;
   (e) The transition of inmates from incarceration to the community at large;
   (f) The administration of good time laws; and
   (g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted as a result of the evaluation or study, and the reasons if any recommendations were not adopted.

3. That the Department of Correctional Services Special Investigative Committee shall brief the Judiciary Committee of the Legislature by December 15, 2015, and December 15, 2016, and issue a report with its findings and recommendations to the Legislature as circumstances warrant.

4. That the Department of Correctional Services Special Investigative Committee is hereby authorized to continue its work until the beginning of the One Hundred Fifth Legislature, First Session.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 32, 33, and 34.
NOTICE OF COMMITTEE HEARING(S)
Education
Room 1525

Tuesday, March 17, 2015 1:30 p.m.

Dennis Baack - Nebraska Educational Telecommunications Commission
Marilyn Hadley - Nebraska Educational Telecommunications Commission
Darlene Starman - Nebraska Educational Telecommunications Commission

(Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 10CA. Read. Considered.

Senator McCoy offered his motion, MO1, found on page 138, to indefinitely postpone.

Senator McCoy moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The McCoy motion to indefinitely postpone prevailed with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Cook filed the following amendment to LB10:

AM333
1 1. Strike the original sections and insert the following new sections:
2 Section 1. At a special election to be held in conjunction with the statewide primary election in May 2016, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:
3 XVII-6 For purposes of selecting presidential and vice presidential candidates, one presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large.
4 Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:
5 A constitutional amendment to require that one presidential elector be chosen from each congressional district and two presidential electors be chosen at large.
18 For
19 Against.

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 53. Placed on General File.

LEGISLATIVE BILL 311. Placed on General File with amendment.
AM386
1. On page 2, line 10, strike "(1)"; in line 11 strike "(a)" and
2 insert "(1)"; in line 14 strike "(b)" and insert "(2)"; in line 17 strike
3 paragraphing and "(2)"; and in line 23 strike "motor".
4. On page 21, lines 4 and 5, strike the new matter; and in lines 5
5 through 12 reinstate the stricken matter.

(Signed) Jim Smith, Chairperson

ANNOUNCEMENT(S)

Senator Chambers designates LB268 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Davis, Kolterman - LB81
Riepe - LB599
Davis - LB329

VISITORS

Visitors to the Chamber were Laura Wise from Omaha; and Jen Westwood, a student from Doane College.

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

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Kintner, the Legislature adjourned until 9:00 a.m., Tuesday, March 3, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Pastor Bob Walz, Lincoln Berean Church, Lincoln.

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 B. Harr, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 146. Placed on Select File with amendment.

ER42

1. On page 4, line 3, strike "Services" and insert "Forces"; and in line 4 strike "Reserved" and insert "Reserve".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 367. Placed on General File.
LEGISLATIVE BILL 400. Placed on General File.
LEGISLATIVE BILL 640. Placed on General File.

LEGISLATIVE BILL 291. Placed on General File with amendment.

AM553

1. Insert the following new section:
2 Sec. 9. Since an emergency exists, this act takes effect when passed
3 and approved according to law.

(Signed) John Murante, Chairperson

Judiciary

LEGISLATIVE BILL 113. Placed on General File with amendment.
AM508
1 1. On page 2, line 22; and page 3, line 22, strike "less" and insert
2 "more".
3 2. On page 3, line 13; and page 4, line 15, strike "and".
4 3. On page 3, line 14; and page 4, line 16, after "illness" insert
5 "; and
6 (i) Medical, surgical, or hospital services covered under the
7 Nebraska Workers' Compensation Act".

LEGISLATIVE BILL 137. Placed on General File with amendment.
AM511
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-1212.02, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 28-1212.02 Any person who unlawfully and knowingly or recklessly
6 intentionally discharges a firearm at or in the general direction of any
7 an inhabited dwelling house, occupied building, occupied motor vehicle,
8 occupied aircraft, inhabited motor home as defined in section 71-4603, or
9 inhabited camper unit as defined in section 60-1801, is shall be guilty
10 of a Class I misdemeanor ID felony.
11 Sec. 2. Section 28-1212.04, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:
13 28-1212.04 Any person, within the territorial boundaries of any city
14 of the first class or county containing a city of the metropolitan class
15 or primary class, who unlawfully and , knowingly, and intentionally or
16 recklessly discharges a firearm, while in any motor vehicle or in the
17 proximity of any motor vehicle that such person has just exited, at or in
18 the general direction of any person, occupied or inhabited dwelling,
19 building, structure, occupied motor vehicle, occupied aircraft, inhabited
20 motor home as defined in section 71-4603, or inhabited camper unit as
21 defined in section 60-1801, occupied motor vehicle or aircraft, or any
22 other occupied structure, is guilty of a Class II IC felony.
23 Sec. 3. Section 28-1335, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:
25 28-1335  Any person who unlawfully and knowingly or recklessly A
26 person commits a Class III misdemeanor if such person discharges any
27 firearm or weapon using any form of compressed gas as a propellant from
1 any public highway, road, or bridge in this state is guilty of a Class
2 III misdemeanor, unless otherwise allowed by statute. Upon conviction,
3 the mandatory minimum fine shall be one hundred dollars.
THIRTY-SEVENTH DAY - MARCH 3, 2015

4 Sec. 4. Original sections 28-1212.02, 28-1212.04, and 28-1335, 5 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB10:
AM633
1 1. Insert the following new section:
2 Sec. 6. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

GENERAL FILE

LEGISLATIVE BILL 431. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present
and not voting, and 3 excused and not voting.

MOTION - Return LB177 to Select File

Senator K. Haar moved to return LB177 to Select File for his specific
amendment, AM434, found on page 630.

The K. Haar motion to return prevailed with 44 ayes, 0 nays, 2 present and
not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 177. The K. Haar specific amendment, AM434, found on page 630, was adopted with 43 ayes, 0 nays, 3 present and
not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

LEGISLATIVE BILL 35. ER3, found on page 346, was adopted.

Senator Howard offered the following amendment:
AM265
1 1. On page 15, line 29, strike "2017" and all amendments thereto and
2 insert "2017".

The Howard amendment was adopted with 35 ayes, 0 nays, 11 present and
not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 279. ER13, found on page 401, was adopted.

Senator Schumacher offered his amendment, AM263, found on page 676.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 23. ER25, found on page 485, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 155. ER39, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 439. ER38, found on page 532, was adopted.

Senator Morfeld offered his amendment, AM441, found on page 673.

Senator Morfeld offered the following amendment to his amendment:

FA27
Amend AM441
Page 5, line 1 strike "failure to comply with subsection (3) of this section".

The Morfeld amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The Morfeld amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 179. Senator Brasch offered her amendment, AM550, found on page 679.

The Brasch amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Groene offered the following amendment:

AM630
1 1. On page 6, after line 18 insert the following new subsection:
2 "(5) Nothing in this section shall be construed to mean that a
3 registrant shall be denied renewal of a registration by the board based
4 solely on a failure to complete the continuing education requirement
5 under subsection (1) of this section."


The Groene amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 164.** ER40, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 207.** ER37, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 34.** Senator Howard offered the following amendment:

AM372

1. On page 4, line 20, strike "2016" and insert "2017".

The Howard amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following amendment:

FA28


Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Kintner moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Kintner requested a record vote on the amendment

Voting in the affirmative, 11:

Bloomfield Garrett Larson Schumacher
Brasch Groene McCoy Smith
Ebke Kintner Schilz

Voting in the negative, 35:
Present and not voting, 2:

Scheer

Watermeier

Excused and not voting, 1:

Murante

The Kintner amendment lost with 11 ayes, 35 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 46.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 129.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 37.** ER41, found on page 574, was adopted.

Senator Krist offered his amendment, AM470, found on page 605.

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

Senator Krist requested a roll call vote on the amendment.

Voting in the affirmative, 46:
Voting in the negative, 0.

Present and not voting, 2:

- Cook Lindstrom

Excused and not voting, 1:

- Murante

The Krist amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 245.** Title read. Considered.

Committee AM197, found on page 451, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**COMMITTEE REPORT(S)**

**Judiciary**

**LEGISLATIVE BILL 13.** Placed on General File with amendment.

AM466

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 43-2404.02, Revised Statutes Cumulative
3 Supplement, 2014, is amended to read:
4 43-2404.02 (1) There is created a separate and distinct budgetary
5 program within the commission to be known as the Community-based Juvenile
6 Services Aid Program. Funding acquired from participation in the federal
act, state General Funds, and funding acquired from other sources which may be used for purposes consistent with the Juvenile Services Act and the federal act shall be used to aid in the establishment and provision of community-based services for juveniles who come in contact with the juvenile justice system.

(2)(a) Ten percent of the annual General Fund appropriation to the Community-based Juvenile Services Aid Program, excluding administrative budget funds, shall be set aside for the development of a common data set and evaluation of the effectiveness of the Community-based Juvenile Services Aid Program. The intent in creating this common data set is to allow for evaluation of the use of the funds and the effectiveness of the programs or outcomes in the Community-based Juvenile Services Aid Program.

(b) The common data set shall be developed and maintained by the commission and shall serve as a primary data collection site for any intervention funded with Community-based Juvenile Services Aid designed to serve juveniles and deter involvement in the formal juvenile justice system. The commission shall work with agencies and programs to enhance existing data sets. To ensure that the data set permits evaluation of recidivism and other measures, the commission shall work with the Office of Probation Administration, juvenile diversion programs, law enforcement, the courts, and others to compile data that demonstrates whether a youth has moved deeper into the juvenile justice system. The University of Nebraska at Omaha, Juvenile Justice Institute, shall assist with the development of common definitions, variables, and training required for data collection and reporting into the common data set by juvenile justice programs. The common data set maintained by the commission shall be provided to the University of Nebraska at Omaha, Juvenile Justice Institute, to assess the effectiveness of the Community-based Juvenile Services Aid Program.

(c) Providing the commission access to records and information for, as well as the commission granting access to records and information from, the common data set is not a violation of confidentiality provisions under any law, rule, or regulation if done in good faith for purposes of evaluation. Records and documents, regardless of physical form, that are obtained or produced or presented to the commission for the common data set are not public records.

(d) The ten percent of the annual General Fund appropriation to the Community-based Juvenile Services Aid Program, excluding administrative budget funds, shall be appropriated as follows: In the year 2016, seven percent shall go to the commission for development of the common data set and three percent shall go to the University of Nebraska at Omaha, Juvenile Justice Institute, for evaluation. In the year 2017, six percent shall go to the commission for development and maintenance of the common data set and four percent shall go to the University of Nebraska at Omaha, Juvenile Justice Institute, for evaluation. Every year thereafter, beginning in the year 2018, five percent shall go to the commission for development and maintenance of the common data set and five percent shall go to the University of Nebraska at Omaha, Juvenile Justice Institute.
(e 2) The remaining funds in the annual General Fund appropriation to the Community-based Juvenile Services Aid Program shall be apportioned as aid in accordance with a formula established in rules and regulations adopted and promulgated by the commission. The formula shall be based on the total number of residents per county and federally recognized or state-recognized Indian tribe who are twelve years of age through eighteen years of age and other relevant factors as determined by the commission. The commission may require a local match of up to forty percent from the county, multiple counties, federally recognized or state-recognized Indian tribe or tribes, or any combination of the three which is receiving aid under such program. Any local expenditures for community-based programs for juveniles may be applied toward such match requirement.

(a) In distributing funds provided under the Community-based Juvenile Services Aid Program, aid recipients shall prioritize programs and services that will divert juveniles from the juvenile justice system, reduce the population of juveniles in juvenile detention and secure confinement, and assist in transitioning juveniles from out-of-home placements.

(b) Funds received under the Community-based Juvenile Services Aid Program shall be used exclusively to assist the aid recipient in the implementation and operation of programs or the provision of services identified in the aid recipient's comprehensive juvenile services plan, including programs for local planning and service coordination; screening, assessment, and evaluation; diversion; alternatives to detention; family support services; treatment services; truancy prevention and intervention programs; pilot projects approved by the commission; payment of transportation costs to and from placements, evaluations, or services; personnel when the personnel are aligned with evidence-based treatment principles, programs, or practices; contracting with other state agencies or private organizations that provide evidence-based treatment or programs; preexisting programs that are aligned with evidence-based practices or best practices; and other services that will positively impact juveniles and families in the juvenile justice system.

c) Funds received under the Community-based Juvenile Services Aid Program shall not be used for the following: Construction of secure detention facilities, secure youth treatment facilities, or secure youth confinement facilities; capital construction or the lease or acquisition of facilities; programs, services, treatments, evaluations, or other preadjudication services that are not based on or grounded in evidence-based practices, principles, and research, except that the commission may approve pilot projects that authorize the use of such aid; or office equipment, office supplies, or office space.

d) Any aid not distributed to counties under this subsection shall be retained by the commission to be distributed on a competitive basis under the Community-based Juvenile Services Aid Program for a county, multiple counties, federally recognized or state-recognized Indian tribe or tribes, or any combination of the three demonstrating additional need for evaluation.
(c) If a county, multiple counties, or a federally recognized or state-recognized Indian tribe or tribes is denied aid under this section or receives no aid under this section, the entity may request an appeal pursuant to the appeal process in rules and regulations adopted and promulgated by the commission. The commission shall establish appeal and hearing procedures by December 15, 2014. The commission shall make appeal and hearing procedures available on its website.

(4) (a) Any recipient of aid under the Community-based Juvenile Services Aid Program shall electronically file an annual report as required by rules and regulations adopted and promulgated by the commission. Any program funded through Community-based Juvenile Services Aid that served juveniles shall report data on the individuals served. Any program that is not directly serving youth shall include program-level data. In either case, data collected shall include, but not be limited to, the following: The report shall include, but not be limited to, the type of juvenile service, how the service met the goals of the comprehensive juvenile services plan, demographic information on the total number of juveniles served, program outcomes success rates, the total number of juveniles served, and the number of juveniles who completed the program or intervention sent to secure juvenile detention or residential treatment and secure confinement, and a listing of the expenditures for detention, residential treatment, and nonresidential treatment.

(b) Any recipient of aid under the Community-based Juvenile Services Aid Program shall be assisted by the University of Nebraska at Omaha, Juvenile Justice Institute, in reporting in the common data set, as set forth in the rules and regulations adopted and promulgated by the commission. Community-based aid utilization and evaluation data shall be stored and maintained by the commission.

(c) Evaluation of the use of funds and the evidence of the effectiveness of the programs shall be completed by the University of Nebraska at Omaha, Juvenile Justice Institute, specifically:

(i) The varying rates of recidivism, as defined by rules and regulations adopted and promulgated by the commission, and other measures for juveniles participating in community-based programs; and

(ii) Whether juveniles are sent to staff secure or secure juvenile detention after participating in a program funded by the Community-based Juvenile Services Aid Program.

(5) The commission shall report annually to the Governor and the Legislature on the distribution and use of funds for aid appropriated under the Community-based Juvenile Services Aid Program. The report shall include, but not be limited to, an aggregate report of the use of the Community-based Juvenile Services Aid Program funds, including the types of juvenile services and programs that were funded, demographic information on the total number of juveniles served, program success rates, the total number of juveniles sent to secure juvenile detention or residential treatment and secure confinement, and a listing of the expenditures of all counties and federally recognized or state-recognized Indian tribes.
Indian tribes for detention, residential treatment, and secure confinement. The report submitted to the Legislature shall be submitted electronically.

(6) The commission shall adopt and promulgate rules and regulations for the Community-based Juvenile Services Aid Program in consultation with the Director of the Community-based Juvenile Services Aid Program, the Director of Juvenile Diversion Programs, the Office of Probation Administration, the Nebraska Association of County Officials, and the University of Nebraska at Omaha, Juvenile Justice Institute. The rules and regulations shall include, but not be limited to:

(a) The required elements of a comprehensive juvenile services plan and planning process;
(b) The Community-based Juvenile Services Aid Program formula, review process, match requirements, and fund distribution. The distribution process shall ensure a conflict of interest policy;
(c) A distribution process for funds retained under subsection (3) of this section;
(d) A plan for evaluating the effectiveness of plans and programs receiving funding;
(e) A reporting process for aid recipients; and
(f) A reporting process for the commission to the Governor and Legislature. The report shall be made electronically to the Governor and Legislature; and

(g) Requirements regarding the use of the common data set.

LEGISLATIVE BILL 15. Placed on General File with amendment. AM514

1. Strike the original sections and insert the following new sections:
3 Section 1. Section 43-272, Reissue Revised Statutes of Nebraska, is amended to read:
5 43-272 (1) When any juvenile shall be brought without counsel before a juvenile court, the court shall advise such juvenile and his or her parent or guardian of their right to retain counsel and shall inquire of such juvenile and his or her parent or guardian as to whether they desire to retain counsel. The court shall inform such juvenile and his or her parent or guardian of such juvenile's right to counsel at county expense if none of them is able to afford counsel. If the juvenile or his or her parent or guardian desires to have counsel appointed for such juvenile, or the parent or guardian of such juvenile cannot be located, and the court ascertains that none of such persons are able to afford an attorney, the court shall forthwith appoint an attorney to represent such juvenile for all proceedings before the juvenile court, except that if an attorney is appointed to represent such juvenile and the court later determines that a parent of such juvenile is able to afford an attorney, the court shall order such parent or juvenile to pay for services of the attorney to be collected in the same manner as provided by section 43-290. If the parent willfully refuses to pay any such sum, the court may commit him or her for contempt, and execution may issue at the
request of the appointed attorney or the county attorney or by the court
without a request.
(2) The court, on its own motion or upon application of a party to
the proceedings, shall appoint a guardian ad litem for the juvenile: (a)
If the juvenile has no parent or guardian of his or her person or if the
parent or guardian of the juvenile cannot be located or cannot be brought
before the court; (b) if the parent or guardian of the juvenile is
excused from participation in all or any part of the proceedings; (c) if
the parent is a juvenile or an incompetent; (d) if the parent is
indifferent to the interests of the juvenile; or (e) in any proceeding
pursuant to the provisions of subdivision (3)(a) of section 43-247.
A guardian ad litem shall have the duty to protect the interests of
the juvenile for whom he or she has been appointed guardian, and shall be
deemed a parent of the juvenile as to those proceedings with respect to
which his or her guardianship extends.
(3) The court shall appoint an attorney as guardian ad litem. A
guardian ad litem shall act as his or her own counsel and as counsel for
the juvenile, unless there are special reasons in a particular case why
the guardian ad litem or the juvenile or both should have separate
counsel. In such cases the guardian ad litem shall have the right to
counsel, except that the guardian ad litem shall be entitled to appointed
counsel without regard to his or her financial ability to retain counsel.
Whether such appointed counsel shall be provided at the cost of the
county shall be determined as provided in subsection (1) of this section.
(4) By July 1, 2015, the Supreme Court shall formally promulgate the
Guidelines for Guardians ad Litem for Juveniles in Juvenile Court
Proceedings adopted by the Supreme Court on July 18, 2007, into the rules
of the Supreme Court.
Sec. 2. Section 43-272.01, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:
A guardian ad litem as provided for in subsections (2)
and (3) of section 43-272 shall be appointed when a child is removed from
his or her surroundings pursuant to subdivision (2) or (3) of section
43-248, subsection (2) of section 43-250, or section 43-251. If removal
has not occurred, a guardian ad litem shall be appointed at the
commencement of all cases brought under subdivision (3)(a) or (7) of
1 section 43-247 and section 28-707.
(2) In the course of discharging duties as guardian ad litem, the
person so appointed shall consider, but not be limited to, the criteria
provided in this subsection. The guardian ad litem:
(a) Is appointed to stand in lieu of a parent for a protected
juvenile who is the subject of a juvenile court petition, shall be
present at all hearings before the court in such matter unless expressly
excused by the court, and may enter into such stipulations and agreements
concerning adjudication and disposition deemed by him or her to be in the
juvenile's best interests;
(b) Is not appointed to defend the parents or other custodian of the
protected juvenile but shall defend the legal and social interests of
such juvenile. Social interests shall be defined generally as the usual
and reasonable expectations of society for the appropriate parental
custody and protection and quality of life for juveniles without regard
to the socioeconomic status of the parents or other custodians of the
juvenile;
(c) May at any time after the filing of the petition move the court
of jurisdiction to provide medical or psychological treatment or
evaluation as set out in section 43-258. The guardian ad litem shall have
access to all reports resulting from any examination ordered under
section 43-258, and such reports shall be used for evaluating the status
of the protected juvenile;
(d) Shall make every reasonable effort to become familiar with the
needs of the protected juvenile which (i) shall include consultation with
the juvenile in his or her respective placement within two weeks after
the appointment and once every three six months thereafter and inquiry of
the most current caseworker, foster parent, or other custodian, unless
the court approves other forms of consultation, and (ii) may include
inquiry of others directly involved with the juvenile or who may have
information or knowledge about the circumstances which brought the
juvenile court action or related cases and the development of the
juvenile, including biological parents, physicians, psychologists,
teachers, and clergy members;
(e) May present evidence and witnesses and cross-examine witnesses
at all evidentiary hearings. In any proceeding under this section
relating to a child of school age, certified copies of school records
relating to attendance and academic progress of such child are admissible
in evidence;
(f) Shall be responsible for making written reports and
recommendations to the court at every dispositional, review, or
permanency planning hearing regarding the temporary and permanent
placement of the protected juvenile, the type and number of contacts with
the juvenile, the type and number of contacts with other relevant
stakeholders, and any further relevant information on a form prepared by
the Supreme Court. A copy of the written reports and recommendations to
the court shall also be submitted to the Foster Care Review Office for
any juvenile in foster care placement as defined in section 43-1301 and
shall submit a written report to the court at every dispositional or
review hearing, or in the alternative, the court may provide the guardian
ad litem with a checklist that shall be completed and presented to the
court at every dispositional or review hearing;
(g) Shall consider such other information as is warranted by the
nature and circumstances of a particular case; and
(h) May file a petition in the juvenile court on behalf of the
juvenile, including a supplemental petition as provided in section
43-291.
(3) Nothing in this section shall operate to limit the discretion of
the juvenile court in protecting the best interests of a juvenile who is
the subject of a juvenile court petition.
(4) For purposes of subdivision (2)(d) of this section, the court
may order the expense of such consultation, if any, to be paid by the
1 county in which the juvenile court action is brought or the court may,
2 after notice and hearing, assess the cost of such consultation, if any,
3 in whole or in part to the parents of the juvenile. The ability of the
4 parents to pay and the amount of the payment shall be determined by the
5 court by appropriate examination.
6 (5) The guardian ad litem may be compensated on a per-case
7 appointment system or pursuant to a system of multi-case contracts.
8 Regardless of the method of compensation, billing hours and expenses for
9 court-appointed guardian ad litem services shall be submitted to the
10 court for approval and shall be recorded on a written, itemized billing
11 statement signed by the attorney responsible for the case. Billing hours
12 and expenses for guardian ad litem services rendered under a contract for
13 such services shall be submitted to the entity with whom the guardian ad
14 litem contracts in the form and manner prescribed by such entity for
15 approval. Case time for guardian ad litem services shall be scrupulously
16 accounted for by the attorney responsible for the case. Additionally, in
17 the case of a multi-lawyer firm or organization retained for guardian ad
18 litem services, the name of the attorney or attorneys assigned to each
19 guardian ad litem case shall be recorded.
20 (6) For purposes of subdivision (2)(d) of this section and this
21 subsection:
22 (a) Consultation with the juvenile means meeting in person with the
23 juvenile unless prohibited or made impracticable by exceptional
24 circumstances; and
25 (b) Exceptional circumstances includes, but is not limited to,
26 situations in which an unreasonable geographical distance is involved
27 between the location of the guardian ad litem and the juvenile. When such
28 exceptional circumstances exist, the guardian ad litem shall attempt
29 consultation with the juvenile by other reasonable means, including, but
30 not limited to, telephonic or other suitable electronic means, if the
31 juvenile is of sufficient age and capacity to participate in such means
32 of communication and there are no other barriers preventing such
33 communication. When consultation by telephonic or other suitable
34 electronic means is not feasible, the guardian ad litem shall seek
35 direction from the court as to any other acceptable method by which to
36 accomplish consultation with the juvenile.
6 Sec. 3. Original section 43-272, Reissue Revised Statutes of
7 Nebraska, and section 43-272.01, Revised Statutes Cumulative Supplement,
8 2014, are repealed.
9 Sec. 4. Since an emergency exists, this act takes effect when
10 passed and approved according to law.

(Signed) Les Seiler, Chairperson
BILL ON FIRST READING

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

LEGISLATIVE BILL 474A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 93. Introduced by Larson, 40.

WHEREAS, the North Bend High School boys bowling team won the 2015 Nebraska High School Bowling Federation Class C Boys State Championship; and
WHEREAS, team members Anthony Dodge, Brandon Dodge, Trenton Johnson, Colton Mitties, and Clayton Mussigmann displayed remarkable teamwork, sportsmanship, and skill; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the North Bend High School boys bowling team on winning the 2015 Nebraska High School Bowling Federation Class C Boys State Championship.
2. That a copy of this resolution be sent to the North Bend High School boys bowling team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 94. Introduced by Larson, 40.

WHEREAS, the Fremont High School boys bowling team won the 2015 Nebraska High School Bowling Federation Class A Boys State Championship; and
WHEREAS, team members Zach Karr, Alec Karr, Tyler Synovec, Tyler Push, and Charlie Rex displayed remarkable teamwork, sportsmanship, and skill; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Fremont High School boys bowling team for winning the 2015 Nebraska High School Bowling Federation Class A Boys State Championship.
2. That a copy of this resolution be sent to the Fremont High School boys bowling team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 95. Introduced by Larson, 40.

WHEREAS, O'Neill High School won the 2015 Class C State Wrestling Championship; and
WHEREAS, the O'Neill Eagles wrestling team scored 107 points to win the state championship; and
WHEREAS, this is the O'Neill Eagles first state championship in wrestling; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the O'Neill High School wrestling team on winning the 2015 Class C State Wrestling Championship.
2. That a copy of this resolution be sent to the O'Neill High School wrestling team and their coaches, Bryan Corkle, Curtis Childers, and Tyler Cole.

Laid over.

LEGISLATIVE RESOLUTION 96. Introduced by Larson, 40.

WHEREAS, Blake Walters, a senior at O'Neill High School, won the 2015 Class C State Wrestling Championship in the 152-pound division; and
WHEREAS, Blake's win helped lead the O'Neill Eagles to a first-place team finish; and
WHEREAS, Blake has medaled four times at the State Wrestling Championship and is a two-time state champion; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Blake Walters on his state wrestling championship.
2. That a copy of this resolution be sent to Blake Walters.

Laid over.

LEGISLATIVE RESOLUTION 97. Introduced by Larson, 40.

WHEREAS, David Fox, a senior at O'Neill High School, won the 2015 Class C State Wrestling Championship in the 170-pound division; and
WHEREAS, David’s win helped lead the O’Neill Eagles to a first-place team finish; and
WHEREAS, David is a two-time state champion in wrestling and finished this season with an undefeated record of 39-0; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
   1. That the Legislature congratulates David Fox on his state wrestling championship.
   2. That a copy of this resolution be sent to David Fox.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 304. Title read. Considered.

Committee AM286, found on page 457, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 366. Title read. Considered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 98. Introduced by Schilz, 47.

WHEREAS, Derek Robb, a freshman at Sidney High School, won the 2015 Class B State Wrestling Championship in the 138-pound division; and
WHEREAS, Derek finished this season with an undefeated record of 45-0; and
WHEREAS, Derek displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
   1. That the Legislature congratulates Derek Robb on his state wrestling championship.
   2. That a copy of this resolution be sent to Derek Robb.

Laid over.
LEGISLATIVE RESOLUTION 99. Introduced by Schilz, 47.

WHEREAS, Brody Cleveland, a senior at Ogallala High School, won the 2015 Class B State Wrestling Championship in the 195-pound division; and
WHEREAS, Brody finished this season with an undefeated record of 33-0; and
WHEREAS, Brody displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Brody Cleveland on his state wrestling championship.
2. That a copy of this resolution be sent to Brody Cleveland.

Laid over.

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee designates LB538 as its priority bill.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB504:
AM634
(Amendments to Standing Committee amendments, AM291)
1 1. On page 2, line 27, after "report" insert ", substance abuse evaluation."
2 2. On page 3, line 9, strike "or" and show as stricken; in line 11
3 after "Act" insert ", or (d) a substance abuse therapist licensed or certified in this state to conduct substance abuse evaluations and treatment"; in line 12, after "report" insert ", evaluation."; strike
4 beginning with "Upon" in line 15 through the period in line 21 and insert
5 "Beginning July 1, 2016, the court shall permit inspection of the presentence report or parts of the report, substance abuse evaluation, or psychiatric examination, as determined by the court, by the attorney of the offender and counsel for the prosecution. Such inspection shall be by electronic access only, unless the court determines such access is not available to the attorney of the offender or counsel for the prosecution. The State Court Administrator shall determine and develop the means of electronic access to such presentence report, evaluations, and examinations."; and in line 29 after "investigation" insert ", substance abuse evaluation."
6 3. On page 4, line 5, after "examinations" insert ", substance abuse evaluations."
Senator Bloomfield filed the following amendment to LB242:

AM356
1 1. On page 2, line 18, strike "twenty-four" and insert "twenty".

Senator Kintner filed the following amendment to LB10:

AM611
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 32-710, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 32-710 Each political party shall hold a state postprimary
6 convention biennially on a date to be fixed by the state central
7 committee but not later than September 1. Candidates for elective offices
8 may be nominated at such conventions pursuant to section 32-627 or
9 32-721. Such nominations shall be certified to the Secretary of State by
10 the chairperson and secretary of the convention. The certificates shall
11 have the same force and effect as nominations in primary elections. A
12 political party may not nominate a candidate at the convention for an
13 office for which the party did not nominate a candidate at the primary
14 election except as provided for new political parties in section 32-621.
15 The convention shall formulate and promulgate a state platform, select a
16 state central committee, select electors for President and Vice President
17 of the United States, and transact the business which is properly before
18 it. One presidential elector shall be chosen from each congressional
district, and two presidential electors shall be chosen at large. The
19 officers of the convention shall certify the names of the electors to the
20 Governor and Secretary of State.
21 Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:
23 32-713 (1) The certificates of appointment for presidential electors
24 shall be served by the Governor on each person appointed. The Governor
25 shall notify the presidential electors to be at the State Capitol at noon
26 on the first Monday after the second Wednesday in December after
27 appointment and report to the Governor at his or her office in the
28 capitol as being in attendance. The Governor shall serve the certificates
29 of appointment by registered or certified mail. In submitting this
30 state's certificate of ascertainment as required by 3 U.S.C. 6, the
31 Governor shall certify this state's presidential electors and state in
32 the certificate that:
33 7 (a) The presidential electors will serve as presidential electors
34 unless a vacancy occurs in the office of presidential elector before the
35 end of the meeting at which the presidential electors cast their votes,
36 in which case a substitute presidential elector will fill the vacancy;
37 and
38 (b) If a substitute presidential elector is appointed to fill a
39 vacancy, the Governor will submit an amended certificate of ascertainment
40 stating the names on the final list of this state's presidential
41 electors.
(2) The presidential electors shall convene at 2 p.m. of such Monday at the Governor's office in the capitol. Each presidential elector shall execute the following pledge: As a presidential elector duly selected (or appointed) for this position, I agree to serve and to mark my ballots for President and Vice President for the presidential and vice-presidential candidates as provided in section 32-714 who received the highest number of votes in the state if I am an at-large presidential elector or the highest number of votes in my congressional district if I am a congressional district presidential elector.

Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement, 2014, is amended to read:

32-714 (1) The Governor shall provide each presidential elector with a list of all the presidential electors. If any presidential elector is absent or if there is a deficiency in the proper number of presidential electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect as required in this subsection by 3 p.m. of such day or in case of a vacancy created under subsection (4) of this section, the Governor shall fill the vacancies by appointment. Each appointee shall execute the pledge in section 32-713. After all vacancies are filled, the presidential electors shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the Constitution and laws of the United States.

(a) The Secretary of State shall provide each presidential elector with a presidential and vice-presidential ballot. Except as otherwise provided in subdivision (b) of this subsection, each at-large presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state and consistent with his or her pledge. Each congressional district presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district and consistent with his or her pledge.

(b) If the Secretary of State determines that fifteen states have adopted a method of selection of some or all of its presidential electors based on the results of a popular vote in the congressional districts of the state, then beginning January 1 following the determination, (i) one presidential elector shall be chosen from each congressional district and two presidential electors shall be chosen at large, (ii) each at-large presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state and consistent with his or her pledge and each congressional district presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district and consistent with his or her pledge, and (iii) receipt by the presidential electors of a party or a group of petitioners of the highest number of votes statewide.
3 shall constitute election of the two at-large presidential electors of
4 that party or group of petitioners and receipt by the presidential
5 electors of a party or a group of petitioners of the highest number of
6 votes in a congressional district shall constitute election of the
7 congressional district presidential elector of that party or group of
8 petitioners.
9 (3) Each presidential elector shall present the completed ballot to
10 the Secretary of State. The Secretary of State shall examine each ballot
11 and accept as cast each ballot marked by a presidential elector
12 consistent with his or her pledge. The Secretary of State shall not
13 accept and shall not count the ballot if the presidential elector has not
14 marked the ballot or has marked the ballot in violation of his or her
15 pledge.
16 (4) A presidential elector who refuses to present a ballot, who
17 attempts to present an unmarked ballot, or who attempts to present a
18 ballot marked in violation of his or her pledge vacates the office of
19 presidential elector.
20 Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is
21 amended to read:
22 32-1038 (1) The board of state canvassers shall authorize the
23 Secretary of State to open the abstracts of votes from the various
24 counties and prepare an abstract stating the number of ballots cast for
25 each office, the names of all the persons voted for, for what office they
26 respectively received the votes, and the number of votes each received.
27 The abstract shall be signed by the members of the board and shall have
28 the seal of the state affixed by the Secretary of State. The canvass of
29 the votes for candidates for President and Vice President of the United
30 States and the return thereof shall be a canvass and return of the votes
31 cast for the presidential electors of the same party or group of
1 petitioners respectively, and the certificate of such election made by
2 the Governor shall be in accord with such return. Receipt by the
3 presidential electors of a party or a group of petitioners of the highest
4 number of votes statewide shall constitute election of the two at-large
5 presidential electors of that party or group of petitioners except as
6 otherwise provided in section 32-714. Receipt by the presidential
7 electors of a party or a group of petitioners of the highest number of
8 votes in a congressional district shall constitute election of the
9 congressional district presidential elector of that party or group of
10 petitioners.
11 (2) The board of state canvassers shall determine from the completed
12 abstract the names of those candidates who have been nominated or
13 elected, if any two or more persons are returned with an equal and the
14 highest number of votes, the board of state canvassers shall decide by
15 lot which of such persons is elected except for officers elected to the
16 executive branch. The board of state canvassers shall also declare those
17 measures carried which have received the required percentage of votes as
18 provided by law.
19 Sec. 5. Original section 32-1038, Reissue Revised Statutes of
20 Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes
21 Cumulative Supplement, 2014, are repealed.

**ANNOUNCEMENT(S)**

The General Affairs Committee designates LB330 as its priority bill.

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

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

Cook - LB472  
Kuehn - LB599

**VISITORS**

Visitors to the Chamber were 9 students from Doane College Leadership Studies, Crete.

The Doctor of the Day was Dr. Lakeisha Cox from Omaha.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

printed on recycled paper
THIRTY-EIGHTH DAY - MARCH 4, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 2015

PRAYER

The prayer was offered by Senator Kintner.

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 Senator Murante who was excused; and Senators Davis, Hadley, Hansen, Kolowski, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 361. Placed on General File.

(Signed) Mike Gloor, Chairperson

Agriculture

LEGISLATIVE BILL 85. Placed on General File.

(Signed) Jerry Johnson, Chairperson

Urban Affairs

LEGISLATIVE BILL 540. Placed on General File.

(Signed) Sue Crawford, Chairperson
Revenue

LEGISLATIVE BILL 156. Placed on General File with amendment.
AM645
1 1. On page 2, lines 11 and 13, strike "five" and insert "four".

LEGISLATIVE BILL 200. Placed on General File with amendment.
AM646
1 1. On page 2, line 11, after the period insert "This section
2 terminates three years after the effective date of this act."

LEGISLATIVE BILL 249. Placed on General File with amendment.
AM622
1 1. On page 2, line 12, after "horses" insert "for breeding stock".

LEGISLATIVE BILL 408. Placed on General File with amendment.
AM586
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1744, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1744 The county treasurer shall not be entitled to credit on the
6 his final settlement for delinquent personal property tax until he or she
7 has filed with the clerk an affidavit that he or she has fully complied
8 with the provisions of sections 77-1715 to 77-1725.01 77-1726 relating to
9 the giving of notice and issuing of distress warrants and been unable to
10 collect the tax due thereon by reason of a want of personal property of
11 the owner thereof, and that to the best of his or her knowledge and
12 belief no personal property of any such owner is in the county.
13 Sec. 2. Original section 77-1744, Reissue Revised Statutes of
14 Nebraska, is repealed.
15 Sec. 3. The following section is outright repealed: Section
16 77-1726, Reissue Revised Statutes of Nebraska.

(Signed) Mike Gloor, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs
Room 1507

Wednesday, March 11, 2015 1:30 p.m.

LB576

Wednesday, March 11, 2015 1:30 p.m.

LR73
COMMITTEE REPORT(S)
Health and Human Services

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

Laura A. Scholl - Board of Emergency Medical Services

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

John A. E. Craig - Nebraska Rural Health Advisory Commission

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

Teresa Konda - State Board of Health

GENERAL FILE

LEGISLATIVE BILL 366. Senator Coash offered the following amendment:
AM657
1 1. On page 2, line 5, strike "seventy-five" and insert "sixty".

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

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.
Senator Pansing Brooks requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Crawford</th>
<th>Hadley</th>
<th>Kolowski</th>
<th>Nordquist</th>
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<td>Bolz</td>
<td>Davis</td>
<td>Hansen</td>
<td>Krist</td>
<td>Pansing Brooks</td>
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<tr>
<td>Campbell</td>
<td>Friesen</td>
<td>Harr, B.</td>
<td>Kuehn</td>
<td>Seiler</td>
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<tr>
<td>Chambers</td>
<td>Garrett</td>
<td>Hilkemann</td>
<td>McCollister</td>
<td>Stinner</td>
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<tr>
<td>Coash</td>
<td>Gloor</td>
<td>Howard</td>
<td>Mello</td>
<td>Sullivan</td>
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<tr>
<td>Cook</td>
<td>Haar, K.</td>
<td>Hughes</td>
<td>Morfeld</td>
<td></td>
</tr>
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</table>

Voting in the negative, 12:

<table>
<thead>
<tr>
<th>Brasch</th>
<th>Groene</th>
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<th>Riepe</th>
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</thead>
<tbody>
<tr>
<td>Craighead</td>
<td>Johnson</td>
<td>Lindstrom</td>
<td>Smith</td>
</tr>
<tr>
<td>Ebke</td>
<td>Kintner</td>
<td>McCoy</td>
<td>Williams</td>
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Present and not voting, 5:

<table>
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<tr>
<th>Bloomfield</th>
<th>Kolterman</th>
<th>Scheer</th>
<th>Schnoor</th>
<th>Schumacher</th>
</tr>
</thead>
</table>

Excused and not voting, 3:

<table>
<thead>
<tr>
<th>Murante</th>
<th>Schilz</th>
<th>Watermeier</th>
</tr>
</thead>
</table>

Advanced to Enrollment and Review Initial with 29 ayes, 12 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 366A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 9 nays, 7 present and not voting, and 3 excused and not voting.

**COMMITTEE REPORT(S)**

**Urban Affairs**

**LEGISLATIVE BILL 378.** Placed on General File with amendment.

AM379

1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 16-697.02, Reissue Revised Statutes of Nebraska, 3 is amended to read:
4 16-697.02  (1) The mayor and city council of any first-class city 5 shall have power to borrow money and pledge the property and credit of 6 the city upon its negotiable bonds or otherwise, for the purpose of 7 purchasing and improving land for parks, recreational facilities, and 8 public grounds, authority therefor having first been obtained by a
majority vote of the qualified electors of the city voting on such
question at any general city election of such city or at an election
the manner provided by law for the submission of propositions to aid in
the construction of railroads and other works of internal improvement.
(2) The mayor and city council shall identify the specific type of
security pledge securing any financing or bond issue in the proposition
to borrow money and pledge the property and credit of the city upon its
negotiable bonds or otherwise for the purposes described in subsection
(1) of this section. The proposition with language identifying the
specific type of security pledged to be used shall be placed on the
ballot to be voted on by the qualified electors of the city.
(3) If the mayor and city council decide to issue refunding bonds
under section 10-142 for bonds issued pursuant to this section that
change the specific type of security pledged, authority therefor must
first be obtained by a majority vote of the qualified electors of the
city voting on such refinancing proposition at any general city election
of such city or at an election called for that purpose.

(Signed) Sue Crawford, Chairperson

LEGISLATIVE RESOLUTION 100. Introduced by Stinner, 48.

WHEREAS, Ben Rodriguez, a sophomore at Scottsbluff High School,
won the 2015 Class B State Wrestling Championship in the 132-pound
division; and
WHEREAS, Ben's win helped lead the Scottsbluff Bearcats to a second-
place team finish; and
WHEREAS, this is Ben's first state championship in wrestling; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic
achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates Ben Rodriguez on his state wrestling
championship.
2. That a copy of this resolution be sent to Ben Rodriguez.

Laid over.

LEGISLATIVE RESOLUTION 101. Introduced by Stinner, 48.

WHEREAS, Lia Selvey is a freshman member of the Scottsbluff/Gering
Seacats swimming and diving team; and
WHEREAS, Lia won the Special Olympics girls 50 Yard Freestyle with a
season-best time at the 2015 State Swimming and Diving Championships; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Lia Selvey on winning the Special Olympics girls 50 Yard Freestyle at the 2015 State Swimming and Diving Championships.
2. That a copy of this resolution be sent to Lia Selvey.

Laid over.

LEGISLATIVE RESOLUTION 102. Introduced by Stinner, 48.

WHEREAS, Keegan Hessler, a senior at Scottsbluff High School, won the 2015 Class B State Wrestling Championship in the 120-pound division; and
WHEREAS, Keegan's win helped lead the Scottsbluff Bearcats to a second-place team finish; and
WHEREAS, Keegan is a two-time state champion in wrestling; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Keegan Hessler on his state wrestling championship.
2. That a copy of this resolution be sent to Keegan Hessler.

Laid over.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 10. Placed on Select File with amendment.
ER44
1 1. On page 1, line 1, strike "presidential electors" and insert 2 "elections"; and in line 4 after "to" insert "state political party 3 conventions, selection of presidential electors, and".

LEGISLATIVE BILL 431. Placed on Select File with amendment.
ER45
1 1. On page 2, line 22, strike "rate" and insert "date".

(Signed) Matt Hansen, Chairperson
GENERAL FILE

LEGISLATIVE BILL 504. Title read. Considered.

Committee AM291, found on page 470, was offered.

Senator Krist offered his amendment, AM634, found on page 710, to the committee amendment.

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

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 504A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 128. Title read. Considered.

SPEAKER HADLEY PRESIDING

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

Advanced to Enrollment and Review Initial with 31 ayes, 12 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 103. Introduced by Davis, 43.

WHEREAS, Willy Cogdill, a senior at Chadron High School, won the 2015 Class B State Wrestling Championship in the 182-pound division; and

WHEREAS, Willy displayed outstanding determination, perseverance, and skill in winning the state championship; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Willy Cogdill on his state wrestling championship.
2. That a copy of this resolution be sent to Willy Cogdill.

Laid over.

LEGISLATIVE RESOLUTION 104. Introduced by Davis, 43.

WHEREAS, the Valentine High School wrestling team finished second at the 2015 Class C State Wrestling Championships; and
WHEREAS, the Valentine Badgers showed outstanding determination, teamwork, and skill during the competition and earned a team score of 105 points; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Valentine High School wrestling team for finishing second at the 2015 Class C State Wrestling Championships.
2. That a copy of this resolution be sent to the Valentine High School wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 105. Introduced by Campbell, 25.

WHEREAS, My'Kah Knowlin, age 13, a student at Lux Middle School in Lincoln, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award; and
WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and
WHEREAS, Ms. Knowlin earned this honor by giving generously of her time and energy to collect more than 3,000 books and 5,000 toys and donate them to children in need. She also hosted a Christmas party for preschool students in a school where most of the students are eligible for the free and reduced lunch program; and
WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Knowlin who use their considerable talents and resources to serve others.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates My’Kah Knowlin for being named a
   Distinguished Finalist for the 2015 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to My’Kah Knowlin.

Laid over.

ANNOUNCEMENT(S)

Senator Lindstrom designates LB469 as his priority bill.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 310. Placed on General File.
LEGISLATIVE BILL 328. Placed on General File.
LEGISLATIVE BILL 412. Placed on General File.

LEGISLATIVE BILL 413. Placed on General File with amendment.

AM566
1 1. Insert the following new sections:
2 Sec. 4. The Environmental Infrastructure Sustainability Fund is
3 created. The fund shall be administered by the department. Revenue from
4 the following sources shall be credited to the fund: (1) Application fees
5 collected under section 5 of this act; (2) reimbursements for actual
6 costs necessary to complete environmental infrastructure sustainability
7 evaluations as authorized under section 3 of this act; (3) supplemental
8 environmental projects resulting from enforcement settlements; and (4)
9 gifts, grants, reimbursements, or appropriations from any source intended
10 to be used for purposes of section 3 of this act. The fund shall be used
11 by the department to offset costs related to the completion of
12 environmental infrastructure sustainability evaluations as authorized by
13 section 3 of this act. Any money in the fund available for investment
14 shall be invested by the state investment officer pursuant to the
15 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
16 Act.
17 Sec. 5. Any political subdivision requesting an evaluation
18 authorized under section 3 of this act shall submit a request on a form
19 approved by the department and provide the department with an application
20 fee not to exceed five thousand dollars. If the costs of the department
21 exceed the initial deposit, the department and political subdivision
22 shall enter into an agreement establishing a schedule for the payment of
23 additional costs by the political subdivision. After the completion of
24 the environmental infrastructure sustainability evaluation, any balance
25 of funds paid under this section shall be refunded to the political
26 subdivision.
27 Sec. 6. The council shall adopt and promulgate rules and
1 regulations to establish a tiered application fee schedule to be charged
2 to political subdivisions requesting an environmental infrastructure
3 sustainability evaluation as authorized under section 3 of this act. The
4 rules and regulations shall take into account the population of a political subdivision and any financial hardship that may impact the ability to pay the application fee.

7. On page 22, lines 14 and 21, strike "shall" and insert "may".
8. On page 23, line 10, strike "section 3" and insert "sections 3 to 6".
9. Renumber the remaining sections accordingly.

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

Henry H. (Hod) Kosman - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 242. Title read. Considered.

Committee AM357, found on page 493, was offered.

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

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

Voting in the affirmative, 19:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Cook</th>
<th>Harr, B.</th>
<th>Kolowski</th>
<th>Schilz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>Davis</td>
<td>Howard</td>
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<td>Chambers</td>
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<td>Sullivan</td>
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<tr>
<td>Coash</td>
<td>Haar, K.</td>
<td>Kintner</td>
<td>Pansing</td>
<td>Brooks</td>
</tr>
</tbody>
</table>

Voting in the negative, 18:

| Bloomfield | Hilkemann | Lindstrom | Scheer | Watermeier |
| Brusch     | Hughes    | McCollister | Schnoor | Williams |
| Ebke       | Kolterman | McCoy     | Seiler  |           |
| Friesen    | Kuehn     | Riepe     | Stinner |           |

Present and not voting, 9:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Garrett</th>
<th>Hadley</th>
<th>Larson</th>
<th>Smith</th>
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<tr>
<td>Crawford</td>
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<td>Hansen</td>
<td>Mello</td>
<td></td>
</tr>
</tbody>
</table>
Excused and not voting, 3:

Craighead  Morfeld  Murante

The committee amendment lost with 19 ayes, 18 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 177. Placed on Final Reading Second.
ST14
(Final Reading copy)
The following changes, required to be reported for publication in the Journal, have been made:

1. In the Haar amendment, AM434, on page 2, line 13, "district" has been struck and "districts" inserted.

(Signed) Matt Hansen, Chairperson

EXECUTIVE BOARD REPORT

The Executive Board reported the resignation of Senator Sullivan from the Midwestern Higher Education Commission Committee and appointed Senator Kolowski to fill the vacancy.

(Signed) Bob Krist, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Ebke - LB357

VISITORS

Visitors to the Chamber were Senator Schnoor's brother, Brian, and nephew, Owen, from Scribner; and 11 eleventh- and twelfth-grade students from Fairbury.

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

At 12:08 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Pastor Leon Rosenthal, Christ Lutheran Church, Norfolk.

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 Davis, Kintner, Murante, and Schilz who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL  23. Placed on Final Reading.
LEGISLATIVE BILL  34. Placed on Final Reading.
LEGISLATIVE BILL  35. Placed on Final Reading.
LEGISLATIVE BILL 155. Placed on Final Reading.
LEGISLATIVE BILL 164. Placed on Final Reading.

LEGISLATIVE BILL 179. Placed on Final Reading.
ST12

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

1. Original section 1 and all amendments thereto have been struck.
2. On page 1, line 2; and page 7, line 22, "81-2104," has been struck.
3. On page 1, the matter beginning with "require" in line 3 through "education" in line 4 has been struck and "change provisions for renewal of registration for apprentices as prescribed; to provide for continuing education as prescribed; to eliminate obsolete provisions" inserted.
4. Sections 2 to 5 have been renumbered as sections 1 to 4, respectively.
LEGISLATIVE BILL 207. Placed on Final Reading.
LEGISLATIVE BILL 279. Placed on Final Reading.

LEGISLATIVE BILL 439. Placed on Final Reading.

ST11
The following changes, required to be reported for publication in the Journal, have been made:
1. In lieu of the Morfeld amendment, FA27, in the Morfeld amendment, AM441, on page 5, the matter beginning with "or" in line 1 through "section" in line 2 has been struck.

(Signed) Matt Hansen, Chairperson

MOTION - Print in Journal

Senator Larson filed the following motion to LB242:
MO40
Reconsider the vote taken on AM357.

MESSAGE(S) FROM THE GOVERNOR

March 3, 2015

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

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

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Reven Wright, 21 Red Fox Lane, Kearney, NE 68845

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

AMENDMENT(S) - Print in Journal

Senator Garrett filed the following amendment to LB643:
AM680 is available in the Bill Room.
ANNOUNCEMENT(S)

The Business and Labor Committee designates LB627 as its priority bill.

CORRECTED COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 378. Corrected amendment:

AM637
1 1. Strike original section 1 and insert the following new section:
2 Section 1. Section 16-697.02, Reissue Revised Statutes of Nebraska,
3 is amended to read:
4 16-697.02 (1) The mayor and city council of any first-class city
5 shall have power to borrow money and pledge the property and credit of
6 the city upon its negotiable bonds or otherwise, for the purpose of
7 purchasing and improving land for parks, recreational facilities, and
8 public grounds, authority therefor having first been obtained by a
9 majority vote of the qualified electors of the city voting on such
10 question at any general city election of such city or at an election
11 called for that purpose, upon a proposition or propositions submitted in
12 the manner provided by law for the submission of propositions to aid in
13 the construction of railroads and other works of internal improvement.
14 (2) The mayor and city council shall identify the specific type of
15 security pledge securing any financing or bond issue in the proposition
16 to borrow money and pledge the property and credit of the city upon its
17 negotiable bonds or otherwise for the purposes described in subsection
18 (1) of this section. The proposition with language identifying the
19 specific type of security pledged to be used shall be placed on the
20 ballot to be voted on by the qualified electors of the city.
21 (3) If the mayor and city council decide to issue refunding bonds
22 under section 10-142 for bonds issued pursuant to this section that
23 change the specific type of security pledged from revenue bonds to
24 general obligation bonds, authority therefor must first be obtained by a
25 majority vote of the qualified electors of the city voting on such
26 refinancing proposition at any general city election of such city or at
27 an election called for that purpose.

(Signed) Sue Crawford, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 106. Introduced by Hughes, 44.

WHEREAS, Hitchcock County Elementary School in Culbertson was
named a 2014 Title I Distinguished School by the National Title I
Association; and
WHEREAS, the National Title I Association has been selecting examples of superior Title I school programs for national recognition through the National Title I Distinguished Schools program since 1996; and
WHEREAS, Hitchcock County Elementary School was recognized at the 2015 National Title I Conference as a school in "Category 2: Closing the Achievement Gap Between Student Groups"; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Hitchcock County Elementary School in being named a 2014 Title I Distinguished School by the National Title I Association.
2. That a copy of this resolution be sent to Hitchcock County Elementary School.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Smith - LB350
Williams - LB268

VISITOR

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 9:18 a.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Friday, March 6, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FORTIETH DAY - MARCH 6, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 6, 2015

PRAYER

The prayer was offered by Pastor John Nelson, Mount Olive Lutheran Church, Norfolk.

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 Bloomfield and Kuehn who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 37. Placed on Final Reading.

ST13

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

1. In the Standing Committee amendments, AM140, amendment 2 has been struck.
2. On page 1, line 1, "28-411," has been inserted after "sections".
3. On page 8, the matter beginning with "30" in line 29 through "57" in line 30 has been struck and "31, 35, 40, 43, 45, 46, and 55 to 58" inserted.
4. On page 9, lines 5 and 6, "30, 34, and 39" has been struck and "31, 35, and 40" inserted.
5. On page 30, line 29, "58 to 66" has been struck and "59 to 67" inserted.
6. On page 35, line 18, "69 and 70" has been struck and "70 and 71" inserted; and in line 25 "69" has been struck and "70" inserted.
7. On page 36, line 13, "45" has been struck and "46" inserted; and in line 21 "70" has been struck and "71" inserted.
8. On page 41, line 27, "30" has been struck and "31" inserted.
9. On page 42, line 28, "86" has been struck and "87" inserted.

**LEGISLATIVE BILL 46.** Placed on Final Reading.
**LEGISLATIVE BILL 129.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

**Enrollment and Review**

**LEGISLATIVE BILL 245.** Placed on Select File with amendment.

ER46
1 1. On page 1, strike beginning with "the" in line 1 through line 4 and insert "criminal procedure; to amend sections 29-2103 and 29-4120, 3 Reissue Revised Statutes of Nebraska; to change provisions relating to 4 motions for new trial and DNA testing of biological material; and to 5 repeal the original sections.".

**LEGISLATIVE BILL 304.** Placed on Select File with amendment.

ER47
1 1. In the Standing Committee amendments, AM286:
2 a. On page 1, line 17, strike ", and" and insert "and,",; and in line 3 18 after "lot" insert an underscored comma;
4 b. On page 5, line 18, after the first comma insert "the"; and in 5 line 27 strike "subdivision" and insert "subsection"; and 6 c. On page 6, strike beginning with the first comma in line 18 7 through "and" in line 19 and insert "to".

**LEGISLATIVE BILL 366.** Placed on Select File.
**LEGISLATIVE BILL 366A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

**Revenue**

**LEGISLATIVE BILL 419.** Placed on General File.
**LEGISLATIVE BILL 538.** Placed on General File.

(Signed) Mike Gloor, Chairperson

**COMMITTEE REPORT(S)**

**Natural Resources**

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

Norris Marshall - Nebraska Game and Parks Commission

(Signed) Ken Schilz, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 5, 2015

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

Dear Mr. O’Donnell:

Engrossed Legislative Bills 52, 87, 90, 94, 107, 116, 142e, 142Ae, 194, 241, 252, 260e, 261e, 266, 269, 271, 286e, 301, 305e, 312, and 314 were received in my office on February 27, 2015.

These bills were signed and delivered to the Secretary of State on March 5, 2015.

Sincerely,

(Signed) Pete Ricketts
Governor
PR/lhk

ANNOUNCEMENT(S)

Senator Krist designates LB15 as his priority bill.

The Urban Affairs Committee designates LB152 and LB324 as its priority bills.

AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB106:
AM698

(Amendments to Standing Committee amendments, AM521)
1 1. Strike section 1.
2 2. Renumber the remaining sections and correct internal references accordingly.

Senator Watermeier filed the following amendment to LB106:
AM643
1 1. Strike original section 1.
2 2. Renumber the remaining sections and correct internal references 3 and the repealer accordingly.
REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at: http://www.nebraskalegislature.gov/agencies/view.php

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 5, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Christensen, Graham
Burt County Wind, LLC
Eash, Matthew
Nebraska School Finance Strategies, Inc.
Johnson, Kevin
AstraZeneca Pharmaceuticals (Withdrawn 03/03/2015)
Jones, Johnny D.
Little Priest Tribal College
Kissel/E&S Associates, LLC
Council of State Governments - Justice Center
Kaplan Higher Education in NE
Lancaster County Agricultural Society, Inc.
Mark A. Hunzeker
Rath, Douglas and Kimberly

UNANIMOUS CONSENT - Room Change

Senator B. Harr asked unanimous consent that the Business and Labor Committee conduct its hearing on March 9, 2015, in Room 1510 instead of Room 2102. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 45.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-366 and 60-3,104, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions regarding film vehicles; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-383, Reissue Revised Statutes of Nebraska.
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Baker    Davis    Hilkemann    McCollister    Schilz
Bolz     Ebke     Howard       McCoy        Schnoor
Brasch   Friesen  Hughes      Mello        Schumacher
Campbell Gloor   Johnson      Morfeld      Seiler
Chambers Groene  Kolowski    Murante      Smith
Coash    Haar, K. Koltermann  Nordquist    Stinner
Cook     Hadley   Krist       Pansing      Brooks    Sullivan
Craighead Hansen  Larson      Riepe        Watermeier
Crawford Harr, B. Lindstrom  Scheer       Williams

Voting in the negative, 0.

Present and not voting, 2:

Garrett  Kintner

Excused and not voting, 2:

Bloomfield Kuehn

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

**LEGISLATIVE BILL 88.**

A BILL FOR AN ACT relating to fees; to amend section 33-110, Reissue Revised Statutes of Nebraska; to increase fees for marriage licenses as prescribed; and to repeal the original section.

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

Voting in the affirmative, 42:

Baker    Ebke     Hilkemann  Lindstrom  Seiler
Bolz     Friesen  Howard     McCollister Smith
Brasch   Garrett  Hughes     Morfeld    Stinner
Campbell Gloor   Johnson  Nordquist  Sullivan
Coash    Groene  Kintner    Pansing    Brooks    Watermeier
Cook     Haar, K. Kolowski  Scheer     Williams
Craighead Hadley  Koltorman Schilz
Crawford Hansen  Krist      Schnoor
Davis    Harr, B. Larson    Schnoor

Voting in the negative, 4:
Chambers  McCoy  Murante  Riepe

Present and not voting, 1:
Mello

Excused and not voting, 2:
Bloomfield  Kuehn

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

**LEGISLATIVE BILL 122.**

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of utility-type vehicles; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:
McCullister

Excused and not voting, 2:
Bloomfield  Kuehn

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

**LEGISLATIVE BILL 160.**

A BILL FOR AN ACT relating to financial institutions; to amend section 9-701, Reissue Revised Statutes of Nebraska; to change provisions relating to gift enterprises; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker Ebke Howard McCoy Schumacher
Bolz Friesen Hughes Mello Seiler
Brasch Garrett Johnson Morfeld Smith
Campbell Gloor Kintner Murante Stinner
Chambers Groene Kolowski Nordquist Sullivan
Coash Haar, K. Koltermann Pansing Brooks Watermeier
Cook Hadley Krist Riepe Williams
Craighead Hansen Larson Scheer
Crawford Harr, B. Lindstrom Schilz
Davis Hilkemann McCollister Schoor

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

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

**LEGISLATIVE BILL 167.**

A BILL FOR AN ACT relating to the Office of Violence Prevention; to amend section 81-1450, Reissue Revised Statutes of Nebraska; to require the filing of an annual report with the Clerk of the Legislature; to change goals for priority funding; and to repeal the original section.

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

Voting in the affirmative, 47:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 177.**

A BILL FOR AN ACT relating to public power districts; to amend section 70-619, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to membership on boards of directors; to define a term; and to repeal the original section.

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

Voting in the affirmative, 47:

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Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield  Kuehn

Voting in the negative, 0.

Excused and not voting, 2:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB180 with 43 ayes, 1 nay, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 180.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-201 and 44-1981, Reissue Revised Statutes of Nebraska; to redefine terms relating to title insurance; and to repeal the original sections.

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

Voting in the affirmative, 45:

Bolz    Ebke    Hilkemann    Lindstrom    Scheer
Brasch  Friesen  Howard    McCollister  Schilz
Campbell  Garrett  Hughes  McCoy    Schnoor
Chambers  Gloor  Johnson  Mello    Schumacher
Coash  Groene  Kintner  Morfeld    Smith
Cook    Haar, K.  Kolowski  Murante  Stinner
Craighed  Hadley  Koltermann  Nordquist  Sullivan
Crawford  Hansen  Krist  Pansing Brooks Watermeier
Davis  Harr, B.  Larson  Riepe    Williams

Voting in the negative, 0.

Present and not voting, 2:

Baker    Seiler

Excused and not voting, 2:

Bloomfield    Kuehn

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.
The following bills were read and put upon final passage:

LEGISLATIVE BILL 181.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,230, Reissue Revised Statutes of Nebraska; to change rotating or flashing light provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Baker Ebke Howard McCoy Schumacher
Bolz Friesen Hughes Mello Seiler
Brasch Garrett Johnson Morfeld Smith
Campbell Gloor Kintner Murante Stinner
Chambers Groene Kolowski Nordquist Sullivan
Coash Haar, K. Kolsman Pansing Brooks Watermeier
Cook Hadley Krist Riepe Williams
Craighed Hansen Larson Scheer
Crawford Harr, B. Lindstrom Schilz
Davis Hilkemann McCollister Schnoor

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

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

LEGISLATIVE BILL 272.

A BILL FOR AN ACT relating to veterans; to provide for a voluntary veterans preference in private employment; and to define terms.

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

Voting in the affirmative, 45:
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Voting in the negative, 0.

Present and not voting, 2:

Brasch    Kolowski

Excused and not voting, 2:

Bloomfield Kuehn

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB298 with 44 ayes, 1 nay, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 298.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-416.06 and 44-416.07, Reissue Revised Statutes of Nebraska; to change provisions relating to credit for reinsurance and acceptable forms of security; and to repeal the original sections.

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

Voting in the affirmative, 47:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB313 with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 313.**

A BILL FOR AN ACT relating to transportation; to amend sections 60-336.01, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 75-363, 75-364, 75-366, and 75-393, Revised Statutes Cumulative Supplement, 2014; to adopt and update references to certain federal provisions relating to low-speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, and the unified carrier registration plan and agreement; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
FORTIETH DAY - MARCH 6, 2015

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield Kuehn

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 352.**

A BILL FOR AN ACT relating to the Residential Mortgage Licensing Act; to amend sections 45-706 and 45-737, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the issuance of a mortgage banker license and duties of licensees; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:
Bloomfield  Kuehn

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB446 with 46 ayes, 1 nay, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 446.**

A BILL FOR AN ACT relating to school employees retirement; to amend sections 79-902, 79-904.01, 79-934, 79-978, and 79-9,100, Reissue Revised Statutes of Nebraska; to redefine compensation; to change provisions relating to calculation of final compensation for purposes of formula annuities; to prohibit refund of certain contributions as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Bloomfield  Kuehn

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

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446.

GENERAL FILE

LEGISLATIVE BILL 242. Senator Larson offered his motion, MO40, found on page 728, to reconsider the vote taken on AM357.

SPEAKER HADLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 19. Placed on General File.
LEGISLATIVE BILL 196. Placed on General File.

LEGISLATIVE BILL 335. Placed on General File with amendment.
AM481
1 1. Insert the following new sections:

2 Sec. 5. The Intergenerational Poverty Task Force terminates on
December 31, 2016.
3 Sec. 6. Since an emergency exists, this act takes effect when
4 passed and approved according to law.
6 2. On page 4, line 10, strike "November" through "year" and insert
7 "December 15, 2015,"; in line 11 after "a" insert "preliminary report and
8 on or before December 15, 2016, the task force shall submit a final"; and
9 in line 14 after "The" insert "preliminary report and the final".

(Signed) Kathy Campbell, Chairperson
Urban Affairs

LEGISLATIVE BILL 152. Placed on General File with amendment.
AM656
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. (1) The mayor and the council of any city or board of
4 trustees of any village, in addition to other powers granted by law, may
5 by ordinance provide for direct borrowing from a financial institution
6 for the purposes outlined in this section. Loans made under this section
7 shall not be restricted to a single year and may be repaid in installment
8 payments.
9 (2) The mayor and the council of any city or board of trustees of
10 any village may borrow directly from a financial institution for the
purchase of real or personal property or construction of improvements
upon a certification in the ordinance authorizing the direct borrowing
that:
(a) Financing the purchase of property or construction of
improvements through traditional bond financing would be impractical;
(b) Financing the purchase of property or construction of
improvements through traditional bond financing could not be completed
within the time restraints facing the city or village; or
(c) Financing the purchase of property or construction of
improvements through direct borrowing would generate significant taxpayer
savings over traditional bond financing.
(3) Prior to approving direct borrowing under this section, the
council or board of trustees shall include in any public notice required
for meetings a clear notation that an ordinance authorizing direct
borrowing from a financial institution will appear on the agenda.
(4) The total amount of indebtedness from direct borrowing under
this section shall not exceed:
(a) For a city of the metropolitan class, city of the primary class,
city of the first class, or city of the second class, ten percent of the
municipal budget of the city; and
(b) For any village, twenty percent of the municipal budget of the
village.
(5) Prior to approving direct borrowing under this section, a
municipality shall consider, to the extent possible, proposals from
multiple financial institutions.
(6) For purposes of this section, financial institution means a
state-chartered or federally-chartered bank, savings bank, building and
loan association, or savings and loan association.
Sec. 2. The Revisor of Statutes shall assign section 1 of this act
to Chapter 18.

LEGISLATIVE BILL 324. Placed on General File with amendment.
AM662 is available in the Bill Room.

(Signed) Sue Crawford, Chairperson
Judiciary

LEGISLATIVE BILL 25. Placed on General File with amendment.
AM605
1. On page 8, after line 19 insert the following new subsection:
"(5) Upon termination of jurisdiction pursuant to this section, the
juvenile court shall initiate proceedings pursuant to section 43-2,108.04
to seal the young adult's records.".

LEGISLATIVE BILL 188. Placed on General File with amendment.
AM374
1. On page 3, line 24; and page 5, line 26, after "into" insert "or
onto".

3 2. On page 3, line 31; and page 6, line 2, strike "subject to arrest or".
3 3. On page 4, lines 2 and 3; and page 6, lines 4 and 5, strike "Is engaged in any illegal activity which would itself give rise to an arrest" and insert "Has engaged in conduct chargeable as, or amounting to, a felony while in or on, or prior to entry into or onto, the fleeing vehicle".

(Signed) Les Seiler, Chairperson

Agriculture

LEGISLATIVE BILL 175. Placed on General File with amendment. AM492
1 1. Insert the following new section:
2 Sec. 6. Section 77-27,187.01, Reissue Revised Statutes of Nebraska, is amended to read:
4 77-27,187.01 For purposes of the Nebraska Advantage Rural Development Act, unless the context otherwise requires:
6 (1) Any term has the same meaning as used in the Nebraska Revenue Act of 1967;
8 (2) Equivalent employees means the number of employees computed by dividing the total hours paid in a year to employees by the product of forty times the number of weeks in a year;
10 (3) Livestock means all animals, including cattle, horses, sheep, goats, hogs, dairy animals, chickens, turkeys, and other species of game birds and animals raised and produced subject to permit and regulation by the Game and Parks Commission or the Department of Agriculture;
15 (4) Livestock modernization or expansion means the construction, improvement, or acquisition of buildings, facilities, or equipment for livestock housing, confinement, feeding, production, and waste management. Livestock modernization or expansion does not include any improvements made to correct a violation of the Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act, a rule or regulation adopted and promulgated pursuant to such acts, or any order of the Department of Environmental Quality undertaken within five years after a complaint issued from the Director of Environmental Quality under section 81-1507;
20 (5) Livestock production means the active use, management, and operation of real and personal property (a) for the commercial production of livestock, (b) for the commercial breeding, training, showing, or racing of horses, or for the use of horses in a recreational or tourism enterprise, and (c) for the commercial production of dairy and eggs. The activity will be considered commercial if the gross income derived from a taxable year exceeds the deductions attributable to such activity or, if the operation has been in existence for less than seven years, if the activity is engaged in for the purpose of generating a profit;
9 (6) Qualified employee leasing company means a company which places all employees of a client-lessee on its payroll and leases such employees to the client-lessee on an ongoing basis for a fee and, by written agreement between the employee leasing company and a client-lessee, grants to the client-lessee input into the hiring and firing of the employees leased to the client-lessee;
15 (7) Related taxpayers includes any corporations that are part of a unitary business under the Nebraska Revenue Act of 1967 but are not part of the same corporate taxpayer, any business entities that are not corporations but which would be a part of the unitary business if they were corporations, and any business entities if at least fifty percent of such entities are owned by the same persons or related taxpayers and family members as defined in the ownership attribution rules of the Internal Revenue Code of 1986, as amended;
23 (8) Taxpayer means a corporate taxpayer or other person subject to either an income tax imposed by the Nebraska Revenue Act of 1967 or a franchise tax under Chapter 77, article 38, or a partnership, limited liability company, subchapter S corporation, cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture that is or would otherwise be a member of the same unitary group if control of such entity are subject to or exempt from such taxes, and any other partnership, limited liability company, subchapter S corporation, cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, limited cooperative association, or joint venture when the partners, members, or owners representing an ownership interest of at least ninety percent of the control of such entity are subject to or exempt from such taxes; and
9 2. On page 5, strike beginning with the underscored comma in line 1 through the underscored comma in line 2.
3. Renumber the remaining sections and correct the repealer accordingly.

(Signed) Jerry Johnson, Chairperson

Appropriations

LEGISLATIVE BILL 33. Placed on General File with amendment.

1. On page 2, strike lines 20 through 22; in line 23 strike "(f)" and insert "(e)"; and in line 25 strike "(g)" and insert "(f)".

(Signed) Heath Mello, Chairperson
BILL ON FIRST READING

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

LEGISLATIVE BILL 400A. 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 400, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Education

The Education 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.

Brian Gong - Technical Advisory Committee for Statewide Assessment


(Signed) Kate Sullivan, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 6, 2015, at 9:57 a.m. were the following: LBs 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446.

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

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee designates LB598 as its priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Wright, Reven - Nebraska Arts Council - General Affairs

(Signed) Bob Krist, Chairperson
Executive Board
Senator McCoy filed the following motion to LB268:
MO41
Indefinitely postpone.

GENERAL FILE

LEGISLATIVE BILL 242. Senator Larson renewed his motion, MO40, found on page 728 and considered in this day's Journal, to reconsider the vote taken on AM357.

Senator Larson moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

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

Voting in the affirmative, 12:

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<td>Coash</td>
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<td>Larson</td>
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Voting in the negative, 26:

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<td>Cook</td>
<td>Hughes</td>
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<td>Friesen</td>
<td>Kolowski</td>
<td>Morfeld</td>
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<td>Haar, K.</td>
<td>Koltermann</td>
<td>Pansing</td>
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Present and not voting, 5:

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<td>Bolz</td>
<td>Davis</td>
<td>Harr, B.</td>
<td>Howard</td>
<td>Nordquist</td>
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Excused and not voting, 6:

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<td>Craighead</td>
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The Larson motion to reconsider failed with 12 ayes, 26 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following amendment:
AM699
1 1. Strike section 5.
2 2. Renumber the remaining section accordingly.

Senator Larson moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Larson requested a roll call vote on the amendment.

Voting in the affirmative, 1:

Groene

Voting in the negative, 30:

Baker  Friesen  Howard  Lindstrom  Scheer
Campbell  Gloor  Hughes  McCollister  Schnoor
Chambers  Haar, K.  Johnson  McCoy  Seiler
Cook  Hadley  Kolowski  Murante  Smith
Craighead  Harr, B.  Kolterman  Pansing Brooks  Stinner
Crawford  Hilkemann  Krist  Riepe  Williams

Present and not voting, 9:

Bolz  Coash  Ebke  Larson  Schumacher
Brasch  Davis  Hansen  Schilz

Excused and not voting, 9:

Bloomfield  Kintner  Mello  Nordquist  Watermeier
Garrett  Kuehn  Morfeld  Sullivan

The Larson amendment lost with 1 aye, 30 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO42
Reconsider the vote taken on AM699.

The Larson motion to reconsider failed with 0 ayes, 24 nays, 14 present and not voting, and 11 excused and not voting.

Pending.

**MOTION - Print in Journal**

Senator Larson filed the following motion to LB242:

MO44
Bracket until May 31, 2015.
LEGISLATIVE BILL 106. Placed on General File with amendment. AM521 is available in the Bill Room.

LEGISLATIVE BILL 132. Placed on General File with amendment. AM582

1. Strike the original sections and insert the following new sections:
2. Section 1. Section 13-2507, Reissue Revised Statutes of Nebraska, is amended to read:
3. 13-2507 (1) Subject to subsection (4) of this section, a joint public agency shall have only those powers of taxation as one or more of the participating public agencies has and only as specifically provided in the agreement proposing creation of the joint public agency, except that a joint public agency shall not levy a local option sales tax.
4. Participating public agencies may agree to allow the joint public agency to levy a property tax rate not to exceed a limit as provided in the agreement if the agreement also limits the levy authority of the overlapping participating public agencies collectively to the same amount. The levy authority of a joint public agency shall be allocated by the city or county as provided in section 77-3443, and the agreement may require allocation of levy authority by the city or county.
5. (2) If one or more of the participating public agencies is a municipality, the agreement may allow any occupation or wheel tax to be extended over the area encompassed by the joint public agency at a rate uniform to that of the city or village for the purpose of providing revenue to finance the services to be provided by the joint public agency. The tax shall not be extended until the procedures governing enactment by the municipality are followed by the joint public agency, including any requirement for a public vote.
6. (3) If the agreement calls for the allocation of property tax levy authority to the joint public agency, the amount of the allocation to the joint public agency and from each participating public agency shall be reported to the Property Tax Administrator.
7. (4)(a) Prior to the issuance of bonds and the pledge of property tax levy authority allocated to a joint public agency to pay the principal of and interest on bonds to be issued by the joint public agency, the joint public agency shall hold an election to present the question of issuing such bonds and levying such tax to the registered voters of the participating public agency which allocated such property tax levy authority. Such election shall be held at a special election called for such purpose or an election held in conjunction with a statewide or local primary or general election.
8. (b) If a ballot question is required to be submitted to the registered voters of more than one participating public agency pursuant to subdivision (a) of this subsection and if the participating public
14 agencies have overlapping jurisdiction of any geographic area, the
15 registered voters residing in the geographic area subject to overlapping
16 jurisdiction shall only be entitled to one vote on the ballot question.
17 Sec. 2. Original section 13-2507, Reissue Revised Statutes of
18 Nebraska, is repealed.

LEGISLATIVE BILL 479. Placed on General File with amendment.
AM485
1 1. On page 2, line 5, after "forces" insert "of the United States of
2 America".

LEGISLATIVE BILL 577. Placed on General File with amendment.
AM189
1 1. On page 2, strike beginning with "The" in line 21 through line 26
2 and insert "Peddlers, hawkers, or solicitors operating for commercial
3 purposes. If a county adopts an ordinance under this subdivision, the
4 ordinance shall provide for registration of any such peddler, hawker, or
5 solicitor without any fee and allow the operation or conduct of any
6 registered peddler, hawker, or solicitor in all areas of the county where
7 the county has jurisdiction and where a city or village has not otherwise
8 regulated such operation or conduct.".

LEGISLATIVE BILL 308. Indefinitely postponed.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Appropriations

Room 1524

Monday, March 16, 2015 1:30 p.m.

LB82 (cancel)

(Signed) Heath Mello, Chairperson

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LB439:
AM684
(Amendments to Final Reading copy)
1 1. On page 2, strike lines 28 and 29 and insert the following new
2 subdivision:
3 "(iii) When emergency medical assistance was requested for the
4 possible alcohol overdose of another person;".
5 2. On page 3, line 4, strike "or failure to comply".
6 3. On page 5, strike lines 19 and 20 and insert the following new
7 subdivision:
Senator Baker filed the following amendment to LB283:
AM631
1 1. On page 2, line 24, strike "the certificate of", show as
2 stricken, and insert "a copy of the proclamation as provided in section
3 81-829.50 from"; strike beginning with "that" in line 27 through
4 "purposes" in line 28 and show as stricken; and in line 29 strike
5 "certificate" and insert "proclamation".

Senator Larson filed the following amendment to LB242:
AM701
1 1. Insert the following new section:
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 2-3753 The commission shall have the following powers and duties:
5 (1) To adopt and devise a dry bean program consisting of research,
6 education, advertising, publicity, and promotion to increase total
7 consumption of dry beans on a state, national, and international basis;
8 (2) To prepare and approve a budget consistent with limited receipts
9 and the scope of the dry bean program;
10 (3) To adopt and promulgate reasonable rules and regulations
11 necessary to carry out the dry bean program;
12 (4) To procure and evaluate data and information necessary for the
13 proper administration and operation of the dry bean program;
14 (5) To employ personnel and contract for services which are
15 necessary for the proper operation of the dry bean program;
16 (6) To establish a means whereby the grower and processor of dry
17 beans has the opportunity at least annually to offer his or her ideas and
18 suggestions relative to commission policy for the coming year;
19 (7) To authorize the expenditure of funds and contracting of
20 expenditures to conduct proper activities of the program;
21 (8) To bond such persons as may be necessary in order to insure
22 adequate protection of funds;
23 (9) To keep minutes of its meetings and other books and records
24 which will clearly reflect all of the acts and transactions of the
25 commission and to keep such records open to examination by any grower or
26 processor participant during normal business hours;
27 (10) To prohibit any funds collected by the commission from being
1 expended directly or indirectly to promote or oppose any candidate for
2 public office or to influence state legislation. The board shall not
3 expend more than fifteen twenty-five percent of its annual budget to
4 influence federal legislation;
5 (11) To establish an administrative office at such place in the
6 state as may be suitable for the proper discharge of the functions of the
7 commission; and
8 (12) To adopt and promulgate rules and regulations to carry out the
9 Dry Bean Resources Act.
10 2. Renumber the remaining sections and correct the repealer accordingly.

Senator Larson filed the following amendment to LB242:
AM702
1 1. Insert the following new section:
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is amended to read:
4 2-3753 The commission shall have the following powers and duties:
5 (1) To adopt and devise a dry bean program consisting of research, education, advertising, publicity, and promotion to increase total consumption of dry beans on a state, national, and international basis;
6 (2) To prepare and approve a budget consistent with limited receipts and the scope of the dry bean program;
7 (3) To adopt and promulgate reasonable rules and regulations necessary to carry out the dry bean program;
8 (4) To procure and evaluate data and information necessary for the proper administration and operation of the dry bean program;
9 (5) To employ personnel and contract for services which are necessary for the proper operation of the dry bean program;
10 (6) To establish a means whereby the grower and processor of dry beans has the opportunity at least annually to offer his or her ideas and suggestions relative to commission policy for the coming year;
11 (7) To authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;
12 (8) To bond such persons as may be necessary in order to insure adequate protection of funds;
13 (9) To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the commission and to keep such records open to examination by any grower or processor participant during normal business hours;
14 (10) To prohibit any funds collected by the commission from being expended directly or indirectly to promote or oppose any candidate for public office or to influence state legislation. The board shall not expend any more than twenty-five percent of its annual budget to influence federal legislation;
15 (11) To establish an administrative office at such place in the state as may be suitable for the proper discharge of the functions of the commission; and
16 (12) To adopt and promulgate rules and regulations to carry out the Dry Bean Resources Act.
17 2. Renumber the remaining sections and correct the repealer accordingly.
UNANIMOUS CONSENT - Add Cointroducer(s)

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

Campbell, Lindstrom - LB268

VISITORS

Visitors to the Chamber were 45 fourth-grade students from Paddock Lane Elementary, Beatrice; 17 members of Leadership Columbus; Heather, Jacob, Emily, and Madison Lytle from Steinauer; Senator Schnoor's wife, Nickie, from Scribner, and nephews, Jake and Shawn, from Scribner; and 46 fourth-grade students from Westside Elementary, Norfolk.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Brasch, the Legislature adjourned until 10:00 a.m., Monday, March 9, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FIRST DAY - MARCH 9, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 9, 2015

PRAYER

The prayer was offered by Pastor Steve Lund, Christ the Servant Lutheran Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Baker who was excused; and Senator Schilz who was excused until he arrives.

SENATOR SULLIVAN PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 67. Placed on General File.
LEGISLATIVE BILL 234. Placed on General File.

LEGISLATIVE BILL 145. Indefinitely postponed.
LEGISLATIVE BILL 213. Indefinitely postponed.

(Signed) Jim Scheer, Chairperson

Agriculture

LEGISLATIVE BILL 544. Placed on General File with amendment.

AM697
1 1. On page 5, lines 27 through 31, strike the new matter and
2 reinstate the stricken matter.
3 2. On page 6, line 1, reinstate the stricken matter and after the
4 reinstated "supplying" insert ". Sale does not mean the donation, exchange, or other transfer of seeds to or from a seed library or among members of, or participants in, a seed library"; and strike lines 5 through 8 and insert the following new subdivision:

8 "(30) Seed library means a nonprofit, governmental, or cooperative organization, association, or activity for the purpose of facilitating the donation, exchange, preservation, and dissemination of seeds of open pollinated, public domain plant varieties by or among its members or members of the public when the use, exchange, transfer, or possession of seeds acquired by or from the seed library is free of any charge or consideration;".

3. On page 10, strike beginning with "encourage" in line 27 through the first "or" in line 29.

(Signed) Jerry Johnson, Chairperson
Health and Human Services

LEGISLATIVE BILL 81. Placed on General File.
LEGISLATIVE BILL 89. Placed on General File.
LEGISLATIVE BILL 441. Placed on General File.

LEGISLATIVE BILL 199. Placed on General File with amendment.
AM513
1 1. On page 2, line 4, strike "public".

LEGISLATIVE BILL 296. Placed on General File with amendment.
AM447
1 1. Insert the following new sections:
2 Sec. 3. This act becomes operative on July 1, 2015.
3 Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.
5 2. Renumber the remaining section accordingly.

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENT(S)

Senator Seiler designates LB173 as his priority bill.
Senator Craighead designates LB253 as her priority bill.
Senator Gloor designates LB80 as his priority bill.
Senator Johnson designates LB183 as his priority bill.
MESSAGE(S) FROM THE GOVERNOR

March 6, 2015

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Environmental Trust Board:

Robert F. Krohn, 1427 South 85 Street, Omaha, NE 68124
Rodney R. Christen, 71850 617 Avenue, Steinauer, NE 68441

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

March 9, 2015

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

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

Contingent upon your approval, the following individual is appointed as the Director of the Department of Environmental Quality:

James Reed Macy, 1200 N Street, Suite 400, Lincoln, NE 68508

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure
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 appointed as the Director of the Division of Medicaid and Long Term Care at the Department of Health and Human Services:

Calder Lynch, 301 Centennial Mall South, Lincoln, NE 68509

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

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

Senator McCoy filed the following amendment to LB268:
AM720
1 1. Strike original section 1.
2 2. Renumber the remaining sections accordingly.

Senator McCoy filed the following amendment to LB268:
AM721
1 1. Strike original section 3.
2 2. Renumber the remaining sections and correct the repealer 3 accordingly.

Senator McCoy filed the following amendment to LB268:
AM722
1 1. Strike original section 4.
2 2. Renumber the remaining sections and correct the repealer 3 accordingly.

Senator McCoy filed the following amendment to LB268:
AM723
1 1. Strike original section 5.
2 2. Renumber the remaining sections and correct the repealer 3 accordingly.
RESOLUTION(S)

LEGISLATIVE RESOLUTION 107. Introduced by Bolz, 29.

WHEREAS, the observance of March as Developmental Disabilities Awareness Month is designed to increase the public's awareness and understanding of people who have developmental disabilities so that these citizens have increased access to employment, education, housing, and social opportunities; and

WHEREAS, the most effective way to increase this awareness and understanding is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contributions; and

WHEREAS, individuals with developmental disabilities, their families, friends, neighbors, and coworkers encourage everyone to focus on the abilities of all people; and

WHEREAS, service providers partner with the State of Nebraska to provide vocational, residential, and other services to over 4,500 people with developmental disabilities; and

WHEREAS, opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in our community.

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

1. That the Legislature proclaims March 2015 as Developmental Disabilities Awareness Month in Nebraska.
2. That the Legislature recognizes our communities are stronger when everyone participates in supporting opportunities for individuals with developmental disabilities.
3. The Legislature encourages all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to employment, education, housing, and social opportunities.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Kolowski filed the following amendment to LB281:

AM706
1 1. On page 2, line 30, after "obligation" insert "to the custodial
2 parent".
3 2. On page 3, line 3, strike "State of Nebraska" and insert
4 "Department of Health and Human Services"; in lines 12 and 16 strike
5 "(5)" and insert "(4)"; and in lines 18 and 19 strike "two" through
6 "arrears" and insert "a portion of the arrears not less than the
7 equivalent of the amount contributed".
ANNOUNCEMENT

The Chair announced the birthday of Senator Hadley.

SELECT FILE

LEGISLATIVE BILL 146. ER42, found on page 693, was adopted.

Senator Larson offered the following motion:
MO45
Bracket until March 10, 2015.

SPEAKER HADLEY PRESIDING

Senator Larson withdrew his motion to bracket.

Senator Larson offered the following motion:
MO46
Recommit to the Health and Human Services Committee.

Senator Larson withdrew his motion to recommit to committee.

Senator Larson offered the following motion:
MO47
Pass over.

Senator Larson withdrew his motion to pass over.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 10. ER44, found on page 720, was adopted.

Senator Chambers offered his amendment, AM528, found on page 639.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, and 90 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, and 90.
LEGISLATIVE BILL 504. Placed on Select File with amendment.
ER48
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 29-2261, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 29-2261 (1) Unless it is impractical to do so, when an offender has
6 been convicted of a felony other than murder in the first degree, the
7 court shall not impose sentence without first ordering a presentence
8 investigation of the offender and according due consideration to a
9 written report of such investigation. When an offender has been convicted
10 of murder in the first degree and (a) a jury renders a verdict finding
11 the existence of one or more aggravating circumstances as provided in
12 section 29-2520 or (b)(i) the information contains a notice of
13 aggravation as provided in section 29-1603 and (ii) the offender waives
14 his or her right to a jury determination of the alleged aggravating
15 circumstances, the court shall not commence the sentencing determination
16 proceeding as provided in section 29-2521 without first ordering a
17 presentence investigation of the offender and according due consideration
18 to a written report of such investigation.
19 (2) A court may order a presentence investigation in any case,
20 except in cases in which an offender has been convicted of a Class IIIA
21 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
22 infraction, or any corresponding city or village ordinance.
23 (3) The presentence investigation and report shall include, when
24 available, an analysis of the circumstances attending the commission of
25 the crime, the offender's history of delinquency or criminality, physical
26 and mental condition, family situation and background, economic status,
27 education, occupation, and personal habits, and any other matters that
1 the probation officer deems relevant or the court directs to be included.
2 All local and state police agencies and Department of Correctional
3 Services adult correctional facilities shall furnish to the probation
4 officer copies of such criminal records, in any such case referred to the
5 probation officer by the court of proper jurisdiction, as the probation
6 officer shall require without cost to the court or the probation officer.
7 Such investigation shall also include:
8 (a) Any written statements submitted to the county attorney by a
9 victim; and
10 (b) Any written statements submitted to the probation officer by a
11 victim.
12 (4) If there are no written statements submitted to the probation
13 officer, he or she shall certify to the court that:
14 (a) He or she has attempted to contact the victim; and
15 (b) If he or she has contacted the victim, such officer offered to
16 accept the written statements of the victim or to reduce such victim's
17 oral statements to writing.
For purposes of subsections (3) and (4) of this section, the term victim shall be as defined in section 29-119.

Before imposing sentence, the court may order the offender to submit to psychiatric observation and examination for a period of not exceeding sixty days or such longer period as the court determines to be necessary for that purpose. The offender may be remanded for this purpose to any available clinic or mental hospital, or the court may appoint a qualified psychiatrist to make the examination. The report of the examination shall be submitted to the court.

Any presentence report, substance abuse evaluation, or psychiatric examination shall be privileged and shall not be disclosed directly or indirectly to anyone other than a judge, probation officers to whom an offender's file is duly transferred, the probation administrator or his or her designee, or others entitled by law to receive such information, including personnel and mental health professionals for the Nebraska State Patrol specifically assigned to sex offender registration and community notification for the sole purpose of using such report or examination for assessing risk and for community notification of registered sex offenders. For purposes of this subsection, mental health professional means (a) a practicing physician licensed to practice medicine in this state under the Medicine and Surgery Practice Act, (b) a practicing psychologist licensed to engage in the practice of psychology in this state as provided in section 38-3111, or (c) a practicing mental health professional licensed or certified in this state as provided in the Mental Health Practice Act, or (d) a substance abuse therapist licensed or certified in this state to conduct substance abuse evaluations and treatment.

The court may permit inspection of the report, evaluation, or examination of parts thereof by the offender or his or her attorney, or other person having a proper interest therein, whenever the court finds it is in the best interest of a particular offender. Beginning July 1, 2016, the court shall permit inspection of the presentence report or parts of the report, substance abuse evaluation, or psychiatric examination, as determined by the court, by the attorney of the offender and counsel for the prosecution. Such inspection shall be by electronic access only unless the court determines such access is not available to the attorney of the offender or counsel for the prosecution. The State Court Administrator shall determine and develop the means of electronic access to such presentence report, evaluations, and examinations. Upon application by counsel for the prosecution or the defendant, the court may order that addresses, telephone numbers, and other contact information for victims or witnesses named in the report or examination be redacted upon a showing by a preponderance of the evidence that such redaction is warranted in the interests of public safety. The court may allow fair opportunity for an offender to provide additional information for the court's consideration.

If an offender is sentenced to imprisonment, a copy of the report of any presentence investigation, substance abuse evaluation, or psychiatric examination shall be transmitted immediately to the...
5 Department of Correctional Services. Upon request, the Board of Parole or
6 the Office of Parole Administration may receive a copy of the report from
7 the department.
8 (9) Notwithstanding subsections subsection (6) and (7) of this
9 section, the Supreme Court or an agent of the Supreme Court acting under
10 the direction and supervision of the Chief Justice shall have access to
11 psychiatric examinations, substance abuse evaluations, and presentence
12 investigations and reports for research purposes. The Supreme Court and
13 its agents shall treat such information as confidential, and nothing
14 identifying any individual shall be released.
15 Sec. 2. Original section 29-2261, Revised Statutes Cumulative
16 Supplement, 2014, is repealed.
17 2. On page 1, line 3, after the semicolon insert "to provide for
18 access to substance abuse evaluations;".

LEGISLATIVE BILL 504A. Placed on Select File.
LEGISLATIVE BILL 128. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Transportation and Telecommunications

LEGISLATIVE BILL 31. Placed on General File with amendment.
AM359
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-6,279  (1) A person shall not operate a motorcycle or moped on
6 any highway in this state unless such person is wearing eye protection.
7 (2) Except as otherwise provided in subsection (3) of this section,
8 a person shall not operate or be a passenger on a motorcycle or moped
9 on any highway in this state unless such person is wearing a protective
10 helmet of the type and design manufactured for use by operators of such
11 vehicles and unless such helmet is secured properly on his or her head
12 with a chin strap while the vehicle is in motion. All such protective
13 helmets shall be designed to reduce injuries to the user resulting from
14 head impacts and shall be designed to protect the user by remaining on
15 the user's head, deflecting blows, resisting penetration, and spreading
16 the force of impact. Each such helmet shall consist of lining, padding,
17 and chin strap and shall meet or exceed the standards established in the
18 United States Department of Transportation's Federal Motor Vehicle Safety
19 Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.
20 (3) A person who is at least twenty-one years of age is exempt from
21 subsection (2) of this section.
22 (4) For purposes of this section, eye protection means glasses that
23 cover the orbital region of a person's face, a protective face shield
24 attached to a protective helmet, goggles, or a windshield on the
motorcycle or moped that protects the operator's and passenger's
horizontal line of vision in all operating positions.

Sec. 2. Original section 60-6,279, Reissue Revised Statutes of
Nebraska, is repealed.

LEGISLATIVE BILL 317. Placed on General File with amendment.
AM483
1 1. Insert the following new sections:
2 Section 1. This act becomes operative on July 1, 2015.
3 Sec. 3. Since an emergency exists, this act takes effect when
4 passed and approved according to law.
5 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 641. Placed on General File with amendment.
AM719
1 1. On page 2, line 6, strike "or a person operating a bicycle".

LEGISLATIVE BILL 644. Indefinitely postponed.

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 108. Introduced by Scheer, 19;
Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25;
Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43;
Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; K. Haar, 21;
Hadley, 37; Hansen, 26; B. Harr, 8; Hilkenmann, 4; Howard, 9; Hughes, 44;
Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38;
Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5;
Morfeld, 46; Murante, 49; Nordquist, 7; Pansing Brooks, 28; Riepe, 12;
Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48;
Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, John Ryan McDonald has been inducted into Omicron Delta
Kappa, a national leadership honor society; and
WHEREAS, membership in Omicron Delta Kappa is granted to those who
demonstrate leadership achievements in one of five phases of campus life
including athletics; campus or community service, social and religious
activities and campus government; creative and performing arts; journalism,
speech, and mass media; and scholarship; and
WHEREAS, John Ryan is a student at the University of Nebraska-Lincoln
and works as a page at the Legislature; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic
achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates John Ryan McDonald on being inducted into Omicron Delta Kappa.
2. That a copy of this resolution be sent to John Ryan McDonald.

Laid over.

ANNOUNCEMENT(S)

Senator Mello designates LB419 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Christen, Rodney R. - Nebraska Environmental Trust Board - Natural Resources
Krohn, Robert F. - Nebraska Environmental Trust Board - Natural Resources
Lynch, Calder, Director - Division of Medicaid and Long Term Care - Department of Health and Human Services - Health and Human Services
Macy, James Reed, Director - Department of Environmental Quality - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board

EXECUTIVE BOARD REPORT

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Developmental Disabilities Special Investigative Committee (LR32)
   Senator Baker (Vice-chairperson)
   Senator Bolz
   Senator Coash (Chairperson)
   Senator Davis
   Senator Harr, Burke
   Senator Hilkemann
   Senator Johnson

ACCESSNebraska Special Investigative Committee of the Legislature (LR33)
   Senator Craighead
   Senator Crawford
   Senator Hansen
   Senator Howard (Chairperson)
   Senator McCollister (Vice-chairperson)
   Senator Riepe
   Senator Stinner
Senator Campbell filed the following amendment to LB196:

AM696

1 1. On page 7, strike beginning with "In" in line 23 through
2 "canceled" in line 25, show as stricken, and insert "Any practice or
3 payment obligation incurred by the student loan recipient under the
4 student loan program is canceled in the event of the student loan
5 recipient's total and permanent disability or death".
6 2. On page 8, line 27, strike "and" and show as stricken.
7 3. On page 9, line 5, after "recipient" insert "; and
8 (4) Any practice or payment obligation incurred by the loan
9 repayment recipient under the loan repayment program is canceled in the
10 event of the loan repayment recipient's total and permanent disability or
11 death"; and in line 20 strike "and".
12 4. On page 10, line 3, after "awards" insert "; and
13 (4) Any practice or payment obligation incurred by the medical
14 resident incentive recipient under the medical resident incentive program
15 is canceled in the event of the medical resident incentive recipient's
16 total and permanent disability or death".

Senator Garrett filed the following amendment to LB635:

AM749

1 1. On page 4, after line 7, insert the following new subsection:
2 "(6) Subsections (1) through (4) of this section shall not apply to
3 a permitholder who is also a peace officer.".
NOTICE OF COMMITTEE HEARING(S)
   Appropriations
   Room 1524

Tuesday, March 17, 2015 1:30 p.m.

LB82

(Signed) Heath Mello, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Pansing Brooks - LB268
Kolterman - LB235
Garrett - LB294
Howard - LB358

VISITORS

Visitors to the Chamber were 60 fourth-grade students and teachers from West Park Elementary, Columbus; 19 twelfth-grade students and teacher from Mead; and 20 kindergarten- through fifth-grade students and teachers with the Lincoln Parks and Recreation Department.

The Doctor of the Day was Dr. Kristi Kohl from Grant.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Riepe, the Legislature adjourned until 9:00 a.m., Tuesday, March 10, 2015.

   Patrick J. O'Donnell
   Clerk of the Legislature
FORTY-SECOND DAY - MARCH 10, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 2015

PRAYER

The prayer was offered by Pastor Lewis Miller, Beemer Mennonite Church, Beemer.

ROLL CALL

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

The roll was called and all members were present except Senators Coash, Cook, Kuehn, Murante, and Schilz who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 146. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 223. Placed on General File with amendment.

AM681
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 44-8604, Revised Statutes Cumulative Supplement, 4
5 44-8604 (1) A residential contractor shall not promise to rebate
6 any portion of an insurance deductible as an inducement to the sale of
7 goods or services. A promise to rebate any portion of an insurance
8 deductible includes granting any allowance or offering any discount
against the fees to be charged or paying an insured or a person directly
or indirectly associated with the residential real estate any form of
compensation, except for any item of nominal value.
(2) A residential contractor shall not represent, negotiate on
behalf of, or offer or advertise to represent or negotiate on behalf of
an owner or possessor of residential real estate in any insurance claim,
or take an assignment of any such claim, relating to the repair or
replacement of roof systems or relating to the performance of any other
exterior repair, replacement, or reconstruction work on the residential
real estate.
Sec. 2. Original section 44-8604, Revised Statutes Cumulative
Supplement, 2014, is repealed.

LEGISLATIVE BILL 226. Placed on General File with amendment.
AM585 is available in the Bill Room.

LEGISLATIVE BILL 457. Placed on General File with amendment.

AM694
1 1. Insert the following new section:
2 Sec. 6. Since an emergency exists, this act takes effect when passed
3 and approved according to law.
4 2. On page 3, strike beginning with the comma in line 20 through
5 "Fund" in line 21 and insert ". Upon such date, the State Treasurer shall
6 transfer fifty percent of the money in the fund to the Site and Building
7 Development Fund and fifty percent of the money in the fund to the
8 Affordable Housing Trust Fund".

LEGISLATIVE BILL 632. Placed on General File with amendment.

AM695
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Nothing in the insurance laws of this state prohibits an
4 employer or association from entering into a contract, agreement, or
5 arrangement with an agent or broker that provides for or results in a fee
6 being paid by the employer or association to the agent or broker for the
7 sale of a health benefit plan. Such fee shall not exceed ten percent of
8 the total anticipated premium to be paid by the employer or association.
9 Such fee may be collected from the employer or association by the insurer
10 and directly passed through to the agent or broker and shall not be
11 considered a part of the premium paid by the employer or association for
12 the health benefit plan. A contract, agreement, or arrangement entered
13 into under this section shall specify its term, which shall not extend
14 past December 31, 2018, and the amount of the fee to be paid. The insurer
15 shall retain a copy of the contract, agreement, or arrangement pursuant
16 to the Insurers Examination Act.
17 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
18 to Chapter 44, article 3.

(Signed) Jim Scheer, Chairperson
LEGISLATIVE BILL 216. Placed on General File.
LEGISLATIVE BILL 217. Placed on General File.
LEGISLATIVE BILL 218. Placed on General File.
LEGISLATIVE BILL 325. Placed on General File.

LEGISLATIVE BILL 428. Placed on General File with amendment.

AM733

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 60-3,185, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-3,185 A motor vehicle tax is imposed on motor vehicles registered
6 for operation upon the highways of this state, except:
7 (1) Motor vehicles exempt from the registration fee in section
8 60-3,160;
9 (2) One motor vehicle owned and used for his or her personal
10 transportation by a disabled or blind veteran of the United States Armed
11 Forces as defined in section 77-202.23 whose disability or blindness is
12 recognized by the United States Department of Veterans Affairs and who
13 was discharged or otherwise separated with a characterization of
14 honorable if an application for the exemption has been approved under
15 subsection (1) of section 60-3,189;
16 (3) Motor vehicles owned by Indians as defined in 25 U.S.C. 479;
17 (4) Motor vehicles owned by a member of the United States Armed
18 Forces serving in this state in compliance with military or naval orders
19 if such person is a resident of a state other than Nebraska;
20 (5) Motor vehicles owned by the state and its governmental
21 subdivisions and exempt as provided in subdivision (1)(a) or (b) of
22 section 77-202;
23 (6) Motor vehicles owned and used exclusively by an organization or
24 society qualified for a tax exemption provided in subdivision (1)(c) or
25 (d) of section 77-202 if an application for the exemption provided in
26 this subdivision has been approved under subsection (2) of section
27 60-3,189; and
28 (7) Trucks, trailers, or combinations thereof registered under
2 section 60-3,198; and
3 (8) One motor vehicle owned and used for his or her personal
4 transportation by a veteran of the United States Armed Forces who was
5 discharged or otherwise separated with a characterization of honorable or
6 general (under honorable conditions) and who is classified by the United
7 States Department of Veterans Affairs as one hundred percent service-
8 connected disabled if an application for the exemption has been approved
9 under subsection (3) of section 60-3,189.
10 Sec. 2. Section 60-3,189, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:
12 60-3,189 (1) A veteran of the United States Armed Forces who
13 qualifies for an exemption from the motor vehicle tax under subdivision
14 (2) of section 60-3,185 shall apply for the exemption to the county 
treasurer not more than fifteen days before and not later than thirty 
days after the registration date for the motor vehicle. A renewal 
application shall be made annually not sooner than the first day of the 
last month of the registration period or later than the last day of the 
registration period. The county treasurer shall approve or deny the 
application and notify the applicant of his or her decision within twenty 
days after the filing of the application. An applicant may appeal the 
denial of an application to the county board of equalization within 
twenty days after the date the notice was mailed.

24 (2) An organization which qualifies for an exemption from the motor 
vehicle tax under subdivision (6) of section 60-3,185 shall apply for the 
exemption to the county treasurer not more than fifteen days before and 
not later than thirty days after the registration date for the motor 
vehicle. For a newly acquired motor vehicle, an application for exemption 
must be made within thirty days after the purchase date. A renewal 
application shall be made annually not sooner than the first day of the 
last month of the registration period or later than the last day of the 
registration period. The county treasurer shall examine the application 
and recommend either exempt or nonexempt status to the county board of 
equalization within twenty days after receipt of the application. The 
county board of equalization, after a hearing on ten days' notice to the 
applicant and after considering the recommendation of the county 
treasurer and any other information it may obtain, shall approve or deny 
the exemption on the basis of law and of rules and regulations adopted 
and promulgated by the Tax Commissioner within thirty days after the 
hearing. The county board of equalization shall mail or deliver its final 
decision to the applicant and the county treasurer within seven days 
after the date of decision. The decision of the county board of 
equalization may be appealed to the Tax Equalization and Review 
Commission in accordance with the Tax Equalization and Review Commission 
Act within thirty days after the final decision.

15 (3)(a) A veteran of the United States Armed Forces who qualifies for 
an exemption from the motor vehicle tax under subdivision (8) of section 
60-3,185 shall apply for the exemption to the county treasurer not more 
than fifteen days before and not later than thirty days after the 
registration date for the motor vehicle. A renewal application shall 
be made annually not sooner than the first day of the last month of the 
registration period or later than the last day of the registration 
period. Any such application or renewal application shall include such 
documentation as required by the county treasurer to verify that the 
applicant qualifies for such exemption. The county treasurer shall 
approve or deny the application and notify the applicant of his or her 
decision within twenty days after the filing of the application. An 
applicant may appeal the denial of an application to the county board of 
equalization within twenty days after the date the notice was mailed. 
(b) The failure of an applicant to apply for an exemption or the 
renewal of an exemption within the time periods specified in subdivision 
(3)(a) of this section shall not preclude such applicant from receiving
the exemption or renewal if he or she is otherwise qualified.

(c) The county treasurer shall, on or before December 31 of each
year, certify to the Tax Commissioner the total motor vehicle tax revenue
that will be lost during that year because of the exemption allowed under
subdivision (8) of section 60-3,185. The Tax Commissioner shall, on or
before January 15 next following such certification, notify the Director
of Administrative Services of the amount so certified to be reimbursed by
the state. Reimbursement of the funds lost shall be made to each county
according to the certification and shall be distributed on the last
business day of January. The State Treasurer shall, on the business day
preceding the last business day of January, notify the Director of
Administrative Services of the amount of funds available in the General
Fund for payment purposes. The Director of Administrative Services shall,
on the last business day of January, draw warrants against funds
appropriated. The county treasurer shall allocate and distribute the
amount received pursuant to this subdivision in the same manner as the
proceeds from motor vehicle taxes are allocated and distributed pursuant
to section 60-3,186.

Sec. 3. Original section 60-3,185, Reissue Revised Statutes of
Nebraska, and section 60-3,189, Revised Statutes Cumulative Supplement,
21 2014, are repealed.

LEGISLATIVE BILL 510. Placed on General File with amendment.
AM732

1 1. On page 2, strike lines 13 and 14 and insert the following new
2 subdivision:
3 (a) The payment of tuition at a Nebraska public institution of
4 postsecondary education or the payment of the costs associated with a
5 high school equivalency program for eligible employees;”.

(Signed) Mike Gloor, Chairperson
Transportation and Telecommunications

LEGISLATIVE BILL 47. Placed on General File with amendment.
AM635 is available in the Bill Room.

(Signed) Jim Smith, Chairperson
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Brenda L. Hicks-Sorensen, Director - Department of Economic Development


(Signed) Jim Scheer, Chairperson

ANNOUNCEMENT(S)

Senator Hadley designates LB498 as his priority bill.

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Mello has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

ATTORNEY GENERAL'S OPINION

Opinion 15-004


REQUESTED BY: Senator Jim Smith
Nebraska Legislature

WRITTEN BY: Doug Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

The Mechanical Amusement Device Tax Act, Neb. Rev. Stat. §§ 77-3001 to 77-3011 (2009) [the “MAD Tax Act"], imposes an occupation tax on the business of operating mechanical amusement devices within the State of Nebraska. The tax is due and payable on January of each year on each machine or device in operation on that date, or before the time the machine or device is placed in operation for machines or devices put into operation after January 1. Neb. Rev. Stat. § 77-3004(2) (2009). Currently, the occupation tax is thirty-five dollars for each machine or device in operation
on January 1, and twenty-five dollars for machines or devices placed in operation after July 1 of the tax year. Neb. Rev. Stat. § 77-3004(4) (2009). “Mechanical amusement device” is defined to include “any machine which, upon insertion of a coin, currency, credit card, or substitute into the machine, operates or may be operated or used for a game, contest, or amusement of any description ....” Neb. Rev. Stat. § 77-3001(2) (2009). “[D]evices that are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska...” are excluded from the definition of “mechanical amusement device.” Id.

LB 70, as originally introduced, authorized a city or village to levy an additional occupation tax on the business of operating mechanical amusement devices awarding a monetary prize or anything redeemable for a monetary prize within the boundaries of the city or village, or, for devices operated outside a city or village, authorized a county to levy an additional occupation tax. LB 70, § 2(1). The amount of the additional occupation tax was ten percent of gross revenue derived from operation of the devices. LB 70, § 2(2). The committee amendment to LB 70 (AM118) eliminated the local tax authorized in the original bill, and instead provided that the additional tax of ten percent of gross revenue derived from operation of machines or devices subject to the tax was to be collected by the Tax Commissioner concurrently with the state sales tax. AM 118, § 2(3). The amendment further limited application of the additional occupation tax, providing that it was to be levied upon the business of operating a mechanical amusement device that:

(a) Accepts currency, coins, tokens, or other value in exchange for play;

(b) Awards a monetary prize or anything redeemable for a monetary prize;

(c) Is played by a player using a touch screen, computer mouse, touch pad, light pen, laser, or device of similar function by which the player competes against software running the device; and

(d) Has not been adjudicated by a court of competent jurisdiction within the State of Nebraska to not constitute a gambling device as defined in subdivision (5) of section 28-1101. Any such adjudication shall be by way of a final order in which the Tax Commissioner has been made a party to the action and written notice shall have been provided to the Attorney General at the commencement of the action. AM 118, § 2(1).

AM 118 also limited the circumstances under which an operator subject to the additional occupation tax could demonstrate a mechanical amusement device was not subject to the tax, providing:
If an operator believes that a mechanical amusement device is not subject to [the additional occupation tax imposed] under subsection (1) of this section, the burden is on the operator to prove to the Tax Commissioner that such device does not have one or more of the characteristics required for taxability under subsection (1) of this section. Such proof may be made by, among other things, a showing that the software running the game remains constant with the nature of a game that had its software at issue in a judicial case, not overturned by appeal, in which the State of Nebraska was party, the issue was litigated, and the final order found that the particular game is more controlled by the player than not, and thus is predominately a game of skill. AM 118, § 2(2).

AM 118 also provided that the additional occupation tax “shall not apply to any device not within the definition of a gambling device as defined in subdivision (5) of section 28-1101 or to any device that is specifically authorized by law.” AM118, § 2(5). AM 118 was adopted and has been placed on Select File with ER 27.

You have asked for our opinion on two questions regarding the interpretation of LB 70 as amended. In addition, you have requested our view on potential legal ramifications of the bill on the prosecution of cases involving potentially illegal gambling devices. Your questions, and our responses, are set out below.

1. Section 2(1)(d) limits application of the tax to those devices that have “not been adjudicated...to not constitute a gambling device....” First, how do you interpret this provision? Second, does this provision exempt from the new tax those devices which were adjudicated in American Amusements Co. v. Nebraska Department of Revenue, 282 908, 807 N.W.2d 492 (2011)? I am concerned that the language appears to exempt the devices at issue in that case in their entirety even though the court only found that certain games on the devices were legal. Is that correct?

Section 2(1)(d) imposes the additional occupation tax on any mechanical amusement device that “[h]as not been adjudicated by a court of competent jurisdiction within the State of Nebraska to not constitute a gambling device as defined in subdivision (5) of section 28-1101.” This subsection further provides: “Any such adjudication shall be by way of final order in which the Tax Commissioner has been made a party to the action and written notice shall have been provided to the Attorney General at the commencement of the action.”

“Statutory language is to be given its plain and ordinary meaning in the absence of anything indicating to the contrary.” PSB Credit Services, Inc. v. Rich, 251 Neb. 474, 477, 558 N.W.2d 295, 297 (1997). The plain language
of § 2(1)(d) provides that a mechanical amusement device subject to the additional occupation tax is one that meets the criteria in subsections (a) through (c) (accepts currency, coins, tokens, or other value in exchange for play, awards a monetary prize or anything redeemable for a monetary prize, and is played by a player using a touch screen, computer mouse, touch pad, light pen, or device of similar function by which the player competes against software running the device), and has not been adjudicated by a Nebraska court to not constitute a gambling device as defined in § 28-1101(5). Further, that adjudication must be by a final order in a case where the Tax Commissioner has been a party and the Attorney General received written notice when the action was commenced.

The only device that would currently be excluded under § 2(1)(d) is the Bankshot game at issue in American Amusement Co. v. Nebraska Dep’t of Revenue, 282 Neb. 908, 807 N.W.2d 492 (2011) [“American Amusements”]. American Amusements involved whether a video game called “Bankshot” was an unlawful game of chance and thus an illegal gambling device. The game could be played in various modes (Spin, Slow, and Fast), and included certain bonus and jackpot prizes. The Nebraska Supreme Court affirmed the district court’s finding that the Bankshot game, when played in the Spin mode, was not a game of chance, as, in this version, the game “was more controlled by the player than not, and thus [was] predominately a game of skill.” 282 Neb. at 925, 807 N.W.2d at 504. The district court found that the outcome of the Bankshot game, when played in the Slow mode, was determined predominately by chance, and thus was illegal gambling. Id. at 914, 807 N.W.2d 497. The district court found neither party carried its burden to prove the nature of the game in Fast Mode, and thus made no decision on whether the game was gambling in this mode. Id. In addition, the district court determined that Bankshot’s pool bonus and jackpot were not gambling in the Spin mode, but were gambling in the Slow mode, and that both the Fast Break Bonus and the Speed Break bonus were gambling. Id. No cross-appeal was taken from the district court’s findings “that (1) the Speed Break and Fast Break bonus games of Bankshot [were] games of chance; and (2) Bankshot when played in the Slow mode [was] a game of chance…” Id. at 916, 807 N.W.2d at 498. Further, the Fast Mode of play was eliminated following the district court decision and was not at issue before the Supreme Court. Id. Thus, the only question presented to the Supreme Court was “whether the district court properly found that Bankshot [was] not a game of chance when played in Spin mode.” Id. at 916, 807 N.W.2d at 498-99.

The Bankshot device would not fall within the parameters established in § 2(1)(d), as it was adjudicated by a final order of the Supreme Court to not be a game of chance, and thus not an illegal gambling device under § 2-1101(5). Also, the Tax Commissioner was a party in American Amusements, and the Attorney General obviously had written notice of the case at its commencement, as the Attorney General was also made a party to that litigation. While the Bankshot game adjudicated in American Amusements would be a device satisfying the criteria for exclusion from the
tax set forth in § 2(1)(d), only the version of the game in Spin mode was held not to constitute a game of chance and thus not an illegal gambling device.

“If possible, a statute should be construed in such a way as to negative any constitutional infirmity.” Prendergast v. Nelson, 199 Neb. 97, 111, 256 N.W.2d 657, 667 (1977). Construing § 2(1)(d) to remove from taxation those versions of the Bankshot game that were found to constitute a game of chance must be avoided, as it would attempt to authorize illegal conduct. Such an interpretation cannot be adopted if a permissible construction can be made which does not produce such a result. Section 2(1)(d) thus must be interpreted to exclude from taxation only the Bankshot game in the Spin mode, as that is the only version of the game that has been adjudicated by final court order not to constitute a game of chance or illegal gambling device. Accordingly, we do not interpret this provision to exempt from taxation the other versions of the Bankshot game that were either found to be impermissible games of chance (the Slow Mode and the Speed Break and Fast Break Bonus), or were not the subject of a final adjudication as to whether the game was predominately chance or skill (the Fast mode).

2. When subsection (d) is read together with Section 2(2), does it exempt from the new tax not only those devices adjudicated in American Amusements, but all present or future devices which are programmed with software of the “same” nature as those devices? Is there any existing statutory or case law which would inform or direct the Tax Commissioner as to what constitutes software that remains constant with “the nature” of software previously adjudicated by a court?

Subsection 2(2) provides the operator of a mechanical amusement device must pay the additional occupation tax unless the operator can prove the device is not subject to the tax because it does not have one or more of the characteristics making it taxable under subsection (1). This “proof may be made by, among other things, a showing that the software running the game remains constant with the nature of a game that had its software at issue in a judicial case, not overturned by appeal, in which the State of Nebraska was a party, the issue was litigated, and the final order found that the particular game is controlled more by the player than not, and thus is predominately a game of skill.” § 2(2).

Construed with § 2(1)(d), this subsection would exempt the Bankshot game in Spin mode and any version of the game using software which runs “constant” with that version of the game. We have no way of knowing if other devices could be programmed with software of the same “nature” within the meaning of § 2(2). No further definition or explanation of the terms used in § 2(2) is provided, nor are we aware of any statute or case law which would aid in construing the proof requirement articulated in this subsection. If called on to interpret this provision, the Tax Commissioner
would have to determine if the software running a device an operator believes falls under this subsection is “constant with the nature of a game” in which the software was found not to constitute a game of chance, which presently includes only the Bankshot game in Spin mode. Also, it is unclear if other games could use software of the same "nature" as Bankshot, as the Bankshot software may well be proprietary and not available to other game manufacturers or distributors.

3. Finally, are there any legal ramifications with regard to the state’s ability to litigate future cases involving gaming devices by adopting the language in LB 70? Simply put, would LB 70 impede the Legislature’s ability to regulate gaming in the state?

We understand your final question as asking if imposition of the additional occupation tax imposed under LB 70, as amended, would sanction or legalize devices or machines which are subject to the tax, even if those devices or machines may constitute games of chance or illegal gambling devices under § 28-1101(5), but their legality has not been judicially determined. For several reasons, the bill does not, and cannot, have that effect.

The definition of mechanical amusement device in the MAD Tax Act specifically excludes “devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska.” Neb. Rev. Stat. § 77-3001(2) (2009). The mere presence of a decal signifying payment of the occupation tax required under the MAD Tax Act does not legitimize machines or devices that are otherwise unlawful gambling devices, and such machines or devices are subject to forfeiture. See State v. Two IGT Video Poker Games, 237 Neb. 145, 147, 465 N.W.2d 453, 456 (1991) (Noting machines seized and ordered forfeited as illegal gambling devices “had affixed to them mechanical amusement device stickers from the Nebraska Department of Revenue.”). Just as affixing a MAD Tax decal to an illegal gambling device does not make the device legal, assessment and payment of the additional occupation tax imposed by LB 70 as amended would not be determinative of the legality or illegality of any machine or device upon which the tax is assessed and paid. Indeed, a tax is imposed on marijuana and other controlled substances possessed by dealers under the Marijuana and Controlled Substances Tax Act, Neb. Rev. Stat. §§ 77-4302 to 77-4316 (2009). The imposition of a tax on dealers possessing marijuana and other controlled substances, and subjecting dealers who fail to pay the tax and affix the required stamps on all marijuana and controlled substances to penalties for noncompliance, does not legalize possession of these drugs by dealers, who would still be subject to prosecution for violation of criminal statutes related to illegal drug possession.

Unlike the tax imposed on marijuana and other controlled substances under §§ 77-3402 to 77-4316, however, which can apply only to drugs that
are illegal and subject to criminal sanction, the additional occupation tax imposed under LB 70 as amended applies to any device that falls within the criteria in § 2(1)(a)-(d), even though the device may or may not constitute a game of chance or be an illegal gambling device. The Committee Records on LB 70 indicate a concern that machines that “may well be unlawful…” have been placed in operation subsequent to the decision in American Amusements. Committee Records on LB 70, 104th Leg., 1st Sess. 1 (Jan. 23, 2014). The Introducer’s Statement of Intent further states that, with respect to imposition of the additional occupation tax, the intent is to “place the burden of proof on the operator to establish the lawfulness of the game and entitlement to exemption from the tax.” Id., Introducer’s Statement at 1.

Section 2(5) of the bill provides: “The occupation tax imposed in this section shall not apply to any device not within the definition of a gambling device as defined in subdivision (5) of section 28-1101 or to any device that is specifically authorized by law.” Thus, under this subsection, the tax is not to be imposed on any device that is not unlawful under § 28-1101(5). Other than the limited exclusion in § 2(1)(d) for devices that meet the requirements of subsections (a) through (c) and have been “finally adjudicated” to not constitute an illegal gambling device (which is limited to a single device), or devices using software that “remains constant with the nature of a game” judicially determined not to be a game of chance (again limited to a single game or device), there is no mechanism in the bill for an operator to seek exemption from the additional occupation tax by establishing a particular machine or device is not illegal under § 28-1101(5).

“Because exaction of a tax constitutes a deprivation of property, the State must provide procedural safeguards against unlawful exactions in order to satisfy the demands of the Due Process Clause.” McKesson Corp. v. Division of Alcoholic Beverages and Tobacco, 496 U.S. 18, 36 (1990) [“McKesson”]. “A state has flexibility to provide [a] remedy before the disputed taxes are paid (predeprivation), after they are paid (postdeprivation), or both.” Reich v. Collins, 513 U.S. 106, 108 (1994). If taxpayers are not provided “with a meaningful opportunity to withhold payment and to obtain a predeprivation determination of the tax assessment’s validity…”, taxpayers can be required “to raise their objections in a postdeprivation refund action.” McKesson, 496 U.S. at 38. “To satisfy the requirements of the Due Process Clause…”, the refund action “must provide taxpayers with, not only a fair opportunity to challenge the accuracy and legal validity of their tax obligation, but also a ‘clear and certain remedy,’…, for any erroneous or unlawful tax collection to ensure the opportunity to contest the tax is a meaningful one.” Id. at 38-39 (citation omitted).

Apart from proving to the Tax Commissioner that a machine or device does not satisfy one or more of the criteria in § 2(1)(a) to (d), including demonstrating the game software is constant with the nature of a game adjudicated to be lawful under § 2(2), LB 70 as amended provides no mechanism for an operator to seek a determination by the Tax
Commissioner that a machine or device is not a gambling device as defined in § 28-1101(5) and thus not subject to the additional occupation tax. While such a pre-deprivation remedy is not constitutionally required if an adequate post-deprivation remedy exists, the bill could be amended to permit an operator of a machine or device to make a showing to the Tax Commissioner that a device is legal and thus should be exempt from imposition of the additional tax. If the Tax Commissioner found that showing to be insufficient, the operator could be provided an opportunity for an administrative hearing to present evidence that a machine or device is lawful and not subject to the additional occupation tax, after which the Tax Commissioner would enter a final decision either approving or denying the exemption. If denied, the Tax Commissioner’s final decision would be appealable under the Administrative Procedure Act [“APA”] as a final decision in a contested case. See Neb. Rev. Stat. § 84-901(3) and 84-917 (2014).  

If no pre-deprivation remedy is provided, a person paying the additional tax must be afforded a post-deprivation procedure to contest imposition of the tax. Neither LB 70 as amended nor the MAD Tax Act currently contain a specific refund process. The Legislature has, however, established a procedure for taxpayers to seek refunds of taxes collected by the Tax Commissioner where no specific refund provision has been enacted. Neb. Rev. Stat. §§ 77-1777 to 77-1782 (2009). Under this procedure, a taxpayer can file a written claim for refund with the Tax Commissioner, and request a hearing before the Tax Commissioner prior to action on the refund claim. Neb. Rev. Stat. §§ 77-1779 and 77-1780 (2009). If the claim is denied, the taxpayer can appeal the denial pursuant to the APA. Neb. Rev. Stat. § 77-1781 (2009). While this remedy presumably would be available, it may be advisable to amend LB 70 to adopt a specific refund remedy.

1 Rather than imposition of an additional tax on devices of the type LB 70 intends to reach, an alternative would be to require that, prior to an operator being issued a decal or sticker to permit use of the device as a mechanical amusement device, the operator be required to make a showing of the legality of the game to the Tax Commissioner. The administrative process could provide for a hearing in the event the Tax Commissioner initially disapproves an application for permission to use the device, and a final decision subject to appeal if the application is denied. A process of this nature would require a showing a device is a lawful mechanical amusement device prior to issuance of the required MAD Tax decal or sticker. The purpose and focus of this process is regulation, rather than additional taxation.
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 91 and 92 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 91 and 92.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 109. Introduced by Gloor, 35.

WHEREAS, the Nebraska Library Association has named Cathy Blanchard of Omaha, Audi Blann of La Vista, Judy Briggs of Grand Island, Pat Hunsche of Blair, and Haylee Wawrzynkiewicz of Papillion as outstanding library volunteers; and

WHEREAS, this award is given to outstanding individuals who have shown a strong desire to give back to their communities and who have given generously of their time through many years of volunteer library service; and

WHEREAS, these individuals will be recognized at the Nebraska Library Association's Advocacy Day; and

WHEREAS, the Nebraska Library Association supports and promotes all libraries, library media centers, and library services in the state. Its foremost concerns are the professional development of its members, library advocacy, and open access to information for all citizens.

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

1. That the Legislature congratulates Cathy Blanchard, Audi Blann, Judy Briggs, Pat Hunsche, and Haylee Wawrzynkiewicz on being named outstanding library volunteers by the Nebraska Library Association.

2. That a copy of this resolution be sent to Cathy Blanchard, Audi Blann, Judy Briggs, Pat Hunsche, and Haylee Wawrzynkiewicz and to the Nebraska Library Association.

Laid over.
ANNOUNCEMENT

The Chair announced the birthday of Senator K. Haar.

VISITORS

Visitors to the Chamber were members of Girl Scouts Spirit of Nebraska, from across the state; and 4 members of UNL Delta Tau Delta Fraternity.

The Doctor of the Day was Dr. Kristi Kohl from Grant.

ADJOURNMENT

At 9:13 a.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
PRAYER

The prayer was offered by Pastor Jon Solberger, Immanuel Lutheran Church, Louisville.

ROLL CALL

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

The roll was called and all members were present except Senators Craighead, Davis, and Kolowski who were excused; and Senators B. Harr and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 424. Placed on General File.

LEGISLATIVE BILL 356. Placed on General File with amendment.

AM803
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1333, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1333 (1) For purposes of this section, rent-restricted housing
6 project means a project consisting of five or more houses or residential
7 units that has received an allocation of federal low-income housing tax
8 credits under section 42 of the Internal Revenue Code from the Nebraska
9 Investment Finance Authority or its successor agency and, for the year of
10 assessment, is a project as defined in section 58-219.
11 (2) The Legislature finds that:
12 (a) The provision of safe, decent, and affordable housing to all
13 residents of the State of Nebraska is a matter of public concern and
14 represents a legitimate and compelling state need, affecting the general
15 welfare of all residents;
16 (b) Rent-restricted housing projects effectively provide safe,
17 decent, and affordable housing for residents of Nebraska;
18 (c) Such projects are restricted by federal law as to the rents paid
19 by the tenants thereof;
20 (d) Of all the professionally accepted mass appraisal methodologies,
21 which include the sales comparison approach, the income approach, and the
22 cost approach, the utilization of the income-approach methodology results
23 in the most accurate determination of the actual value of such projects;
24 and
25 (e) This section is intended to (i) further the provision of safe,
26 decent, and affordable housing to all residents of Nebraska and (ii)
27 comply with Article VIII, section 1, of the Constitution of Nebraska,
28 which empowering the Legislature to prescribe standards and methods for the
29 determination of value of real property at uniform and proportionate
30 values.
(3) Except as otherwise provided in this section, the county
assessor shall utilize an income-approach calculation to
3 perform an income-approach calculation to
determine the actual value of
4 all rent-restricted housing project
5 projects constructed to allow an allocation of low-income housing tax
6 credits under section 42 of the Internal Revenue Code and approved by the
7 Nebraska Investment Finance Authority when determining the
8 assessed valuation to place on the property for each assessment year. The
9 income-approach calculation shall be consistent with this section and any
10 rules and regulations adopted and promulgated by the Tax Commissioner and
11 shall comply with professionally accepted mass appraisal techniques.
12 (4) The Rent-Restricted Housing Projects Valuation Committee is
13 created. For administrative purposes only, the committee shall be within
14 the Department of Revenue. The committee's purpose shall be to develop a
15 market-derived capitalization rate to be used by county assessors in
16 determining the assessed valuation for rent-restricted housing projects.
17 The committee shall consist of the following four persons:
18 (a) A representative of county assessors appointed by the Tax
19 Commissioner. Such representative shall be skilled in the valuation of
20 property and shall hold a certificate issued under section 77-422;
21 (b) A representative of the low-income housing industry appointed by
22 the Tax Commissioner. The appointment shall be based on a recommendation
23 made by the Nebraska Commission on Housing and Homelessness;
24 (c) The Property Tax Administrator or a designee of the Property Tax
25 Administrator who holds a certificate issued under section 77-422. Such
26 person shall serve as the chairperson of the committee; and
27 (d) An appraiser from the private sector appointed by the Tax
28 Commissioner. Such appraiser must hold either a valid credential as a
29 certified general real property appraiser under the Real Property
30 Appraiser Act or an MAI designation from the Appraisal Institute.
(5) The owner of a rent-restricted housing project shall file a
statement with the Rent-Restricted Housing Projects Valuation Committee
4 and the county assessor on or before October 1 of each year that details
5 income and expense data for the prior year, a description of any land-use
6 restrictions, a description of the terms of any mortgage loans, including
7 loan amount, interest rate, and amortization period, and such other
8 information as the committee or the county assessor may require for
9 purposes of this section.
10 (6) The Rent-Restricted Housing Projects Valuation Committee shall
11 meet annually in November to examine the information on rent-restricted
12 housing projects that was provided pursuant to subsection (5) of this
13 section. The Department of Revenue shall electronically publish notice of
14 such meeting no less than thirty days in advance. The committee shall
15 also solicit information on the sale of any such rent-restricted housing
16 projects and information on the yields generated to investors in rent-
17 restricted housing projects. The committee shall, after reviewing all
18 such information, calculate a market-derived capitalization rate on an
19 annual basis using the band-of-investment technique or other generally
20 accepted technique used to derive capitalization rates depending upon the
21 data available. The capitalization rate shall be a composite rate
22 weighted by the proportions of total property investment represented by
23 equity and debt, with equity weighted at eighty percent and debt weighted
24 at twenty percent unless a substantially different market capital
25 structure can be verified to the county assessor. The yield for equity
26 shall be calculated using the data on investor returns gathered by the
27 committee. The yield for debt shall be calculated using the data provided
28 to the committee pursuant to subsection (5) of this section. If the
29 committee determines that a particular county or group of counties
30 requires a different capitalization rate than that calculated for the
31 rest of the state pursuant to this subsection, then the committee may
32 calculate an additional capitalization rate that will apply only to such
33 county or group of counties.
34 (7) After the Rent-Restricted Housing Projects Valuation Committee
35 has calculated the capitalization rate or rates under subsection (6) of
36 this section, the committee shall provide such rate or rates and the
37 information reviewed by the committee in calculating such rate or rates
38 in an annual report. Such report shall be forwarded by the Property Tax
39 Administrator to each county assessor in Nebraska no later than December
40 1 of each year for his or her use in determining the valuation of rent-
41 restricted housing projects. The Department of Revenue shall publish the
42 annual report electronically but may charge a fee for paper copies. The
43 Tax Commissioner shall set the fee based on the reasonable cost of
44 producing the report.
45 (8) Except as provided in subsections (9) through (11) of this
46 section, each county assessor shall use the capitalization rate or rates
47 contained in the report received under subsection (7) of this section and
48 the income and expense data filed by owners of rent-restricted housing
49 projects under subsection (5) of this section in the county assessor's
50 income-approach calculation. Any low-income housing tax credits
51 authorized under section 42 of the Internal Revenue Code that were
52 granted to owners of the project shall not be considered income for
purposes of the calculation.

(9) If the income and expense data required to be filed for a rent-restricted housing project under subsection (5) of this section is not filed in a timely manner, the county assessor may use any method for determining actual value for such rent-restricted housing project that is consistent with professionally accepted mass appraisal methods described in section 77-112 but may be considered in determining the capitalization rate to be used when capitalizing the income stream. The county assessor, in determining the actual value of any specific property, may consider other methods of determining value that are consistent with professionally accepted mass appraisal methods described in section 77-112.

(10) If a county assessor, based on the facts and circumstances, believes that the income-approach calculation does not result in a valuation of a rent-restricted housing project at actual value, then the county assessor shall present such facts and circumstances to the county board of equalization. If the county board of equalization, based on such facts and circumstances, concurs with the county assessor, then the county board of equalization shall petition the Tax Equalization and Review Commission to consider the county assessor's utilization of another professionally accepted mass appraisal technique that, based on the facts and circumstances presented by a county board of equalization, would result in a substantially different determination of actual value of the rent-restricted housing project. Petitions must be filed within thirty days after the property's valuation date. The burden of proof is on the petitioning county board of equalization to show that failure to make a determination that a different methodology should be used would result in a value that is not equitable and in accordance with the law. At the hearing, the commission may receive testimony from any interested person. After a hearing, the commission shall, within the powers granted in section 77-5007, enter its order based on evidence presented to it at such hearing.

(11) If the Tax Commissioner, based on the facts and circumstances, believes that the applicable capitalization rate set by the Rent-Restricted Housing Projects Valuation Committee to value a rent-restricted housing project does not result in a valuation at actual value for such rent-restricted housing project, then the Tax Commissioner shall petition the Tax Equalization and Review Commission to consider an adjustment to the capitalization rate of such rent-restricted housing project. Petitions must be filed within thirty days after the property's valuation date. The burden of proof is on the Tax Commissioner to show that failure to make an adjustment to the capitalization rate employed would result in a value that is not equal to the rent-restricted housing project's actual value. At the hearing, the commission may receive testimony from any interested person. After a hearing, the commission shall, within the powers granted in section 77-5007, enter its order based on evidence presented to it at such hearing.

(2) The owner of a rent-restricted housing project shall file a statement with the county assessor on or before October 1 of each year.
that details income and expense data for the prior year, a description of
any land-use restrictions, and such other information as the county
assessor may require.
Sec. 2. Section 77-5007, Revised Statutes Cumulative Supplement,
2014, is amended to read:
77-5007 The commission has the power and duty to hear and determine
appeals of:
(1) Decisions of any county board of equalization equalizing the
value of individual tracts, lots, or parcels of real property so that all
real property is assessed uniformly and proportionately;
(2) Decisions of any county board of equalization granting or
denying tax-exempt status for real or personal property or an exemption
from motor vehicle taxes and fees;
(3) Decisions of the Tax Commissioner determining the taxable
property of a railroad company, car company, public service entity, or
air carrier within the state;
(4) Decisions of the Tax Commissioner determining adjusted valuation
pursuant to section 79-1016;
(5) Decisions of any county board of equalization on the valuation
of personal property or any penalties imposed under sections 77-1233.04
and 77-1233.06;
(6) Decisions of any county board of equalization on claims that a
levy is or is not for an unlawful or unnecessary purpose or in excess of
the requirements of the county;
(7) Decisions of any county board of equalization granting or
rejecting an application for a homestead exemption;
(8) Decisions of the Department of Motor Vehicles determining the
taxable value of motor vehicles pursuant to section 60-3,188;
(9) Decisions of the Tax Commissioner made under section 77-1330;
(10) Any other decision of any county board of equalization;
(11) Any other decision of the Tax Commissioner regarding property
valuation, exemption, or taxation;
(12) Decisions of the Tax Commissioner pursuant to section 77-3520;
(13) Final decisions of a county board of equalization appealed by
the Tax Commissioner or Property Tax Administrator pursuant to section
77-701;
(14) Determinations of the Rent-Restricted Housing Projects
Valuation Committee regarding the capitalization rate to be used to value
rent-restricted housing projects pursuant to section 77-1333 or the
requirement under such section that an income-approach calculation be
used by county assessors to value rent-restricted housing projects;
(15) The requirement under section 77-1314 that the income
approach, including the use of a discounted cash-flow analysis, be used
by county assessors; and
(16) Any other decision, determination, action, or order from
which an appeal to the commission is authorized.
The commission has the power and duty to hear and grant or deny
relief on petitions.
Sec. 3. Original section 77-1333, Reissue Revised Statutes of
27 Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement, 28 2014, are repealed.

(Signed) Mike Gloor, Chairperson

ANNOUNCEMENT(S)

Senator Watermeier designates LB106 as his priority bill.

Senator Scheer designates LB294 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB139 and LB348 as its priority bills.

Senator Groene designates LB367 as his priority bill.

Senator Campbell designates LB89 as her priority bill.

The Natural Resources Committee designates LB141 as its priority bill.

The Nebraska Retirement Systems Committee designates LB468 and LB448 as its priority bills.

Senator Garrett designates LB643 as his priority bill.

Senator Stinner designates LB561 as his priority bill.

The Business and Labor Committee designates LB480 as its priority bill.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB539: AM653

(Amendments to Standing Committee amendments, AM487)

1. On page 23, line 28, after the first comma insert "any community redevelopment authority or limited community redevelopment authority established under the Community Development Law, ".

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105.
ANNOUNCEMENT

The Chair announced the birthday of Senator Seiler.

GENERAL FILE


Senator Larson offered the following motion:
MO48
Unanimous consent to bracket until May 31, 2015.

Senator Stinner objected.

Senator Stinner offered the following amendment:
AM748
1 1. Insert the following new section:
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is amended to read:
4 2-3753 The commission shall have the following powers and duties:
5 (1) To adopt and devise a dry bean program consisting of research, education, advertising, publicity, and promotion to increase total consumption of dry beans on a state, national, and international basis;
8 (2) To prepare and approve a budget consistent with limited receipts and the scope of the dry bean program;
10 (3) To adopt and promulgate reasonable rules and regulations necessary to carry out the dry bean program;
12 (4) To procure and evaluate data and information necessary for the proper administration and operation of the dry bean program;
14 (5) To employ personnel and contract for services which are necessary for the proper operation of the dry bean program;
16 (6) To establish a means whereby the grower and processor of dry beans has the opportunity at least annually to offer his or her ideas and suggestions relative to commission policy for the coming year;
19 (7) To authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;
21 (8) To bond such persons as may be necessary in order to insure adequate protection of funds;
23 (9) To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the commission and to keep such records open to examination by any grower or processor participant during normal business hours;
27 (10) To prohibit any funds collected by the commission from being expended directly or indirectly to promote or oppose any candidate for public office or to influence state legislation. The board shall not expend more than fifteen percent of its annual budget to influence federal legislation. The purpose of such expenditures for federal lobbying activity shall be limited to activity supporting the
6 underlying objectives of the dry bean program relating to market
development, education, and research;
8 (11) To establish an administrative office at such place in the
9 state as may be suitable for the proper discharge of the functions of the
10 commission; and
11 (12) To adopt and promulgate rules and regulations to carry out the
12 Dry Bean Resources Act.
13 2. Renumber the remaining sections and correct the repealer
14 accordingly.

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

The Stinner amendment was adopted with 44 ayes, 0 nays, 1 present and not
voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:
MO49
Reconsider the vote taken on AM748.

Senator Larson asked unanimous consent to withdraw his motion to
reconsider. No objections. So ordered.

Pending.

ANNOUNCEMENT(S)

The Executive Board designates LR7CA as its priority resolution.

Senator McCoy designates LB649 as his priority bill.

The Health and Human Services Committee designates LB472 and LB320
as its priority bills.

Senator Smith designates LB357 as his priority bill.

Senator Kolterman designates LB232 as his priority bill.

Senator Pansing Brooks designates LB586 as her priority bill.

The Natural Resources Committee designates LB413 as its priority bill.

The Judiciary Committee designates LB482 and LB265 as its priority bills.

Senator B. Harr designates LB414 as his priority bill.
MESSAGE(S) FROM THE GOVERNOR

March 6, 2015

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

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

Contingent upon your approval, the following individuals are being appointed to the State Board of Health:

Douglas Vander Broek, DC, 6511 Shenandoah Drive, Lincoln, NE 68510
Kevin C. Low, DDS, 599 Dana Avenue, Chappell, NE 69129

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

Enclosure

RESOLUTION(S)

LEGISLATIVE RESOLUTION 110. Introduced by McCollister, 20.

WHEREAS, the Omaha Westside High School girls' basketball team won the 2015 Class A Girls' State Basketball Championship by defeating Norfolk High School by a score of 53-40; and
WHEREAS, this is the Westside Warriors second state title in girls' basketball and their first state title since 1999; and
WHEREAS, three Westside Warriors were named Class A scoring leaders and two were named to the Class A All-tournament team; and
WHEREAS, the Westside Warriors brought great pride to their school, community, friends, and family as they demonstrated discipline, efficiency, and tenacity throughout the 2014-15 basketball season.

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

1. That the Legislature congratulates the Omaha Westside High School girls' basketball team for winning the 2015 Class A Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Omaha Westside High School girls' basketball team.
Laid over.

COMMITTEE REPORT(S)
   Education

LEGISLATIVE BILL 489. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File with amendment.
   AM728
   1 1. On page 2, line 16, strike "[$XX]" and insert "four hundred
2 thousand dollars".

   (Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 242. Senator Larson asked unanimous consent to withdraw his amendment, AM701, found on page 754, and replace it with his substitute amendment, AM794. No objections. So ordered.
   AM794
   1 1. Insert the following new section:
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is amended to read:
4 2-3753 The commission shall have the following powers and duties:
5 (1) To adopt and devise a dry bean program consisting of research,
6 education, advertising, publicity, and promotion to increase total
7 consumption of dry beans on a state, national, and international basis;
8 (2) To prepare and approve a budget consistent with limited receipts
9 and the scope of the dry bean program;
10 (3) To adopt and promulgate reasonable rules and regulations
11 necessary to carry out the dry bean program;
12 (4) To procure and evaluate data and information necessary for the
13 proper administration and operation of the dry bean program;
14 (5) To employ personnel and contract for services which are
15 necessary for the proper operation of the dry bean program;
16 (6) To establish a means whereby the grower and processor of dry
17 beans has the opportunity at least annually to offer his or her ideas and
18 suggestions relative to commission policy for the coming year;
19 (7) To authorize the expenditure of funds and contracting of
20 expenditures to conduct proper activities of the program;
21 (8) To bond such persons as may be necessary in order to insure
22 adequate protection of funds;
23 (9) To keep minutes of its meetings and other books and records
24 which will clearly reflect all of the acts and transactions of the
25 commission and to keep such records open to examination by any grower or
26 processor participant during normal business hours;
27 (10) To prohibit any funds collected by the commission from being
1 expended directly or indirectly to promote or oppose any candidate for
2 public office or to influence state legislation. The board shall not
FORTY-THIRD DAY - MARCH 11, 2015

3 expend more than one hundred twenty-five percent of its annual budget to
4 influence federal legislation;
5 (11) To establish an administrative office at such place in the
6 state as may be suitable for the proper discharge of the functions of the
7 commission; and
8 (12) To adopt and promulgate rules and regulations to carry out the
9 Dry Bean Resources Act.
10 2. Renumber the remaining sections and correct the repealer
11 accordingly.

SENATOR KRIST PRESIDING

The Larson amendment lost with 0 ayes, 21 nays, 24 present and not voting,
and 4 excused and not voting.

Senator Larson offered the following motion:

MO50
Reconsider the vote taken on AM794.

The Larson motion to reconsider failed with 0 ayes, 21 nays, 23 present and
not voting, and 5 excused and not voting.

Senator Larson asked unanimous consent to withdraw his amendment,
AM702, found on page 755, and replace it with his substitute amendment,
AM793. No objections. So ordered.

AM793
1 1. Insert the following new section:
2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 2-3753 The commission shall have the following powers and duties:
5 (1) To adopt and devise a dry bean program consisting of research,
6 education, advertising, publicity, and promotion to increase total
7 consumption of dry beans on a state, national, and international basis;
8 (2) To prepare and approve a budget consistent with limited receipts
9 and the scope of the dry bean program;
10 (3) To adopt and promulgate reasonable rules and regulations
11 necessary to carry out the dry bean program;
12 (4) To procure and evaluate data and information necessary for the
13 proper administration and operation of the dry bean program;
14 (5) To employ personnel and contract for services which are
15 necessary for the proper operation of the dry bean program;
16 (6) To establish a means whereby the grower and processor of dry
17 beans has the opportunity at least annually to offer his or her ideas and
18 suggestions relative to commission policy for the coming year;
19 (7) To authorize the expenditure of funds and contracting of
20 expenditures to conduct proper activities of the program;
21 (8) To bond such persons as may be necessary in order to insure
22 adequate protection of funds;
23 (9) To keep minutes of its meetings and other books and records

SENATOR KRIST PRESIDING

The Larson amendment lost with 0 ayes, 21 nays, 24 present and not voting,
and 4 excused and not voting.

Senator Larson offered the following motion:

MO50
Reconsider the vote taken on AM794.

The Larson motion to reconsider failed with 0 ayes, 21 nays, 23 present and
not voting, and 5 excused and not voting.

Senator Larson asked unanimous consent to withdraw his amendment,
AM702, found on page 755, and replace it with his substitute amendment,
AM793. No objections. So ordered.

AM793
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5 (1) To adopt and devise a dry bean program consisting of research,
6 education, advertising, publicity, and promotion to increase total
7 consumption of dry beans on a state, national, and international basis;
8 (2) To prepare and approve a budget consistent with limited receipts
9 and the scope of the dry bean program;
10 (3) To adopt and promulgate reasonable rules and regulations
11 necessary to carry out the dry bean program;
12 (4) To procure and evaluate data and information necessary for the
13 proper administration and operation of the dry bean program;
14 (5) To employ personnel and contract for services which are
15 necessary for the proper operation of the dry bean program;
16 (6) To establish a means whereby the grower and processor of dry
17 beans has the opportunity at least annually to offer his or her ideas and
18 suggestions relative to commission policy for the coming year;
19 (7) To authorize the expenditure of funds and contracting of
20 expenditures to conduct proper activities of the program;
21 (8) To bond such persons as may be necessary in order to insure
22 adequate protection of funds;
23 (9) To keep minutes of its meetings and other books and records
which will clearly reflect all of the acts and transactions of the
commission and to keep such records open to examination by any grower or
processor participant during normal business hours;
(10) To prohibit any funds collected by the commission from being
expended directly or indirectly to promote or oppose any candidate for
public office or to influence state legislation. The board shall not
expend more than \textcolor{red}{\text{fifty twenty-five}}\% of its annual budget to
influence federal legislation;
(11) To establish an administrative office at such place in the
state as may be suitable for the proper discharge of the functions of the
commission; and
(12) To adopt and promulgate rules and regulations to carry out the
Dry Bean Resources Act.

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

Senator Larson withdrew his amendment.

Senator Stinner moved for a call of the house. The motion prevailed with 23
ayes, 0 nays, and 26 not voting.

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

Voting in the affirmative, 38:

Baker Ebke Hughes McCoy Schnoor
Bolz Friesen Johnson Mello Schumacher
Brasch Gloor Kintner Morfeld Seiler
Campbell Haar, K. Koltermann Murante Smith
Chambers Hadley Krist Pansing Brooks Stinner
Coash Harr, B. Kuehn Riepe Williams
Cook Hilkemann Lindstrom Scheer
Crawford Howard McCollister Schilz

Voting in the negative, 1:

Larson

Present and not voting, 5:

Bloomfield Garrett Groene Hansen Watermeier

Excused and not voting, 5:

Craighead Davis Kolowski Nordquist Sullivan

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, 5 present
and not voting, and 5 excused and not voting.
The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 245. ER46, found on page 732, was adopted.

Senator B. Harr offered the following amendment:
FA29
Strike Section 1.

Pending.

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 240. Placed on General File.

LEGISLATIVE BILL 28. Placed on General File with amendment.
AM708
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 5 of this act shall be known and may be
4 cited as the Radon Resistant New Construction Act.
5 Sec. 2. The Legislature finds that:
6 (1) Radon is a radioactive element that is part of the radioactive
7 decay chain of naturally occurring uranium in soil;
8 (2) Radon is the leading cause of lung cancer among nonsmokers and
9 the number one risk in homes according to the Harvard School of Public
10 Health, Harvard Center for Risk Analysis;
11 (3) The World Health Organization Handbook on Indoor Radon includes
12 key messages which state:
13 (a) "There is no known threshold concentration below which radon
14 exposure presents no risk."; and
15 (b) "The majority of radon-induced lung cancers are caused by low
16 and moderate radon concentrations rather than by high radon
17 concentrations, because in general less people are exposed to high indoor
18 radon concentrations.";
19 (4) The Surgeon General of the United States urged Americans to test
20 their homes to find out how much radon they might be breathing;
21 (5) The United States Environmental Protection Agency estimates that
22 more than twenty thousand Americans die of radon-related lung cancer each
23 year; and
24 (6) The United States Environmental Protection Agency has identified
25 radon levels in Nebraska as the third highest in the United States
26 because of the high concentration of uranium in the soil.
27 Sec. 3. For purposes of the Radon Resistant New Construction Act:
1 (1) Active radon mitigation system means a family of radon
2 mitigation systems involving mechanically driven soil depressurization,
3 including subslab depressurization, drain tile depressurization, block
(2) Building code means an ordinance, resolution, or law that establishes standards applicable to new construction;
(3) Building contractor means any individual, corporation, partnership, limited liability company, or other business entity that engages in new construction;
(4) Department means the Department of Health and Human Services;
(5) New construction means any original construction of a single-family home or a multifamily dwelling, including apartments, group homes, condominiums, and townhouses, or any original construction of a building used for commercial, industrial, educational, or medical purposes. New construction does not include additions to existing structures or remodeling of existing structures;
(6) Passive new construction pipe means a pipe installed in new construction that relies solely on the convective flow of air upward for soil gas depressurization and may consist of multiple pipes routed through conditioned space from below the foundation to above the roof; and
(7) Radon mitigation specialist means an individual who is licensed by the department as a radon mitigation specialist in accordance with the Radiation Control Act.

Sec. 4. (1) The Radon Resistant New Construction Task Force is created. The task force shall consist of the chief medical officer of the Division of Public Health of the Department of Health and Human Services as designated in section 81-3115 or his or her designee, who shall serve as the chairperson of the task force, and the following additional members to be appointed by the Governor:
(a) Three representatives of home builders' associations in Nebraska, each from a different congressional district;
(b) A representative of a home inspectors' association in Nebraska;
(c) Two representatives of commercial construction associations, one of whom must have experience related to large-scale projects and one of whom must have experience related to medium-scale to small-scale projects;
(d) A representative of a Nebraska realtors' organization;
(e) A representative of a respiratory disease organization;
(f) A representative of a cancer research and prevention organization;
(g) A representative of the League of Nebraska Municipalities;
(h) Three community public health representatives, each from a different congressional district;
(i) A professional engineer as defined in section 81-3422;
(j) An architect as defined in section 81-3404; and
(k) A representative with expertise in residential or commercial building codes.
(2) The task force shall meet at the call of the chairperson. The appointed members of the task force shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided.
22 in sections 81-1174 to 81-1177. The department shall provide staff and
23 support for the operation of the task force.
24 (3) The task force shall develop minimum standards for radon
25 resistant new construction and shall recommend such minimum standards to
26 the Governor and to the Health and Human Services Committee of the
27 Legislature. In developing such minimum standards, the task force shall:
28 (a) Design the minimum standards so that they may be enforced by a
29 county, city, or village as part of its local building code;
30 (b) Consider Appendix F of the International Residential Code for
31 One- and Two-Family Dwellings, 2012 edition, published by the
1 International Code Council; and
2 (c) Consider including the following provisions in such minimum
3 standards:
4 (i) A requirement that the installation of an active radon
5 mitigation system only be performed by a building contractor or his or
6 her subcontractors or by a radon mitigation specialist;
7 (ii) A requirement that the installation of radon resistant new
8 construction only be performed by a building contractor or his or her
9 subcontractors or by a radon mitigation specialist; and
10 (iii) A requirement that only a building contractor or his or her
11 subcontractors or a radon mitigation specialist be allowed to install a
12 radon vent fan or upgrade a passive new construction pipe to an active
13 radon mitigation system.
14 (4) The task force shall provide its recommendations by December 15,
15 2015. The task force and this section terminate on January 1, 2016.
16 Sec. 5. It is the intent of the Legislature that the recommendations
17 provided by the Radon Resistant New Construction Task Force under section
18 4 of this act be used by the Legislature during the 2016 legislative
19 session to establish, in statute, minimum standards for radon resistant
20 new construction.

LEGISLATIVE BILL 243. Placed on General File with amendment.
AM787
1 1. On page 3, line 8, strike "evidence-based"; in line 20 strike
2 "each service area" and insert "at least two service areas"; in lines 20
3 and 21 strike "one or more"; and in line 21 strike "in each service
4 area".
5 2. On page 4, lines 16 and 17, strike "three million" and insert
6 "one million five hundred thousand"; in line 22 strike "and"; and in line
7 26 after "outcomes" insert "; and (3) provide contract monitoring,
8 oversight of the pilot project and pay evaluation costs".

LEGISLATIVE BILL 287. Placed on General File with amendment.
AM730
1 1. On page 4, lines 16 and 17, strike "American Sign Language" and
2 insert "effective".
LEGISLATIVE BILL 320. Placed on General File with amendment.
AM418
1 1. On page 5, lines 7 and 8, strike "within" through the comma.
2 2. On page 7, line 26, strike "on" through "month" and insert "in
3 accordance with section 81-2403".

LEGISLATIVE BILL 405. Placed on General File with amendment.
AM649
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 68-1107, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 68-1107 (1) The Aging Nebraskans Task Force is created. The purposes
6 of the task force are (a) to develop and facilitate
7 implementation of a statewide strategic plan for addressing the needs of
8 the aging population in the state and (b) to develop a state plan
9 regarding persons with Alzheimer's or related disorders as provided in
10 section 4 of this act. The task force shall provide a forum for
11 collaboration among state, local, community, public, and private
12 stakeholders in long-term care programs.
13 (2)(a) The executive committee of the task force shall include as
14 voting members the chairperson of the Health and Human Services Committee
15 of the Legislature, a member of the Appropriations Committee of the
16 Legislature appointed by the Executive Board of the Legislative Council,
17 a member of the Health and Human Services Committee of the Legislature
18 appointed by the Executive Board of the Legislative Council, a member of
19 the Legislature's Planning Committee appointed by the Executive Board of
20 the Legislative Council, and an at-large member appointed by the
21 Executive Board of the Legislative Council. The voting members of the
22 executive committee shall choose a chairperson and vice-chairperson from
23 among the voting members.
24 (b) The chief executive officer of the Department of Health and
25 Human Services or his or her designee and the Chief Justice of the
26 Supreme Court or his or her designee shall be nonvoting, ex officio
27 members of the executive committee of the task force.
1 (c) The remaining four members of the task force shall be nonvoting
2 members appointed by the executive committee of the task force through an
3 application and selection process, representing stakeholders in the long-
4 term care system and may include a representative of the Division of
5 Medicaid and Long-Term Care Advisory Committee on Aging, representatives
6 of health care providers, elder law attorneys, representatives of the
7 long-term care ombudsman program, health care economists, geriatric
8 specialists, family caregivers of seniors in at-home care, providers of
9 services to the elderly, seniors currently or previously in institutional
10 care, and aging advocacy organizations.
11 (3) The executive committee of the task force shall advise the task
12 force regarding the interaction among the three branches of government
13 related to long-term care programs and services. The members of the
14 executive committee shall each represent his or her own branch of
government, and no member of the executive committee shall participate in actions that could be deemed to be the exercise of the duties and prerogatives of another branch of government or that improperly delegate the powers and duties of any branch of government to another branch of government.

(4) The task force shall work with administrators of area agencies on aging, nursing home and assisted-living residence providers, hospitals, rehabilitation centers, managed care companies, senior citizen centers, community stakeholders, advocates for elder services and programs, the Center for Public Affairs Research of the College of Public Affairs and Community Service at the University of Nebraska at Omaha, and seniors statewide to establish effective community collaboration for informed decisionmaking that supports the provisions of effective and efficient long-term care services.

(5) The task force shall create a statewide strategic plan for long-term care services in Nebraska which shall consider, but not be limited to:

1. Promotion of independent living through provision of long-term care services and support that enable an individual to live in the setting of his or her choice;
2. Provision of leadership to support sound fiscal management of long-term care budgets so that Nebraska will be able to meet the increasing demand for long-term care services as a growing portion of the state's population reaches the age of eighty years;
3. Expedited creation of workforce development and training programs specific to the needs of and in response to Nebraska's growing aging population;
4. The identification of gaps in the service delivery system that contribute to the inefficient and ineffective delivery of services; and
5. Development of a process for evaluating the quality of residential and home and community-based long-term care services and support.

Sec. 2. Section 68-1108, Revised Statutes Cumulative Supplement, 2014, is amended to read:

68-1108  (1) On or before December 15, 2014, the Aging Nebraskans Task Force shall present electronically to the Legislature a report of recommendations for the statewide strategic plan described in section 68-1107. The Department of Health and Human Services shall also annually report electronically to the Legislature the percentage growth of medicaid spending for people over sixty-five years of age for no fewer than five years following acceptance of the application to the State Balancing Incentive Payments Program pursuant to section 81-3138.

(2) The task force shall develop a state plan as provided in section 4 of this act and electronically deliver the state plan to the Governor and the Legislature on or before December 15, 2016. The task force shall make a presentation of the state plan to the Health and Human Services Committee of the Legislature on or before December 15, 2016.

Sec. 3. Section 68-1109, Revised Statutes Cumulative Supplement, 2014, is amended to read:
Sec. 4. (1) The Aging Nebraskans Task Force shall develop a state plan regarding persons with Alzheimer's and related disorders. The task force shall work with the chief executive officer of the Department of Health and Human Services, the Public Guardian, the area agencies on aging, organizations advocating for patients and caregivers for patients with Alzheimer's or related disorders, the law enforcement community, patients with Alzheimer's or related disorders, caregivers for patients with Alzheimer's or related disorders, client advocacy organizations, health care provider advocacy organizations, private health care providers, and community-based health professionals.

(2) The task force shall:
   (a) Assess the current and future impact of Alzheimer's and related disorders on residents of the state;
   (b) Determine the existing services and resources in the state that address the needs of individuals with Alzheimer's and related disorders and their families and caregivers; and
   (c) Develop recommendations to respond to escalating needs for the services and resources described in subdivision (b) of this subsection.

(3) In fulfilling the duties described in subsection (1) of this section, the task force shall examine:
   (a) Trends and needs in the state relating to populations with Alzheimer's or related disorders, including:
      (i) The state's role in the provision of long-term care, (ii) family caregiver support, (iii) the provision of early-stage diagnoses, assistance, support, and medical services, (iv) younger onset of Alzheimer's or related disorders, (v) ethnic populations at higher risk, and (vi) risk reduction;
   (b) Existing services, resources, and capacity available to individuals with Alzheimer's or related disorders, including:
      (i) The type, cost, availability, and adequacy of services, including (A) home and community-based resources, (B) respite care, (C) residential long-term care, and (D) geriatric-psychiatric units for individuals with associated behavioral disorders;
      (ii) Dementia-specific training requirements for individuals who are employed to provide care to individuals with Alzheimer's or related disorders;
      (iii) Quality of care measures for services delivered across the continuum of care;
      (iv) The capacity of public safety and law enforcement to respond to individuals with Alzheimer's or related disorders; and
      (v) State support to institutions of higher learning for research on Alzheimer's or related disorders;
   (c) The need for state policy or action in order to provide clear, coordinated services and support to individuals with Alzheimer's or related disorders and their families and caregivers; and
   (d) Strategies to identify gaps in services.

Sec. 5. Original sections 68-1107, 68-1108, and 68-1109, Revised Statutes Cumulative Supplement, 2014, are repealed.
20 Sec. 6. Since an emergency exists, this act takes effect when
21 passed and approved according to law.

LEGISLATIVE BILL 472. Placed on General File with amendment.
AM676
1 1. Strike original section 5 and insert the following new section:
2 Sec. 5. (1) The Medicaid Redesign Task Force is created.
3 (2) The task force shall consist of eleven voting members,
4 including:
5 (a) The Governor or his or her designee;
6 (b) The chief executive officer of the Department of Health and
7 Human Services;
8 (c) The Director of Medicaid and Long-Term Care of the Division of
9 Medicaid and Long-Term Care of the department;
10 (d) The Director of Public Health of the Division of Public Health
11 of the department;
12 (e) The Director of Behavioral Health of the Division of Behavioral
13 Health of the department;
14 (f) The Director of Insurance; and
15 (g) Five persons, appointed by the Governor, with expertise in
16 health care delivery, health insurance, health care workforce, health
17 education, and health care consumer advocacy who shall each serve a term
18 of three years and may be reappointed.
19 (3) The chairperson of the Appropriations Committee of the
20 Legislature, the chairperson of the Banking, Commerce and Insurance
21 Committee of the Legislature, the chairperson of the Health and Human
22 Services Committee of the Legislature, the chairperson of the Executive
23 Board of the Legislative Council, and a member of the Health and Human
24 Services Committee of the Legislature appointed by the chairperson of the
25 committee shall be ex officio nonvoting members of the task force.

LEGISLATIVE BILL 500. Placed on General File with amendment.
AM650
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 68-901, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:
5 68-901 Sections 68-901 to 68-974 and section 2 of this act shall be
6 known and may be cited as the Medical Assistance Act.
7 Sec. 2. (1) On or before July 1, 2015, the department shall submit
8 an application to the Centers for Medicare and Medicaid Services of the
9 United States Department of Health and Human Services, amending the
10 medicaid state plan to provide for utilization of money to allow for
11 payments for multisystemic therapy and functional family therapy for
12 youth who are eligible for the medical assistance program and CHIP
13 pursuant to the federal Children's Health Insurance Program
14 Reauthorization Act of 2009, Public Law 111-3, as such act existed on
15 January 1, 2015.
16 (2) For purposes of this section, CHIP means the Children's Health
17 Insurance Program established pursuant to 42 U.S.C. 1397aa et seq., as
18 such section existed on January 1, 2015.
19 Sec. 3. Original section 68-901, Revised Statutes Cumulative
20 Supplement, 2014, is repealed.
21 Sec. 4. Since an emergency exists, this act takes effect when
22 passed and approved according to law.

LEGISLATIVE BILL 607. Placed on General File with amendment.
AM782
1 1. Strike original sections 6 and 11 and insert the following new
2 section:
3 Sec. 10. Any individual violating section 3 of this act is subject
4 to a civil penalty of one hundred dollars for each violation, up to a
5 maximum of one thousand dollars. Any civil penalty assessed and unpaid
6 shall constitute a debt to the State of Nebraska which may be collected
7 in the manner of a lien foreclosure or sued for and recovered in a proper
8 form of action in the name of the state in the district court of the
9 county in which the violator resides or owns property. The state may also
10 collect in such action attorney's fees and costs incurred in the
11 collection of the civil penalty. Any collected civil penalty shall be
12 remitted to the State Treasurer to be disposed of in accordance with
13 Article VII, section 5, of the Constitution of Nebraska.
14 2. On page 2, strike beginning with "eighteen" in line 5 through the
15 first "and" in line 6 and insert "who is"; in lines 20, 22, and 25 after
16 "consumer" insert "or, in the case of a home care consumer who is a minor
17 child, his or her parent or guardian,"; and in line 26 strike "that the
18 consumer").
19 3. On page 3, lines 2 and 3, strike "he or she" and insert "the
20 consumer or, in the case of a home care consumer who is a minor child,
21 his or her parent or guardian,"; in line 4 after "consumer" insert "or,
22 in the case of a home care consumer who is a minor child, his or her
23 parent or guardian,""; in line 5 after "Act" insert "in the format
24 accessible to the consumer or, in the case of a minor child, the
25 consumer's parent or guardian, which format may include paper,
26 electronic, audio, large print, or Braille"; in line 8 strike "13" and
27 insert "9"; in lines 9, 14, and 25 after "consumer" insert "or, in the
1 case of a home care consumer who is a minor child, his or her parent or
2 guardian,"; in lines 15 and 26 strike "his or her" and insert "the home
3 care consumer's"; and in line 17 after the second comma insert "the
4 protection and advocacy system in Nebraska designated under 42 U.S.C.
5 15041 to 15045, as such sections existed on January 1, 2015,"
6 4. On page 4, lines 1, 5, 6, 10, 11, and 16 after "consumer insert"
7 "or, in the case of a home care consumer who is a minor child, his or her
8 parent or guardian,"; in lines 17, 18, and 21 strike "his or her and"
9 insert "the home care consumer's", and in line 23 after "consumer" insert
10 "who is a minor child shall be represented by his or her parent or
11 guardian. Such parent or guardian shall act on behalf of the minor child
12 in securing the minor child's rights under the Home Care Consumer Bill of
13 Rights Act. A home care consumer who is not a minor child".
14 5. Renumber the remaining sections and correct internal references accordingly.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 541. Placed on General File.

LEGISLATIVE BILL 105. Placed on General File with amendment.

AM415

1 1. Strike original section 1.
2 2. On page 2, line 21, after "23-1821" insert "or when a grand jury
3 is called pursuant to subsection (4) of section 29-1401"; in line 22
4 strike "an examination, a test", show as stricken, and insert
5 "examinations, tests"; in line 25 strike "The" and insert "All"; and in
6 line 26 strike "examination, test, or" and insert "examinations, tests,
7 and".
8 3. Renumber the remaining sections and correct the repealer
9 accordingly.

LEGISLATIVE BILL 465. Placed on General File with amendment.

AM802

1 1. Insert the following new sections:
2 Sec. 17. Sections 64-101 to 64-119 and 64-211 to 64-215 and the
3 Uniform Recognition of Acknowledgments Act govern an electronic notary
4 public unless the provisions of such sections and act are in conflict
5 with the Electronic Notary Public Act in which case the Electronic Notary
6 Public Act controls.
7 Sec. 18. This act becomes operative on July 1, 2016.
8 2. On page 2, line 1, strike "16" and insert "17"; after line 17
9 insert the following new subsection:
10 "(6) Electronic notary solution provider means a provider of any
11 electronic notary seals or electronic signatures;"; in line 18 strike
12 "(6)" and insert "(7)"; and in line 21 strike "(7)" and insert "(8)".
13 3. On page 3, after line 6, insert the following new subsection:
14 "(2) The registration shall specify the technology the notary public
15 intends to use to perform an electronic notarial act. Such technology
16 shall be provided by an electronic notary solution provider approved by
17 the Secretary of State;" in line 19 strike "(2)" and insert "(3)"; in
18 line 9 strike "(3)" and insert "(4)"; in line 20 strike "fifty dollars";
19 and in line 21 after the period insert "The Secretary of State shall
20 establish the fee by rule and regulation in an amount sufficient to cover
21 the costs of administering the Electronic Notary Public Act, but the fee
22 shall not exceed one hundred dollars."
23 4. On page 5, line 3, after "resigned" insert ", canceled,"; and in
24 line 9 after "revoked" insert ", canceled."
25 5. On page 6, line 21, after the period insert "Such rules and
26 regulations shall include procedures for the approval of electronic
notary solution providers by the Secretary of State."

(Signed) John Murante, Chairperson

Revenue

LEGISLATIVE BILL 259. Placed on General File with amendment. AM824 is available in the Bill Room.

LEGISLATIVE BILL 322. Placed on General File with amendment. AM809
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-2715.07, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:
5 77-2715.07 (1) There shall be allowed to qualified resident
6 individuals as a nonrefundable credit against the income tax imposed by
7 the Nebraska Revenue Act of 1967:
8 (a) A credit equal to the federal credit allowed under section 22 of
9 the Internal Revenue Code; and
10 (b) A credit for taxes paid to another state as provided in section
11 77-2730.
12 (2) There shall be allowed to qualified resident individuals against
13 the income tax imposed by the Nebraska Revenue Act of 1967:
14 (a) For returns filed reporting federal adjusted gross incomes of
15 greater than fifty-two thousand dollars, a nonrefundable
16 credit equal to thirty-five percent of the federal credit allowed
17 under section 21 of the Internal Revenue Code of 1986, as amended, except
18 that for taxable years beginning or deemed to begin on or after January
19 1, 2016, such nonrefundable credit shall be allowed only if the
20 individual would have received the federal credit allowed under section
21 21 of the code after adding back in any carryforward of a net operating
22 loss that was deducted pursuant to such section in determining
23 eligibility for the federal credit;
24 (b) For returns filed reporting federal adjusted gross income of
25 fifty-two thousand dollars or less, a refundable credit equal
26 to a percentage of the federal credit allowable under section 21 of the
27 Internal Revenue Code of 1986, as amended, whether or not the federal
1 credit was limited by the federal tax liability. The percentage of the
2 federal credit shall be one hundred percent for incomes not greater than
3 thirty-two thousand dollars, and the percentage shall be
4 reduced by three and one-half percent for each one thousand dollars,
5 or fraction thereof, by which the reported federal adjusted gross income
6 exceeds thirty-two thousand dollars, except that for taxable
7 years beginning or deemed to begin on or after January 1, 2016, such
8 refundable credit shall be allowed only if the individual would have
9 received the federal credit allowed under section 21 of the code after
10 adding back in any carryforward of a net operating loss that was deducted
11 pursuant to such section in determining eligibility for the federal
12 credit;
13 (c) A refundable credit as provided in section 77-5209.01 for
14 individuals who qualify for an income tax credit as a qualified beginning
15 farmer or livestock producer under the Beginning Farmer Tax Credit Act
16 for all taxable years beginning or deemed to begin on or after January 1,
17 2006, under the Internal Revenue Code of 1986, as amended;
18 (d) A refundable credit for individuals who qualify for an income
19 tax credit under the Angel Investment Tax Credit Act, the Nebraska
20 Advantage Microenterprise Tax Credit Act, or the Nebraska Advantage
21 Research and Development Act; and
22 (e) A refundable credit equal to ten percent of the federal credit
23 allowed under section 32 of the Internal Revenue Code of 1986, as
24 amended.
25 (3) There shall be allowed to all individuals as a nonrefundable
26 credit against the income tax imposed by the Nebraska Revenue Act of
27 1967:
28 (a) A credit for personal exemptions allowed under section
29 77-2716.01;
30 (b) A credit for contributions to certified community betterment
31 programs as provided in the Community Development Assistance Act. Each
1 partner, each shareholder of an electing subchapter S corporation, each
2 beneficiary of an estate or trust, or each member of a limited liability
3 company shall report his or her share of the credit in the same manner
4 and proportion as he or she reports the partnership, subchapter S
5 corporation, estate, trust, or limited liability company income;
6 (c) A credit for investment in a biodiesel facility as provided in
7 section 77-27,236;
8 (d) A credit as provided in the New Markets Job Growth Investment
9 Act; and
10 (e) A credit as provided in the Nebraska Job Creation and Mainstreet
11 Revitalization Act.
12 (4) There shall be allowed as a credit against the income tax
13 imposed by the Nebraska Revenue Act of 1967:
14 (a) A credit to all resident estates and trusts for taxes paid to
15 another state as provided in section 77-2730;
16 (b) A credit to all estates and trusts for contributions to
17 certified community betterment programs as provided in the Community
18 Development Assistance Act; and
19 (c) A refundable credit for individuals who qualify for an income
20 tax credit as an owner of agricultural assets under the Beginning Farmer
21 Tax Credit Act for all taxable years beginning or deemed to begin on or
22 after January 1, 2009, under the Internal Revenue Code of 1986, as
23 amended. The credit allowed for each partner, shareholder, member, or
24 beneficiary of a partnership, corporation, limited liability company, or
25 estate or trust qualifying for an income tax credit as an owner of
26 agricultural assets under the Beginning Farmer Tax Credit Act shall be
27 equal to the partner's, shareholder's, member's, or beneficiary's portion
28 of the amount of tax credit distributed pursuant to subsection (4) of
29 section 77-5211.
For all taxable years beginning on or after January 1, 2007, and before January 1, 2009, under the Internal Revenue Code of 1986, as amended, there shall be allowed to each partner, shareholder, member, or beneficiary of a partnership, subchapter S corporation, limited liability company, or estate or trust a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the amount of franchise tax paid to the state under sections 77-3801 to 77-3807 by a financial institution.

(b) For all taxable years beginning on or after January 1, 2009, under the Internal Revenue Code of 1986, as amended, there shall be allowed to each partner, shareholder, member, or beneficiary of a partnership, subchapter S corporation, limited liability company, or estate or trust a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to the partner's, shareholder's, member's, or beneficiary's portion of the amount of franchise tax paid to the state under sections 77-3801 to 77-3807 by a financial institution.

(c) Each partner, shareholder, member, or beneficiary shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, limited liability company, or estate or trust income. If any partner, shareholder, member, or beneficiary cannot fully utilize the credit for that year, the credit may not be carried forward or back.

Sec. 2. This act becomes operative for all taxable years beginning or deemed to begin on or after January 1, 2016, under the Internal Revenue Code of 1986, as amended.

Sec. 3. Original section 77-2715.07, Revised Statutes Cumulative Supplement, 2014, is repealed.

(Signed) Mike Gloor, Chairperson

ANNOUNCEMENT(S)

Senator K. Haar designates LB407 as his priority bill.

Senator Kintner designates LB481 as his priority bill.

Senator Morfeld designates LB264 as his priority bill.

The State-Tribal Relations Committee designates LB566 as its priority bill.

The Revenue Committee designates LB259 and LB356 as its priority bills.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB504:

1. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. Section 29-2261, Revised Statutes Cumulative Supplement, 2014, is amended to read:

29-2261 (1) Unless it is impractical to do so, when an offender has been convicted of a felony other than murder in the first degree, the court shall not impose sentence without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation. When an offender has been convicted of murder in the first degree and (a) a jury renders a verdict finding the existence of one or more aggravating circumstances as provided in section 29-2520 or (b)(i) the information contains a notice of aggravation as provided in section 29-1603 and (ii) the offender waives his or her right to a jury determination of the alleged aggravating circumstances, the court shall not commence the sentencing determination proceeding as provided in section 29-2521 without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation.

(2) A court may order a presentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.

(3) The presentence investigation and report shall include, when available, an analysis of the circumstances attending the commission of the crime, the offender's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education, occupation, and personal habits, and any other matters that the probation officer deems relevant or the court directs to be included. All local and state police agencies and Department of Correctional Services adult correctional facilities shall furnish to the probation officer copies of such criminal records, in any such case referred to the probation officer by the court of proper jurisdiction, as the probation officer shall require without cost to the court or the probation officer. Such investigation shall also include:

(a) Any written statements submitted to the county attorney by a victim; and
(b) Any written statements submitted to the probation officer by a victim.

(4) If there are no written statements submitted to the probation officer, he or she shall certify to the court that:

(a) He or she has attempted to contact the victim; and
(b) If he or she has contacted the victim, such officer offered to accept the written statements of the victim or to reduce such victim's oral statements to writing.

For purposes of subsections (3) and (4) of this section, the term victim shall be as defined in section 29-119.

(5) Before imposing sentence, the court may order the offender to submit to psychiatric observation and examination for a period of not exceeding sixty days or such longer period as the court determines to be necessary for that purpose. The offender may be remanded for this purpose to any available clinic or mental hospital, or the court may appoint a
25 qualified psychiatrist to make the examination. The report of the
26 examination shall be submitted to the court.
27 (6) Any presentence report, substance abuse evaluation, or
28 psychiatric examination shall be privileged and shall not be disclosed
29 directly or indirectly to anyone other than a judge, probation officers
30 to whom an offender's file is duly transferred, the probation
31 administrator or his or her designee, alcohol and drug counselors, mental
1 health practitioners, psychiatrists, and psychologists licensed or
certified under the Uniform Credentialing Act to conduct substance abuse
2 evaluations and treatment, or others entitled by law to receive such
4 information, including personnel and mental health professionals for the
5 Nebraska State Patrol specifically assigned to sex offender registration
6 and community notification for the sole purpose of using such report,
7 evaluation, or examination for assessing risk and for community
8 notification of registered sex offenders. For purposes of this
9 subsection, mental health professional means (a) a practicing physician
10 licensed to practice medicine in this state under the Medicine and
11 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
12 the practice of psychology in this state as provided in section 38-3111,
13 or (c) a practicing mental health professional licensed or certified in
14 this state as provided in the Mental Health Practice Act.
15 (7) The court shall permit inspection of the presentence report,
16 substance abuse evaluation, or psychiatric examination or parts of the
17 report, evaluation, or examination, as determined by the court, by the
18 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
19 inspection shall be by electronic access only unless the court determines
20 such access is not available to the prosecuting attorney or defense
21 counsel. The State Court Administrator shall determine and develop the
22 means of electronic access to such presentence reports, evaluations, and
23 examinations. Upon application by the prosecuting attorney or defense
24 counsel, the court may order that addresses, telephone numbers, and other
25 contact information for victims or witnesses named in the report,
26 evaluation, or examination be redacted upon a showing by a preponderance
27 of the evidence that such redaction is warranted in the interests of
28 public safety. The court may permit inspection of the presentence report,
29 substance abuse evaluation, or psychiatric examination or examination of
30 parts of the report, evaluation, or examination thereof by any the
31 offender or his or her attorney, or other person having a proper interest
1 therein, whenever the court finds it is in the best interest of a
2 particular offender. The court may allow fair opportunity for an offender
3 to provide additional information for the court's consideration.
4 (8) If an offender is sentenced to imprisonment, a copy of the
5 report of any presentence investigation, substance abuse evaluation, or
6 psychiatric examination shall be transmitted immediately to the
7 Department of Correctional Services. Upon request, the Board of Parole or
8 the Office of Parole Administration may receive a copy of the report from
9 the department.
10 (9) Notwithstanding subsections subsection (6) and (7) of this
11 section, the Supreme Court or an agent of the Supreme Court acting under
12 the direction and supervision of the Chief Justice shall have access to
13 psychiatric examinations, substance abuse evaluations, and presentence
14 investigations and reports for research purposes. The Supreme Court and
15 its agent shall treat such information as confidential, and nothing
16 identifying any individual shall be released.
17 Sec. 2. Original section 29-2261, Revised Statutes Cumulative
18 Supplement, 2014, is repealed.

Senator Pansing Brooks filed the following amendment to LB366:
AM718
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) $40,000 from the
4 General Fund for FY2015-16 and (2) $48,000 from the General Fund for
5 FY2016-17 to the Department of Health and Human Services, for Program
6 347, to aid in carrying out the provisions of Legislative Bill 366, One
7 Hundred Fourth Legislature, First Session, 2015.
8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this
10 section.
11 Sec. 2. There is hereby appropriated (1) $347,687 from the General
12 Fund and $390,776 from federal funds for FY2015-16 and (2) $421,802 from
13 the General Fund and $464,124 from federal funds for FY2016-17 to the
14 Department of Health and Human Services, for Program 348, to aid in
15 carrying out the provisions of Legislative Bill 366, One Hundred Fourth
16 Legislature, First Session, 2015.
17 No expenditures for permanent and temporary salaries and per diems
18 for state employees shall be made from funds appropriated in this
19 section.
20 Sec. 3. There is hereby appropriated (1) $6,377 from the General
21 Fund for FY2015-16 and (2) $7,736 from the General Fund for FY2016-17 to
22 the Department of Health and Human Services, for Program 421, to aid in
23 carrying out the provisions of Legislative Bill 366, One Hundred Fourth
24 Legislature, First Session, 2015.
25 No expenditures for permanent and temporary salaries and per diems
26 for state employees shall be made from funds appropriated in this
27 section.
1 Sec. 4. There is hereby appropriated (1) $11,160 from the General
2 Fund for FY2015-16 and (2) $13,538 from the General Fund for FY2016-17 to
3 the Department of Health and Human Services, for Program 424, to aid in
4 carrying out the provisions of Legislative Bill 366, One Hundred Fourth
5 Legislature, First Session, 2015.
6 No expenditures for permanent and temporary salaries and per diems
7 for state employees shall be made from funds appropriated in this
8 section.

Senator Bloomfield filed the following amendment to LB431:
AM703
1 1. On page 2, strike beginning with "The" on line 16 through the
2 period in line 23.
Senator Scheer filed the following amendment to LB53:

AM762
1 1. On page 3, line 4, strike "nonrefundable" and insert "annual nonrefundable registration".

Senator Hadley filed the following amendment to LB497:

AM807
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 42-365, Reissue Revised Statutes of Nebraska, is amended to read:
3 42-365  (1) When dissolution of a marriage is decreed, the court may order payment of such alimony by one party to the other and division of property as may be reasonable, having regard for the circumstances of the parties, duration of the marriage, a history of the contributions to the marriage by each party, including contributions to the care and education of the children, and interruption of personal careers or educational opportunities, and the ability of the supported party to engage in gainful employment without interfering with the interests of any minor child in the custody of such party. Reasonable security for payment may be required by the court. A proceeding to modify or revoke an order for alimony for good cause shall be commenced by filing a complaint to modify. Service of process and other procedure shall comply with the requirements for a dissolution action. Amounts accrued prior to the date of filing of the complaint to modify may not be modified or revoked. A decree may not be modified to award alimony if alimony was not allowed in the original decree dissolving a marriage. A decree may not be modified to award additional alimony if the entire amount of alimony allowed in the original decree had accrued before the date of filing of the complaint to modify. Except as otherwise agreed by the parties in writing or by order of the court, alimony orders shall terminate upon the death of either party or the remarriage of the recipient.
4 (2) In any action for divorce, annulment, or legal separation, the court shall divide the marital property of the parties equitably. The court shall presume that an equal division is an equitable distribution of the property and shall distribute the marital property equally unless the court specifically finds in the decree that such a division is inequitable and sets forth the reasons. In the event the court finds that an equal division of the marital estate is inequitable, the court shall specifically state its basis for the finding in the decree and shall take into consideration the following in determining the distribution of the marital estate:
5 (a) The length of the marriage;
6 (b) Any antenuptial or prenuptial agreement of the parties. The court shall have no authority, except as otherwise provided, to amend or rescind any such agreement;
7 (c) The age, health, occupation, amount and source of income,
(d) Contributions of each spouse to the marriage, including contributions to the care and education of the children and the care and management of the home; 
(e) The expectation of pension or retirement rights acquired prior to or during the marriage; 
(f) The amount and duration of any spousal support awarded to either party or a property division in lieu of such support; and 
(g) The tax consequences to each party.

(3) While the criteria for reaching an equitable and reasonable division of property and a reasonable award of alimony may overlap, the two serve different purposes and are to be considered separately. The purpose of a property division is to distribute the marital assets equitably between the parties. The purpose of alimony is to provide for the continued maintenance or support of one party by the other when the relative economic circumstances and the other criteria enumerated in this section make it appropriate.

Sec. 2. Original section 42-365, Reissue Revised Statutes of Nebraska, is repealed.

Senator Larson filed the following amendments to LB242:

AM765
1 1. On page 3, strike beginning with the underscored period in line 10 through "to" in line 11 and insert "and filed electronically with".

AM758
1 1. On page 2, line 26, strike "an annual", show as stricken, and insert "a quarterly" and after "1" insert ", April 1, July 1, and October 1".
2 2. On page 3, line 9, strike "The", show as stricken, and insert "Each"; and in line 11 strike "such" and insert "each".

AM757
1 1. On page 2, line 18, strike "twenty-four" and insert "twenty".

AM756
1 1. On page 2, line 13, strike "fifteen" and insert "ten".

AM755
1 1. On page 2, lines 4, 9, 19, and 22, strike all occurrences of "fee", show as stricken, and insert "tax"; in line 7 strike "fees", show as stricken, and insert "taxes"; in lines 12 and 16 strike "fee" and insert "tax"; and in line 14 strike "fees" and insert "taxes".

AM764
1 1. On page 3, line 10, after "available" insert "in electronic format".
1. Insert the following new section:

Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is amended to read:

2-3753 The commission shall have the following powers and duties:
1. To adopt and devise a dry bean program consisting of research, education, advertising, publicity, and promotion to increase total consumption of dry beans on a state, national, and international basis;
2. To prepare and approve a budget consistent with limited receipts and the scope of the dry bean program;
3. To adopt and promulgate reasonable rules and regulations necessary to carry out the dry bean program;
4. To procure and evaluate data and information necessary for the proper administration and operation of the dry bean program;
5. To employ personnel and contract for services which are necessary for the proper operation of the dry bean program;
6. To establish a means whereby the grower and processor of dry beans has the opportunity at least annually to offer his or her ideas and suggestions relative to commission policy for the coming year;
7. To authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;
8. To bond such persons as may be necessary in order to insure adequate protection of funds;
9. To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the commission and to keep such records open to examination by any grower or processor participant during normal business hours;
10. To prohibit any funds collected by the commission from being expended directly or indirectly to promote or oppose any candidate for public office or to influence state legislation. The board shall not expend more than twenty-five percent of its annual budget to influence federal legislation;
11. To establish an administrative office at such place in the state as may be suitable for the proper discharge of the functions of the commission; and
12. To adopt and promulgate rules and regulations to carry out the Dry Bean Resources Act.

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

AM761

AM760
1. On page 3, line 12, after the first underscored comma insert "Chairperson of the Agriculture Committee of the Legislature."

AM759
1. On page 2, line 26, strike "thirty", show as stricken, and insert "fifteen".
Senator Larson filed the following amendment to LB619:
AM103
1 1. Strike section 9.

Senator B. Harr filed the following amendment to LB245:
AM827
1 1. Insert the following new sections:
2 Section 1. For purposes of a motion for new trial:
3 (1) Newly discovered evidence means evidence discovered following
4 the conclusion of the trial which was not available prior to or during
5 the trial and that is of such a nature that, if it had been offered and
6 admitted at trial, it is probable that it would have produced a
7 substantially different result; and
8 (2) Newly discovered evidence does not include (a) evidence that was
9 discovered as a result of delayed or belated diligence, (b) the testimony
10 or statement of a codefendant or accomplice who did not testify at the
11 trial and who subsequently came forward to offer testimony exculpating
12 the defendant, or (c) any testimony or statement of any witness, prior to
13 or during trial, who subsequently changed such testimony or statement.

Sec. 2. Section 29-2102, Reissue Revised Statutes of Nebraska, is
amended to read:
16 29-2102 (1) A motion for new trial must set forth all material facts
17 constituting the grounds for relief. A motion for new trial must make a
18 prima facie showing that the facts alleged in the motion materially
19 affect the defendant's substantial rights and that he or she is entitled
20 to a hearing on the merits. Conclusions of law are insufficient to
21 support a motion for new trial.
22 (2) The grounds set forth in subdivisions (2), (3), and (6) of
23 section 29-2101 shall be supported by affidavits showing the truth of
24 such grounds, and the grounds may be controverted by affidavits. The
25 ground set forth in subdivision (5) of section 29-2101 shall be supported
26 by evidence of the truth of the ground in the form of affidavits,
27 depositions, or oral testimony.
1 (3) Upon initial review of a motion for new trial and supporting
2 documents, a court shall determine whether the motion and documents set
3 forth facts which, if true, would materially affect the defendant's
4 substantial rights. If the motion and supporting documents fail to set
5 forth sufficient facts, the court shall, on its own motion, dismiss the
6 motion for new trial without a hearing. If the motion for new trial and
7 supporting documents set forth facts which, if true, would materially
8 affect the defendant's substantial rights, the court shall cause notice
9 of the motion to be served on the prosecuting attorney, grant a hearing
10 on the motion, and determine the issues and make findings of fact and
11 conclusions of law with respect thereto.
12 Sec. 4. Section 29-4123, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 29-4123 (1) The results of the final DNA or other forensic testing
ordered under subsection (5) of section 29-4120 shall be disclosed to the county attorney, to the person filing the motion, and to the person's attorney.

(2) Upon receipt of the results of such testing, any party may request a hearing before the court when such results exonerate or exculpate the person. Following such hearing, the court may, on its own motion or upon the motion of any party, vacate and set aside the judgment and release the person from custody based upon final testing results exonerating or exculpating the person.

(3) If the court does not grant the relief contained in subsection 25 (2) of this section, any party may file a motion for a new trial under sections 29-2101 to 29-2103 and section 1 of this act.

2. In the Standing Committee amendments, AM197, on page 1, line 19, after the period insert "A defendant is limited to one motion for new trial based on the grounds set forth in subdivision (5) of section 29-2101."

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 111. Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart School girls' basketball team won the 2015 Class D-2 Girls' State Basketball Championship by defeating four-time defending champion Wynot High School by a score of 44-39; and

WHEREAS, the Sacred Heart Irish girls' basketball team also won state championships in 1998, 1999, and 2000; and

WHEREAS, Head Coach Luke Santo guided the team to an outstanding 28-2 season; and

WHEREAS, throughout the year the Sacred Heart Irish girls' basketball team has demonstrated that hard work, dedication, and discipline produces remarkable results; and

WHEREAS, the members of the Sacred Heart Irish girls' basketball team are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature congratulates the Falls City Sacred Heart School girls' basketball team on winning the 2015 Class D-2 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Falls City Sacred Heart School girls' basketball team.

Laid over.
LEGISLATIVE RESOLUTION 112. Introduced by Friesen, 34.

WHEREAS, Taylor Brandl, a member of Troop 28 from Aurora, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Taylor 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, 12 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, Taylor created a Mars rover and marscape exhibit for the Edgerton Explorit Center and Plainsman Museum in Aurora; and

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

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

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

1. That the Legislature congratulates Taylor Brandl on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Taylor Brandl.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash - LB516

VISITORS

Visitors to the Chamber were 4 twelfth-grade students from Duchesne Academy, Omaha; 134 fourth-grade students and teachers from Crete; 8 high school students and teacher from Arcadia Public School; 25 members of Youth Leadership Kearney; 12 twelfth-grade students and teachers from Southwest Public School, Bartley; and 30 members from Leadership Kearney.
The Doctor of the Day was Dr. Christopher Jensen from Omaha.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Thursday, March 12, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FOURTH DAY - MARCH 12, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 12, 2015

PRAYER

The prayer was offered by Sharla Behan, The Church of Jesus Christ of Latter Day Saints, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Campbell, Craighead, Davis, Kolowski, and McCoy who were excused; and Senators Garrett, Kintner, Larson, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

ANNOUNCEMENT(S)

Senator Howard designates LB199 as her priority bill.

The Education Committee designates LB519 and LB525 as its priority bills.

Senator Cook designates LB81 as her priority bill.

Senator Sullivan designates LB528 as her priority bill.

Senator Brasch designates LB350 as her priority bill.

Senator Davis designates LB85 as his priority bill.

Senator Friesen designates LB610 as his priority bill.

Senator Schnoor designates LB329 as his priority bill.
LEGISLATIVE RESOLUTION 113. Introduced by Bolz, 29.

WHEREAS, Valerie Sturdy has retired after serving the citizens of Nebraska in the field of nursing for more than 40 years; and
WHEREAS, thousands of mothers were assisted, and thousands of healthy babies were born, with the help of Valerie's skill and professional care.
WHEREAS, nurses like Valerie uphold the values of compassion and respect for the inherent dignity, worth, and uniqueness of every individual; and
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Valerie Sturdy on her retirement and recognizes her successful nursing career.
2. That a copy of this resolution be sent to Valerie Sturdy.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 11, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Girthoffer, Garner R.
Baird Holm LLP
Gossman, Abigail
AstraZeneca Pharmaceuticals
Szkatulski, Anne
Opternative Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
http://www.nebraskalegislature.gov/agencies/view.php
MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 724:

Nebraska Natural Resources Commission
Henry H. (Hod) Kosman

Voting in the affirmative, 32:

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<tr>
<th>Baker</th>
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<td>Gloor</td>
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Voting in the negative, 0.

Present and not voting, 8:

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<tr>
<th>Bolz</th>
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<td>Chambers</td>
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Excused and not voting, 9:

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The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 732:

Nebraska Game and Parks Commission
Norris Marshall

Voting in the affirmative, 31:

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Voting in the negative, 0.

Present and not voting, 10:

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Excused and not voting, 8:

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The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 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 749:

Technical Advisory Committee for Statewide Assessment
Brian Gong

Voting in the affirmative, 30:

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Voting in the negative, 0.

Present and not voting, 13:

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Excused and not voting, 6:

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The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.
Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 776:

Department of Economic Development
Brenda L. Hicks-Sorensen, Director

Voting in the affirmative, 39:

Baker    Friesen    Howard    McCollister    Schumacher
Bloomfield    Garrett    Johnson    Mello    Seiler
Bolz    Gloor    Kintner    Nordquist    Smith
Brasch    Haar, K.    Koltermann    Pansing Brooks    Stinner
Chambers    Hadley    Krist    Riepe    Sullivan
Cook    Hansen    Kuehn    Scheer    Watermeier
Crawford    Harr, B.    Larson    Schilz    Williams
Ebke    Hilkemann    Lindstrom    Schnoor

Voting in the negative, 0.

Present and not voting, 4:

Coash    Groene    Hughes    Morfeld

Excused and not voting, 6:

Campbell    Davis    McCoy
Craighead    Kolowski    Murante

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB23 with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 23.**

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-3401, 81-3402, 81-3403, 81-3404, 81-3405.01, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3422.01, 81-3423, 81-3425, 81-3427, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3437, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444,
Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Baker Friesen Howard McCollister Schumacher
Bloomfield Garrett Hughes Mello Seiler
Bolz Gloor Johnson Morfeld Smith
Brasch Groene Kintner Nordquist Stinner
Chambers Haar, K. Koltermann Pansing Brooks Sullivan
Coash Hadley Krist Riepe Watermeier
Cook Hansen Kuehn Scheer Williams
Crawford Harr, B. Larson Schilz
Ebke Hilkemann Lindstrom Schnoor

Voting in the negative, 0.

Excused and not voting, 6:

Campbell Davis McCoy
Craighead Kolowski Murante

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB34 with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Revised Statutes Cumulative Supplement, 2014; to adopt the Carbon Monoxide Safety Act; to require information relating to compliance with the act on disclosure statements for sales of real estate; to provide a duty for the State Real Estate Commission; and to repeal the original section.
FORTY-FOURTH DAY - MARCH 12, 2015

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

Voting in the affirmative, 39:

Baker Garret Hughes Mello Schumacher
Bolz Gloor Johnson Morfeld Seiler
Brasch Groene Kolterman Nordquist Smith
Chambers Haar, K. Krist Pansing Brooks Stinner
Coash Hadley Kuehn Riepe Sullivan
Cook Harr, B. Larson Scheer Watermeier
Crawford Hilkemann Lindstrom Schilz Williams
Friesen Howard McCollister Schnoor

Voting in the negative, 2:

Ebke Kintner

Present and not voting, 2:

Bloomfield Hansen

Excused and not voting, 6:

Campbell Davis McCoy
Craighead Kolowski Murante

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB35 with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 35.

A BILL FOR AN ACT relating to corporations; to amend sections 21-402, 21-403, 21-404, 21-405, 21-407, 21-408, 21-409, 21-410, 21-412, 21-414, and 70-1903, Revised Statutes Cumulative Supplement, 2014; to change Business Corporation Act references in the Nebraska Benefit Corporation Act and the Rural Community-Based Energy Development Act; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 44:

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<th>Baker</th>
<th>Friesen</th>
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<th>McCollister</th>
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Voting in the negative, 0.

Excused and not voting, 5:

| Campbell | Craighead | Davis | Kolowski | McCoy |

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB37 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 37.**

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

Voting in the affirmative, 43:

- Baker
- Friesen
- Howard
- McCollister
- Schumacher
- Bloomfield
- Garrett
- Hughes
- Mello
- Seiler
- Bolz
- Gloor
- Johnson
- Morfeld
- Smith
- Brasch
- Groene
- Kintner
- Murante
- Stinner
- Chambers
- Haar, K.
- Koltermán
- Nordquist
- Sullivan
- Coash
- Hadley
- Krist
- Riepe
- Watermeier
- Cook
- Hansen
- Kuehn
- Scheer
- Williams
- Crawford
- Harr, B.
- Larson
- Schilz
- Ebke
- Hilkemann
- Lindstrom
- Schnoor

Voting in the negative, 0.

Present and not voting, 1:

- Pansing Brooks

Excused and not voting, 5:

- Campbell
- Craighead
- Davis
- Kolowski
- McCoy

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 46.**

A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to rehabilitation centers and trauma centers; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 129.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Revised Statutes Cumulative Supplement, 2014; to require criminal background checks for certain applicants for a license to practice as a nurse; and to repeal the original section.

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

Voting in the affirmative, 43:

Baker Friesen Howard Mello Schumacher
Bloomfield Garrett Hughes Morfeld Seiler
Bolz Gloor Johnson Morfeld Seiler
Brasch Groene Kintner Murante Smith
Chambers Haar, K. Kolterman Nordquist Stinner
Coash Hadley Krist Pansing Brooks Sullivan
Cook Hansen Kuehn Riepe Watermeier
Crawford Harr, B. Larson Scheer Williams
Ebke Hilkemann Lindstrom Schilz

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 5:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 146.**

A BILL FOR AN ACT relating to the Cremation of Human Remains Act; to amend sections 71-1355, 71-1382, and 80-104, Reissue Revised Statutes of Nebraska, and section 71-1356, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for disposition of certain unclaimed cremated remains in a veteran cemetery as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

- Campbell
- Craighead
- Davis
- Kolowski
- McCoy

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

**LEGISLATIVE BILL 155. With Emergency Clause.**

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-116, 8-128, and 8-153, Reissue Revised Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative Supplement, 2014; to change amounts of and notice requirements for capital stock requirements; to change provisions relating to the clearing and settlement of checks; to change provisions relating to the cost of disclosure of confidential records; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Campbell Craighead Davis Kolowski McCoy

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

**LEGISLATIVE BILL 164.**

A BILL FOR AN ACT relating to natural resources districts; to amend sections 13-503 and 13-504, Revised Statutes Cumulative Supplement, 2014; to provide for biennial budgeting; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:
A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 179.**

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2113, 81-2117.01, and 81-2118, Reissue Revised Statutes of Nebraska; to change provisions for renewal of registration for apprentices as prescribed; to provide for continuing education as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

- Campbell
- Craighead
- Davis
- Kolowski
- McCoy

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

**LEGISLATIVE BILL 207.**

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska; to change provisions relating to civil penalties; to provide for recovery of costs in certain actions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"
Voting in the affirmative, 44:

Baker    Friesen    Howard    McCollister    Schnoor
Bloomfield    Garrett    Hughes    Mello    Schumacher
Bolz    Gloor    Johnson    Morfeld    Seiler
Brasch    Groene    Kintner    Murante    Smith
Chambers    Haar, K.    Koltermann    Nordquist    Stinner
Coash    Hadley    Krist    Pansing Brooks    Sullivan
Cook    Hansen    Kuehn    Riepe    Watermeier
Crawford    Harr, B.    Larson    Scheer    Williams
Ebke    Hilkemann    Lindstrom    Schilz

Voting in the negative, 0.

Excused and not voting, 5:

Campbell    Craighead    Davis    Kolowski    McCoy

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB279 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 279. With Emergency Clause.

A BILL FOR AN ACT relating to business entities; to amend sections 21-152, 21-1905, 21-19,139, 21-19,159, 21-2005, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and sections 21-192, 21-205, 21-2,195, 21-2,219, 21-323.01, 21-325.01, and 21-414, Revised Statutes Cumulative Supplement, 2014; to change provisions and fees relating to reinstatement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 21-2005, 21-20,160, and 21-20,180.01, Reissue Revised Statutes of Nebraska, as amended by this legislative bill; and to declare an emergency.

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

Voting in the affirmative, 43:
FORTY-FOURTH DAY - MARCH 12, 2015

Baker Friesen Hughes Mello Schumacher
Bloomfield Garrett Johnson Morfeld Seiler
Bolz Gloor Kintner Murante Smith
Brasch Groene Korteiner Nordquist Stinner
Chambers Haar K. Krist Pansing Brooks Sullivan
Coash Hadley Kuehn Riepe Watermeier
Cook Hansen Larson Scheer Williams
Crawford Harr L. Lindstrom Schilz
Ebke Howard McCollister Schnoor

Voting in the negative, 0.

Present and not voting, 1:

Hilkemann

Excused and not voting, 5:

Campbell Craighead Davis Kolowski McCoy

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

MOTION - Return LB439 to Select File

Senator Morfeld moved to return LB439 to Select File for his specific amendment, AM684, found on page 753.

The Morfeld motion to return prevailed with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 439. The Morfeld specific amendment, AM684, found on page 753, was adopted with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 23, 34, 35, 37, 46, 129, 146, 155, 164, 179, 207, and 279.
ANNOUNCEMENT(S)

The Appropriations Committee designates LB33 and LB449 as its priority bills.

Senator Hansen designates LB494 as his priority bill.

Senator Crawford designates LB390 as her priority bill.

The Agriculture Committee designates LB360 and LB175 as its priority bills.

Senator Schumacher designates LB72 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Low, Kevin C. - State Board of Health - Health and Human Services
Vander Broek, Douglas - State Board of Health - Health and Human Services

(Signed) Bob Krist, Chairperson
Executive Board

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 195. Placed on General File with amendment. AM499
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 25-1010, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 25-1010 (1) When an affidavit is filed in a civil action containing
6 the necessary allegations of an affidavit of attachment and in addition
7 allegations that the affiant has good reason to and does believe that any
8 person, partnership, limited liability company, or corporation to be
9 named and within the county where the action is brought has property of
10 and is indebted to the defendant, describing such property the same, in
11 his or her possession that cannot be levied upon by attachment, a judge
12 of any district court or county court may direct the clerk to issue a
13 summons and order requiring such person, partnership, limited liability
14 company, or corporation as garnishee to answer written interrogatories,
15 to be furnished by the plaintiff and attached to such summons and order,
16 respecting the matters set forth in section 25-1026. All answers must be
17 given in writing but do not need to be verified or given under oath. All
18 answers so given will be deemed to be true and subject to all of the
19 penalties of perjury in the event of willful falsification.
(2) The summons and order referred to in subsection (1) of this section shall be returnable within five days from the date of the issuance thereof and shall require the garnishee to answer within ten days from the date of service upon him or her. The order shall inform the garnishee (a) of the penalties that may be imposed in the event of willful falsification, (b) that he or she is obligated to hold the property of every description and the credits of the defendant in his or her possession or under his or her control at the time of the service of the order and the interrogatories until further direction from the court, (c) of his or her ability to obtain discharge from liability to the defendant under section 25-1027, and (d) of the ability of the court to enter judgment against him or her upon failure to answer the interrogatories as provided in section 25-1028. If the answers to the interrogatories identify property of the defendant in the possession of the garnishee, the clerk shall mail to the last-known address of the defendant copies of the garnishment summons and answers to interrogatories within five days after the return of the answers to the interrogatories.

(3) Prior to final judgment in an action, no order of garnishment shall issue for wages due from an employer to an employee.

(4)(a) In any case involving service of a garnishment summons on a financial institution where deposits are received within this state, the financial institution shall (i) if its main-chartered office is located in this state, designate its main-chartered office for the service of summons or (ii) if its main-chartered office is located in another state, designate any one of its offices or branches or its agent for service of process in this state for service of summons. The designation of a main-chartered office or an office or branch or the agent for service of process under this subdivision shall be made by filing a notice of designation with the Department of Banking and Finance, shall contain the physical address of the main-chartered office or the office or branch or the agent for service of process designated, and shall be effective upon placement on the department web site. The department shall post the list of such designated main-chartered offices and offices or branches or agents for service of process on its web site for access by the public. A financial institution may modify or revoke a designation made under this subdivision by filing the modification or revocation with the department. The modification or revocation shall be effective when the department's web site has been updated to reflect the modification or revocation, except that the judgment creditor may rely upon the designation that was modified or revoked during the thirty-day period following the effective date of the modification or revocation if the summons is timely served upon the financial institution. The department shall update its web site to reflect a filing by a financial institution pursuant to this subdivision by filing the modification or revocation filed by a financial institution pursuant to this subdivision within ten business days following the filing by the financial institution. The department's web site shall reflect the date its online records for each financial institution have most recently been updated.
11 (b) If a financial institution where deposits are received has
12 designated its main-chartered office or one of its offices or branches or
13 its agent for service of process for the service of summons, service made
14 on the main-chartered office or the office or branch or the agent for
15 service of process so designated shall be valid and effective as to any
16 property or credits of the defendant in the possession or control of the
17 main-chartered office of the financial institution in this state and any
18 of the financial institution offices or branches located within this
19 state. If service of summons is not made on the main-chartered office or
20 the office or branch or the agent for service of process designated by
21 the financial institution, but instead is made at another office or
22 branch of the financial institution located in Nebraska, the financial
23 institution, in its discretion, and without violating any obligation to
24 its customer, may elect to treat the service of summons as valid and
25 effective as to any property or credits of the defendant in the
26 possession or control of the main-chartered office of the financial
27 institution in this state and any of the financial institution offices or
28 branches located within this state. In the absence of such an election,
29 the financial institution shall file a statement with the interrogatories
30 that the summons was not served at the financial institution’s designated
31 location for receiving service of summons and, therefore, was not
32 processed, and shall provide the address at which the financial
33 institution is to receive service of summons.
34 (c) For purposes of this subsection, financial institution means a
35 bank, savings bank, building and loan association, savings and loan
36 association, or credit union whether chartered by the United States, the
37 Department of Banking and Finance, or a foreign state agency.
38 (d) The notice of designation, modification, or revocation shall be
39 made by a financial institution on forms prescribed by the department.
40 (e) The Department of Banking and Finance, any employee of the
41 department, or any person acting on behalf of the department shall be
42 immune from civil and criminal liability for any acts or omissions which
43 occur as a result of the requirements of this subsection.
44 Sec. 2. Section 25-1056, Reissue Revised Statutes of Nebraska, is
45 amended to read:
46 25-1056 (1) In all cases when a judgment has been entered by any
47 court of record and the judgment creditor or his or her agent or attorney
48 has filed an affidavit setting forth the amount due on the judgment,
49 interest, and costs in the office of the clerk of the court where the
50 judgment has been entered and that he or she has good reason to and does
51 believe that any person, partnership, limited liability company, or
52 corporation, naming him, her, or it, has property of and is indebted to
53 the judgment debtor, the clerk shall issue a summons which shall set
54 forth the amount due on the judgment, interest, and costs as shown in the
55 affidavit and require such person, partnership, limited liability
56 company, or corporation, as garnishee, to answer written interrogatories
57 to be furnished by the plaintiff and to be attached to such summons
58 respecting the matters set forth in section 25-1026. The summons shall be
59 returnable within ten days from the date of its issuance and shall
require the garnishee to answer within ten days from the date of service upon him or her. Except when wages are involved, the garnishee shall hold the property of every description and the credits of the defendant in his or her possession or under his or her control at the time of the service of the summons and interrogatories until the further order of the court. If the only property in the possession or under the control of the garnishee at the time of the service of the summons and interrogatories is credits of the defendant and the amount of such credits is not in dispute by the garnishee, then such garnishee shall only hold the credits of the defendant in his or her possession or under his or her control at the time of the service of the summons and interrogatories to the extent of the amount of the judgment, interest, and costs set forth in the summons until further order of the court. When wages are involved, the garnishee shall pay to the employee all disposable earnings exempted from garnishment by statute, and any disposable earnings remaining after such payment shall be retained by the garnishee until further order of the court. Thereafter, the service of the summons and interrogatories and all further proceedings shall be in all respects the same as is provided for in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with this section.

If it appears from the answer of the garnishee that the judgment debtor was an employee of the garnishee, that the garnishee otherwise owed earnings to the judgment debtor when the garnishment order was served, or that earnings would be owed within sixty days thereafter and there is not a successful written objection to the order or the answer of the garnishee filed, on application by the judgment creditor, the court shall order that the nonexempt earnings, if any, withheld by the garnishee after service of the order be transferred to the court for delivery to the judgment creditor who is entitled to such earnings. Except for garnishments in support of a person, the payments may be made payable to the judgment creditor or assignee and shall be forwarded to the issuing court to record the judgment payment prior to the court delivering the payment to the judgment creditor or assignee. The court shall, upon application of the judgment creditor, further order that the garnishment is a continuing lien against the nonexempt earnings of the judgment debtor. An order of continuing lien on nonexempt earnings entered pursuant to this section shall require the garnishee to continue to withhold the nonexempt earnings of the judgment debtor for as long as the continuing lien remains in effect.

Beginning with the pay period during which the writ was served and while the continuing lien remains in effect, the garnishee shall deliver the nonexempt earnings to the court from which the garnishment was issued for each pay period or on a monthly basis if the garnishee so desires and shall deliver to the judgment debtor his or her exempt earnings for each pay period. A continuing lien ordered pursuant to this section shall be invalid and shall have no force and effect upon the occurrence of any of the following:

(a) The underlying judgment is satisfied in full or vacated or
(b) The judgment debtor leaves the garnishee's employ for more than sixty days;
(c) The judgment creditor releases the garnishment;
(d) The proceedings are stayed by a court of competent jurisdiction, including the United States Bankruptcy Court;
(e) The judgment debtor has not earned any nonexempt earnings for at least sixty days;
(f) The court orders that the garnishment be quashed; or
(g) Ninety days have expired since service of the writ. The judgment creditor may extend the lien for a second ninety-day period by filing with the court a notice of extension during the fifteen days immediately prior to the expiration of the initial lien, and the continuing lien in favor of the initial judgment creditor shall continue for a second ninety-day period.

(4)(a) To determine priority, garnishments and liens shall rank according to time of service.
(b) Garnishments, liens, and wage assignments which are not for the support of a person shall be inferior to wage assignments for the support of a person. Garnishments which are not for the support of a person and liens shall be inferior to garnishments for the support of a person.
(5) Only one order of continuing lien against earnings due the judgment debtor shall be in effect at one time. If an employee's wages are already being garnished pursuant to a continuing lien at the time of service of a garnishment upon an employer, the answer to garnishment interrogatories shall include such information along with the date of termination of such continuing lien and the title of the case from which such garnishment is issued. Except as provided in subsection (4) of this section, a continuing lien obtained pursuant to this section shall have priority over any subsequent garnishment or wage assignment.
(6)(a) In any case involving service of a garnishment summons on a financial institution where deposits are received within this state, the financial institution shall (i) if its main-chartered office is located in this state, designate its main-chartered office for the service of summons or (ii) if its main-chartered office is located in another state, designate any one of its offices or branches or its agent for service of process in this state for service of summons. The designation of a main-chartered office or an office or branch or the agent for service of process in this state for service of summons or (ii) if its main-chartered office is located in another state, designate any one of its offices or branches or its agent for service of process in this state for service of summons. The designation of a main-chartered office or an office or branch or the agent for service of process shall be made by filing a notice of designation with the Department of Banking and Finance, shall contain the physical address of the main-chartered office or the office or branch or the agent for service of process designated, and shall be effective upon placement on the department web site. The department shall post the list of such designated main-chartered offices and offices or branches or agents for service of process on its web site for access by the public. A financial institution may modify or revoke a designation made under this subdivision by filing the modification or revocation with the department. The modification or revocation shall be effective when the department’s web site has been updated to reflect the modification or revocation.
except that the judgment creditor may rely upon the designation that was
modified or revoked during the thirty-day period following the effective
date of the modification or revocation if the summons is timely served
upon the financial institution. The department shall update its web site
to reflect a filing by a financial institution pursuant to this
subdivision or a modification or revocation filed by a financial
institute pursuant to this subdivision within ten business days
following the filing by the financial institution. The department web
site shall reflect the date its online records for each financial
institute have most recently been updated.
(b) If a financial institution where deposits are received has
designated its main-chartered office or one of its offices or branches or
its agent for service of process for the service of summons, service made
on the main-chartered office or the office or branch or the agent for
service of process so designated shall be valid and effective as to any
property or credits of the defendant in the possession or control of the
main-chartered office of the financial institution in this state and any
of the financial institution offices or branches located within this
state. If service of summons is not made on the main-chartered office or
the office or branch or the agent for service of process designated by
the financial institution, but instead is made at another office or
branch of the financial institution located in Nebraska, the financial
institution, in its discretion, and without violating any obligation to
its customer, may elect to treat the service of summons as valid and
effective as to any property or credits of the defendant in the
possession or control of the main-chartered office of the financial
institute in this state and any
institution in this state and any of the financial institution offices or
branches located within this state. In the absence of such an election,
the financial institution shall file a statement with the interrogatories
that the summons was not served at the financial institution’s designated
location for receiving service of summons and, therefore, was not
processed, and shall provide the address at which the financial
institution is to receive service of summons.
(c) For purposes of this subsection, financial institution means a
bank, savings bank, building and loan association, savings and loan
association, or credit union whether chartered by the United States, the
Department of Banking and Finance, or a foreign state agency.
(d) The notice of designation, modification, or revocation shall be
made by a financial institution on forms prescribed by the department.
(e) The Department of Banking and Finance, any employee of the
department, or any person acting on behalf of the department shall be
immune from civil and criminal liability for any acts or omissions which
occur as a result of the requirements of this subsection.
Sec. 3. This act becomes operative on January 1, 2016.
Sec. 4. Original sections 25-1010 and 25-1056, Reissue Revised
Statutes of Nebraska, are repealed.
LEGISLATIVE BILL 292. Placed on General File with amendment.
AM619
1 1. On page 5, strike lines 14 though 18 and insert "a mandatory
2 expungement hearing within sixty days after the subject receives the
3 notification required under section 28-713.01 unless the subject and the
4 subject's attorney of record, parent, guardian, or guardian ad litem sign
5 and return a waiver form as provided under section 28-713.01 within
6 thirty days after receipt. The department shall not, as guardian, sign a
7 waiver form for any subject in its custody. If such subject remains on
8 the central registry of child protection cases, the department shall
9 conduct a second mandatory expungement hearing within sixty days after
10 the subject's nineteenth birthday unless the subject signs and returns a
11 waiver form as provided under section 28-713.01 within thirty days after
12 receipt.".

LEGISLATIVE BILL 347. Placed on General File with amendment.
AM598
1 1. Insert the following new sections:
2 Section 1. Section 29-1926, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 29-1926 (1)(a) Upon request of the prosecuting or defense attorney
5 and upon a showing of compelling need, the court shall order the taking
6 of a videotape deposition of a child victim of or child witness to any
7 offense punishable as a felony. The deposition ordinarily shall be in
8 lieu of courtroom or in camera testimony by the child. If the court
9 orders a videotape deposition, the court shall:
10 (i) Designate the time and place for taking the deposition. The
11 deposition may be conducted in the courtroom, the judge's chambers, or
12 any other location suitable for videotaping;
13 (ii) Assure adequate time for the defense attorney to complete
14 discovery before taking the deposition; and
15 (iii) Preside over the taking of the videotape deposition in the
16 same manner as if the child were called as a witness for the prosecution
17 during the course of the trial.
18 (b) Unless otherwise required by the court, the deposition shall be
19 conducted in the presence of the prosecuting attorney, the defense
20 attorney, the defendant, and any other person deemed necessary by the
21 court, including the parent or guardian of the child victim or child
22 witness or a counselor or other person with whom the child is familiar.
23 Such parent, guardian, counselor, or other person shall be allowed to sit
24 with or near the child unless the court determines that such person would
25 be disruptive to the child's testimony.
26 (c) At any time subsequent to the taking of the original videotape
27 deposition and upon sufficient cause shown, the court shall order the
1 taking of additional videotape depositions to be admitted at the time of
2 the trial.
3 (d) If the child testifies at trial in person rather than by
4 videotape deposition, the taking of the child's testimony may, upon
5 request of the prosecuting attorney and upon a showing of compelling
need, be conducted in camera.

(e) Unless otherwise required by the court, the child shall testify in the presence of the prosecuting attorney, the defense attorney, the defendant, and any other person deemed necessary by the court, including the parent or guardian of the child victim or child witness or a counselor or other person with whom the child is familiar. Such parent, guardian, counselor, or other person shall be allowed to sit with or near the child unless the court determines that such person would be disruptive to the child's testimony. Unless waived by the defendant, all persons in the room shall be visible on camera except the camera operator.

(f) If deemed necessary to preserve the constitutionality of the child's testimony, the court may direct that during the testimony the child shall at all times be in a position to see the defendant live or on camera.

(g) For purposes of this section, child shall mean a person eleven years of age or younger at the time the motion to take the deposition is made or at the time of the taking of in camera testimony at trial.

(h) Nothing in this section shall restrict the court from conducting the pretrial deposition or in camera proceedings in any manner deemed likely to facilitate and preserve a child's testimony to the fullest extent possible, consistent with the right to confrontation guaranteed in the Sixth Amendment of the Constitution of the United States and Article I, section 11, of the Nebraska Constitution. In deciding whether there is a compelling need that child testimony accommodation is required by pretrial videotape deposition, in camera live testimony, in camera videotape testimony, or any other accommodation, the court shall make particularized findings on the record of:

(i) The nature of the offense;

(ii) The significance of the child's testimony to the case;

(iii) The likelihood of obtaining the child's testimony without modification of trial procedure or with a different modification involving less substantial digression from trial procedure than the modification under consideration;

(iv) The child's age;

(v) The child's psychological maturity and understanding; and

(vi) The nature, degree, and duration of potential injury to the child from testifying.

(i) The court may order an independent examination by a psychologist or psychiatrist if the defense attorney requests the opportunity to rebut the showing of compelling need produced by the prosecuting attorney. Such examination shall be conducted in the child's county of residence.

(j) After a finding of compelling need by the court, neither party may call the child witness to testify as a live witness at the trial before the jury unless that party demonstrates that the compelling need no longer exists.

(k) Nothing in this section shall limit the right of access of the media or the public to open court.

(l) Nothing in this section shall preclude discovery by the
24 defendant as set forth in section 29-1912.
25 (m) The Supreme Court may adopt and promulgate rules of procedure to
26 administer this section, which rules shall not be in conflict with laws
27 governing such matters.
28 (2)(a) No custodian of a videotape of a child victim or child
29 witness alleging, explaining, denying, or describing an act of sexual
30 assault pursuant to section 28-319, 28-319.01, or 28-320.01 or child
31 abuse pursuant to section 28-707 as part of an investigation or
1 evaluation of the abuse or assault shall release or use a videotape or
2 copies of a videotape or consent, by commission or omission, to the
3 release or use of a videotape or copies of a videotape to or by any other
4 party without a court order, notwithstanding the fact that the child
5 victim or child witness has consented to the release or use of the
6 videotape or that the release or use is authorized under law, except as
7 provided in section 28-730 or pursuant to an investigation under the
9 may release or consent to the release or use of a videotape or copies of
10 a videotape to law enforcement agencies or agencies authorized to
11 prosecute such abuse or assault cases on behalf of the state.
12 (b) The court order may govern the purposes for which the videotape
13 may be used, the reproduction of the videotape, the release of the
14 videotape to other persons, the retention and return of copies of the
15 videotape, and any other requirements reasonably necessary for the
16 protection of the privacy and best interests of the child victim or child
17 witness.
18 (c) Pursuant to section 29-1912, the defendant described in the
19 videotape may petition the district court in the county where the alleged
20 offense took place or where the custodian of the videotape resides for an
21 order releasing to the defendant a copy of the videotape.
22 (d) Any person who releases or uses a videotape except as provided
23 in this section shall be guilty of a Class I misdemeanor.
24 Sec. 2. Section 43-2,108, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:
26 43-2,108 (1) The juvenile court judge shall keep a minute book in
27 which he or she shall enter minutes of all proceedings of the court in
28 each case, including appearances, findings, orders, decrees, and
29 judgments, and any evidence which he or she feels it is necessary and
30 proper to record. Juvenile court legal records shall be deposited in
31 files and shall include the petition, summons, notice, certificates or
1 receipts of mailing, minutes of the court, findings, orders, decrees,
2 judgments, and motions.
3 (2) Except as provided in subsections (3), and (4), and (5) of this
4 section, the medical, psychological, psychiatric, and social welfare
5 reports and the records of juvenile probation officers as they relate to
6 individual proceedings in the juvenile court shall not be open to
7 inspection, without order of the court. Such records shall be made
8 available to a district court of this state or the District Court of the
9 United States on the order of a judge thereof for the confidential use of
10 such judge or his or her probation officer as to matters pending before
such court but shall not be made available to parties or their counsel;
and such district court records shall be made available to a county court
or separate juvenile court upon request of the county judge or separate
juvenile judge for the confidential use of such judge and his or her
probation officer as to matters pending before such court, but shall not
be made available by such judge to the parties or their counsel.
(3) As used in this section, confidential record information means shall mean all docket records, other than the
pleadings, orders, decrees, and judgments; case files and records;
reports and records of probation officers; and information supplied to
the court of jurisdiction in such cases by any individual or any public
private institution, agency, facility, or clinic. which is compiled
by, produced by, and in the possession of any court. In all cases under
subdivision (3)(a) of section 43-247, access to all confidential record
information in such cases shall be granted only as follows: (a) The court
of jurisdiction may, subject to applicable federal and state regulations,
disseminate such confidential record information to any individual, or
public or private agency, institution, facility, or clinic which is
providing services directly to the juvenile and such juvenile's parents
or guardian and his or her immediate family who are the subject of such
record information; (b) the court of jurisdiction may disseminate such
confidential record information, with the consent of persons who are
subjects of such information, or by order of such court after showing of
good cause, to any law enforcement agency upon such agency's specific
request for such agency's exclusive use in the investigation of any
protective service case or investigation of allegations under subdivision
(3)(a) of section 43-247, regarding the juvenile or such juvenile's
immediate family, who are the subject of such investigation; and (c) the
court of jurisdiction may disseminate such confidential record
information to any court, which has jurisdiction of the juvenile who is
the subject of such information upon such court's request.
(4) The court shall provide copies of predispositional reports and
evaluations of the juvenile to the juvenile's attorney and the county
attorney or city attorney prior to any hearing in which the report or
evaluation will be relied upon.
(5) In all cases under sections 43-246.01 and 43-247 the court or
the probation officer shall disseminate confidential record information
to (a) the office of Inspector General of Nebraska Child Welfare upon
request for the exclusive use in an investigation pursuant to the Office
of Inspector General of Nebraska Child Welfare Act and (b) the Foster
Care Review Office pursuant to the Foster Care Review Act. Nothing in
this subsection shall prevent the notification of death or serious injury
of a juvenile to the Inspector General of Nebraska Child Welfare pursuant
to section 43-4318 as soon as reasonably possible after the Office of
Probation Administration learns of such death or serious injury.
(6) Nothing in subsections subsection (3) and (5) of this section
shall be construed to restrict the dissemination of confidential record
information between any individual or public or private agency,
institute, facility, or clinic, except any such confidential record
29 information disseminated by the court of jurisdiction pursuant to this
30 section shall be for the exclusive and private use of those to whom it
31 was released and shall not be disseminated further without order of such
1 court.
2 (7)(a) (6)(a) Any records concerning a juvenile court petition filed
3 pursuant to subdivision (3)(c) of section 43-247 shall remain
4 confidential except as may be provided otherwise by law. Such records
5 shall be accessible to (i) the juvenile except as provided in subdivision
6 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
7 parent or guardian, and (iv) persons authorized by an order of a judge or
8 court.
9 (b) Upon application by the county attorney or by the director of
10 the facility where the juvenile is placed and upon a showing of good
11 cause therefor, a judge of the juvenile court having jurisdiction over
12 the juvenile or of the county where the facility is located may order
13 that the records shall not be made available to the juvenile if, in the
14 judgment of the court, the availability of such records to the juvenile
15 will adversely affect the juvenile's mental state and the treatment
16 thereof.
17 Sec. 3. Section 43-3001, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:
19 43-3001 (1) Notwithstanding any other provision of law regarding the
20 confidentiality of records and when not prohibited by the federal Privacy
21 Act of 1974, as amended, juvenile court records and any other pertinent
22 information that may be in the possession of school districts, school
23 personnel, county attorneys, the Attorney General, law enforcement
24 agencies, child advocacy centers, state probation personnel, state parole
25 personnel, youth detention facilities, medical personnel, treatment or
26 placement programs, the Department of Health and Human Services, the
27 Department of Correctional Services, the Foster Care Review Office, local
28 foster care review boards, child abuse and neglect investigation teams,
29 child abuse and neglect treatment teams, or other multidisciplinary teams
30 for abuse, neglect, or delinquency concerning a child who is in the
31 custody of the state may be shared with individuals and agencies who have
1 been identified in a court order authorized by this section.
2 (2) In any judicial proceeding concerning a child who is currently,
3 or who may become at the conclusion of the proceeding, a ward of the
4 court or state or under the supervision of the court, an order may be
5 issued which identifies individuals and agencies who shall be allowed to
6 receive otherwise confidential information concerning the child for
7 legitimate and official purposes. The individuals and agencies who may be
8 identified in the court order are the child's attorney or guardian ad
9 litem, the parents' attorney, foster parents, appropriate school
10 personnel, county attorneys, the Attorney General, authorized court
11 personnel, law enforcement agencies, state probation personnel, state
12 parole personnel, youth detention facilities, medical personnel, court
13 appointed special advocate volunteers, treatment or placement programs,
14 the Department of Health and Human Services, the Office of Juvenile
15 Services, the Department of Correctional Services, the Foster Care Review
office, local foster care review boards, the office of Inspector General of Nebraska Child Welfare, child abuse and neglect investigation teams, child abuse and neglect treatment teams, other multidisciplinary teams for abuse, neglect, or delinquency, and other individuals and agencies for which the court specifically finds, in writing, that it would be in the best interest of the juvenile to receive such information. Unless the order otherwise states, the order shall be effective until the child leaves the custody of the state or supervision of the court or until a new order is issued.

(3) All information acquired by an individual or agency pursuant to this section shall be confidential and shall not be disclosed except to other persons who have a legitimate and official interest in the information and are identified in the court order issued pursuant to this section with respect to the child in question. A person who receives such information or who cooperates in good faith with other individuals and agencies identified in the appropriate court order by providing information or records about a child shall be immune from any civil or criminal liability. The provisions of this section granting immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.

(4) In any proceeding under this section relating to a child of school age, certified copies of school records relating to attendance and academic progress of such child are admissible in evidence.

(5) Except as provided in subsection (4) of this section, any person who publicly discloses information received pursuant to this section shall be guilty of a Class III misdemeanor.

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

**LEGISLATIVE BILL 482. Placed on General File with amendment.**

AM691

1. Strike original section 3 and insert the following new section:

Sec. 3. (1) Restraints shall not be used on a juvenile during a juvenile court proceeding and shall be removed prior to the juvenile's appearance before the juvenile court, unless the juvenile court makes a finding of probable cause that:

(a) The use of restraints is necessary;

(i) To prevent physical harm to the juvenile or another person;

(ii) Because the juvenile:

(A) Has a history of disruptive courtroom behavior that has placed others in potentially harmful situations; or

(B) Presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior; or

(iii) Because the juvenile presents a substantial risk of flight from the courtroom; and

(b) There is no less restrictive alternative to restraints that will prevent flight or physical harm to the juvenile or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.
19 (2) The court shall provide the juvenile's attorney an opportunity
to be heard before the court orders the use of restraints. If restraints
are ordered, the court shall make written findings of fact in support of
the order.
23 (3) For purposes of this section, restraints includes, but is not
limited to, handcuffs, chains, irons, straitjackets, and electronic
restraint devices.

(Signed) Les Seiler, Chairperson

Revenue

LEGISLATIVE BILL 559. Placed on General File.
LEGISLATIVE BILL 610. Placed on General File.

(Signed) Mike Gloor, Chairperson

PRESIDENT FOLEY PRESIDING

SELECT FILE

LEGISLATIVE BILL 245. Senator B. Harr withdrew his amendments,
FA29 and AM827, found on pages 799 and 817.

Senator B. Harr offered the following amendment:
AM843
1 1. Insert the following new section:
2 Section 1. Section 29-2102, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 29-2102 (1) The grounds set forth in subdivisions (2), (3), and (6)
5 of section 29-2101 shall be supported by affidavits showing the truth of
6 such grounds, and the grounds may be controverted by affidavits. The
7 ground set forth in subdivision (5) of section 29-2101 shall be supported
8 by evidence of the truth of the ground in the form of affidavits,
9 depositions, or oral testimony.
10 (2) If the motion for new trial and supporting documents fail to set
11 forth sufficient facts, the court may, on its own motion, dismiss the
12 motion without a hearing. If the motion for new trial and supporting
13 documents set forth facts which, if true, would materially affect the
14 substantial rights of the defendant, the court shall cause notice of the
15 motion to be served on the prosecuting attorney, grant a hearing on the
16 motion, and determine the issues and make findings of fact and
17 conclusions of law with respect thereto.
18 (3) In considering a motion for new trial based on the grounds set
19 forth in subdivision (5) of section 29-2101, if the court finds that
20 there is evidence materially affecting the substantial rights of the
21 defendant which he or she could not with reasonable diligence have
22 discovered and produced at trial, the court may, on its own motion or
23 upon the motion of any party, vacate and set aside the judgment and
24 release the person from custody or grant a new trial as appropriate.
25 2. Renumber the remaining sections and correct the repealer
26 accordingly.

The B. Harr amendment was adopted with 27 ayes, 0 nays, 16 present and
not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 304.** ER47, found on page 732, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366.** Senator Groene offered the following
amendment:

AM844
1 1. On page 2, line 6, after the period insert the following new
2 paragraph:
3 "It is the intent of the Legislature that, beginning in fiscal year
4 2015-16, any increase over the previous fiscal year in payments pursuant
5 to the Medical Assistance Act or assistance to the aged, blind, and
6 disabled pursuant to section 68-1006 on behalf of persons residing in
7 alternate living arrangements be reduced by the amount of the increase in
8 the personal needs allowance adopted pursuant to this legislative bill.".

Senator Gloor requested a ruling of the Chair on whether the Groene
amendment is germane to the bill.

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

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366A.** Senator Pansing Brooks offered her
amendment, AM718, found on page 813.

The Pansing Brooks amendment was adopted with 26 ayes, 0 nays, 17
present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.
LEGISLATIVE BILL 504. ER48, found on page 763, was adopted.

Senator Krist offered his amendment, AM710, found on page 810.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 504A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 128. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 431. ER45, found on page 720, was adopted.

Senator Bloomfield offered his amendment, AM703, found on page 813.

The Bloomfield amendment lost with 5 ayes, 14 nays, 23 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 627. Title read. Considered.

SPEAKER HADLEY PRESIDING

Committee AM232, found on page 677, was offered.

Pending.

ANNOUNCEMENT(S)

Senator Coash designates LB292 as his priority bill.

Senator Hughes designates LB323 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB575 and LB132 as its priority bills.

Senator Kolowski designates LB343 as his priority bill.

Senator Kuehn designates LB599 as his priority bill.

Senator Riepe designates LB285 as his priority bill.
The Transportation and Telecommunications Committee designates LB641 and LB629 as its priority bills.

Senator Hilkemann designates LB156 as his priority bill.

Senator Murante designates LB226 as his priority bill.

Senator Ebke designates LB67 as her priority bill.

The General Affairs Committee designates LB619 as its priority bill.

Senator Larson designates LB113 as his priority bill.

Senator Williams designates LB559 as his priority bill.

Senator Nordquist designates LB423 as his priority bill.

Senator Schilz designates LB176 as his priority bill.

Senator McCollister designates LB623 as his priority bill.

Senator Bolz designates LB243 as her priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 12, 2015, at 10:13 a.m. were the following: LBs 23, 34, 35, 37, 46, 129, 146, 155e, 164, 179, 207, and 279e.

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

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 649. Placed on General File with amendment. AM821
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 84-712.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 84-712.01 (1) Except when any other statute expressly provides that
6 particular information or records shall not be made public, public
7 records shall include all records and documents, regardless of physical
8 form, of or belonging to this state, any county, city, village, political
9 subdivision, or tax-supported district in this state, or any agency,
10 branch, department, board, bureau, commission, council, subunit, or
11 committee of any of the foregoing. Data which is a public record in its
12 original form shall remain a public record when maintained in computer
13 files. Each vote cast by a public official for a leadership position in
the body in which he or she serves shall be recorded and preserved as a public record, except that a procedure may be used to permit the vote to be cast secretly so long as the person for whom the public official voted is recorded after the tally for purposes of this section.

(2) When a custodian of a public record of a county provides to a member of the public, upon request, a copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for such specialized service. Such fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service. This subsection shall not be construed to require a governmental entity to acquire computer capability to generate public records in a new or different form when that new form would require additional computer equipment or software not already possessed by the governmental entity.

(3) Sections 84-712 to 84-712.03 shall be liberally construed whenever any state, county, or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt, or other record of receipt, cash, or expenditure involving public funds is involved in order that the citizens of this state shall have the full right to know of and have full access to information on the public finances of the government and the public bodies and entities created to serve them.

Sec. 2. Original section 84-712.01, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 242. Placed on Select File with amendment. ER 49
1. Strike the original sections and all amendments thereto and insert the following new sections:
2. Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is amended to read:
3. 2-3753 The commission shall have the following powers and duties:
4. (1) To adopt and devise a dry bean program consisting of research, education, advertising, publicity, and promotion to increase total consumption of dry beans on a state, national, and international basis;
5. (2) To prepare and approve a budget consistent with limited receipts and the scope of the dry bean program;
6. (3) To adopt and promulgate reasonable rules and regulations necessary to carry out the dry bean program;
7. (4) To procure and evaluate data and information necessary for the proper administration and operation of the dry bean program;
8. (5) To employ personnel and contract for services which are necessary for the proper operation of the dry bean program;
17 (6) To establish a means whereby the grower and processor of dry
18 beans has the opportunity at least annually to offer his or her ideas and
19 suggestions relative to commission policy for the coming year;
20 (7) To authorize the expenditure of funds and contracting of
21 expenditures to conduct proper activities of the program;
22 (8) To bond such persons as may be necessary in order to insure
23 adequate protection of funds;
24 (9) To keep minutes of its meetings and other books and records
25 which will clearly reflect all of the acts and transactions of the
26 commission and to keep such records open to examination by any grower or
27 processor participant during normal business hours;
1 (10) To prohibit any funds collected by the commission from being
2 expended directly or indirectly to promote or oppose any candidate for
3 public office or to influence state legislation. The commission board
4 shall not expend more than fifteen twenty-five percent of its annual
5 budget to influence federal legislation. The purpose of such expenditures
6 for federal lobbying activity shall be limited to activity supporting the
7 underlying objectives of the dry bean program relating to market
8 development, education, and research;
9 (11) To establish an administrative office at such place in the
10 state as may be suitable for the proper discharge of the functions of the
11 commission; and
12 (12) To adopt and promulgate rules and regulations to carry out the
13 Dry Bean Resources Act.
14 Sec. 2. Section 2-3755, Reissue Revised Statutes of Nebraska, is
15 amended to read:
16 2-3755  (1) Beginning August 1, 1987, there shall be paid to the
17 commission a fee of six cents per hundredweight upon all dry beans grown
18 in the state during 1987 and thereafter and sold through commercial
19 channels. Beginning January 1, 1989, until July 31, 2015, the commission
20 may, whenever it determines that the fees provided by this section are
21 yielding more or less than is required to carry out the intent and
22 purposes of the Dry Bean Resources Act, reduce or increase such fee for
23 such period as it shall deem justifiable, but not less than one year and
24 not to exceed ten cents per hundredweight.
25 (2) Beginning August 1, 2015, the fee imposed by this section shall
26 be fifteen cents per hundredweight. Beginning January 1, 2017, the
27 commission may, whenever it determines that the fees provided by this
28 section are yielding more or less than is required to carry out the
29 intent and purposes of the act, reduce or increase such fee for such
30 period as it shall deem justifiable, but not less than one year and not
31 to exceed twenty-four cents per hundredweight.
1 (3) Two-thirds of the fee levied under this section shall be paid by
2 the grower at the time of sale or delivery and shall be collected by the
3 first purchaser. The first purchaser shall pay the remaining one-third of
4 the fee. No dry beans shall be subject to the fee more than once.
5 Sec. 3. Section 2-3762, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 2-3762  (1) The commission shall prepare and make available make and
8 publish an annual report at least thirty days prior to January 1 of each
9 year which shall set forth in detail the income received from the dry
10 bean assessment for the previous year and shall include:
11 (a) The expenditure of all funds by the commission during the
12 previous year for the administration of the Dry Bean Resources Act;
13 (b) The action taken by the commission on all contracts requiring
14 the expenditure of funds by the commission;
15 (c) A description of all such contracts;
16 (d) Detailed explanation of all programs relating to the
17 discovery, promotion, and development of bean products and industries for
18 the utilization of dry beans, the direct expense associated with each
19 program, and copies of such programs if in writing; and
20 (e) The name and address of each member of the commission and a
21 copy of all rules and regulations adopted and promulgated by the
22 commission.
23 (2) The report and a copy of all contracts requiring expenditure of
24 funds by the commission shall be available to the public upon request.
25 Notice of availability of such report shall be provided to the Director
26 of Agriculture, the Clerk of the Legislature, and a summary of such
27 report shall be sent to each grower and first purchaser subject to the
28 checkoff.
29 Sec. 4. Section 2-3763, Reissue Revised Statutes of Nebraska, is
30 amended to read:
31 2-3763 The State Treasurer shall establish in the treasury of the
1 State of Nebraska a fund to be known as the Dry Bean Development,
2 Utilization, Promotion, and Education Fund, to which fund shall be
3 credited funds collected by the commission pursuant to the Dry Bean
4 Resources Act, including license fees, royalties, or any repayments
5 relating to the fund. The fund shall be expended for the administration
6 of such act. Any money in the fund available for investment shall be
7 invested by the state investment officer pursuant to the Nebraska Capital
8 Expansion Act and the Nebraska State Funds Investment Act.
9 Sec. 5. Original sections 2-3753, 2-3755, 2-3762, and 2-3763,
10 Reissue Revised Statutes of Nebraska, are repealed.
11 Sec. 6. The following section is outright repealed: Section 2-3760,
12 Reissue Revised Statutes of Nebraska.
13 Sec. 7. Since an emergency exists, this act takes effect when
14 passed and approved according to law.
15 2. On page 1, line 2, after "sections" insert "2-3753,"; and strike
16 beginning with "fees" in line 3 through line 4 and insert "expenditures
17 for lobbying activities, fees, annual reporting requirements."

(Signed) Matt Hansen, Chairperson
GENERAL FILE

LEGISLATIVE BILL 627. Committee AM232, found on page 677 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

ANNOUNCEMENT(S)

The Executive Board designates LB56 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Watermeier - LB294
Friesen - LB610

VISITORS

Visitors to the Chamber were Bill Henry from Papillion; A'keem Enriquez from Lincoln and Ken Kujath of the City/Impact Mentoring Program, Lincoln; Dante, Clyde, and Michele Flowers from Columbus; 62 fourth-grade students from Rockbrook Elementary, Omaha; and members of the Nebraska City and Nemaha County Leadership class from Nebraska City and Auburn.

The Doctor of the Day was Dr. Susan Evans from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Smith, the Legislature adjourned until 10:00 a.m., Monday, March 16, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-FIFTH DAY - MARCH 16, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 16, 2015

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Sullivan presiding.

The roll was called and all members were present except Senators Garrett, Johnson, and Seiler who were excused; and Senators Coash, Cook, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

ANNOUNCEMENT(S)


MESSAGE(S) FROM THE GOVERNOR

March 12, 2015

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 45, 88, 122, 160, 167, 177, 180, 181, 272, 298, 313, 352, and 446 were received in my office on March 6, 2015.
These bills were signed and delivered to the Secretary of State on March 12, 2015.

Sincerely,

(Signed) Pete Ricketts
Governor

PR/lhk

CORRECTED COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 320. Corrected amendment.
AM767
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Aging and Disability Resource Center Demonstration Project
5 Act.
6 Sec. 2. The Legislature finds that:
7 (1) The state should anticipate and prepare for significant growth
8 in the number of older Nebraskans and the future needs of individuals
9 with disabilities, both of which will require costly long-term care
10 services;
11 (2) The state should improve access to existing services and support
12 for individuals with disabilities;
13 (3) The state should provide a streamlined approach to identify the
14 needs of older Nebraskans and individuals with disabilities through
15 uniform assessments and a single point of contact;
16 (4) Nebraskans would benefit from statewide public information
17 campaigns to educate older Nebraskans, individuals with disabilities, and
18 their caregivers on the availability of services and support; and
19 (5) It is in the interest of Nebraskans that the state engage in
20 demonstration projects to determine the effectiveness of aging and
21 disability resource centers in enhancing the efficiency and effectiveness
22 of delivery of long-term care services and support to persons who require
23 those services.
24 Sec. 3. A collaboration of organizations that serve aging persons
25 and persons with disabilities, including, but not limited to, area
26 agencies on aging, centers for independent living, and the University
27 Center for Excellence in Developmental Disability Education, Research and
28 Service, shall establish three aging and disability resource center
29 demonstration projects which shall:
30 (1) Provide information which properly utilizes and presents all
31 available public and private long-term care resources to ensure that
32 Nebraskans are receiving the appropriate information necessary to support
33 their needs;
34 (2) Facilitate access to options counseling to help arrange services
35 that will support community living;
36 (3) Comprise a visible and accessible support system for Nebraskans
10 who may benefit from the services offered; and
11 (4) Develop information that will support establishment of a system
12 of standards, certification, and funding in order to implement and
13 operate aging and disability resource centers efficiently and
14 responsibly.
15 Sec. 4. The purpose of the Aging and Disability Resource Center
16 Demonstration Project Act is to evaluate the feasibility of establishing
17 aging and disability resource centers which will provide information
18 about long-term care services and support available in the home and
19 community to older Nebraskans or individuals with disabilities, family
20 caregivers, and people who inquire about or request assistance on behalf
21 of members of these groups and to assist eligible individuals to access
22 the most appropriate public and private resources to meet the
23 individual’s long-term care needs.
24 Sec. 5. For purposes of the Aging and Disability Resource Center
25 Demonstration Project Act:
26 (1) Aging and disability resource center means a community-based
27 entity established to provide the services described in section 6 of this
28 act;
29 (2) Area agency on aging has the meaning found in section 81-2208;
30 (3) Center for independent living has the definition found in 29
31 U.S.C. 796a(2), as such section existed on January 1, 2015;
32 (4) Department means State Unit on Aging of the Long-Term Care
33 Services Section of the Division of Medicaid and Long-Term Care of the
34 Department of Health and Human Services or any successor agency
35 designated by the state to fulfill the responsibilities of section 305(a)
36 (1) of the federal Older Americans Act of 1965, 42 U.S.C 3025(a)(1), as
37 such section existed on January 1, 2015;
38 (5) Eligible individual means a person who has lost, never acquired,
39 or has one or more conditions that impact the ability to perform basic
40 activities of daily living that are necessary to live independently;
41 (6) Options counseling means a service that assists eligible
42 individuals in need of long-term care and their representatives to make
43 informed choices about the services and settings that best meet their
44 long-term care needs, using uniform assessments and encouraging
45 the widest possible use of community-based options to allow eligible
46 individuals to live as independently as possible in the setting of their
47 choice;
48 (7) Representative means an individual designated as a legal
49 guardian, designated by a power of attorney or a health care power of
50 attorney, or chosen by law, by a court, or by an individual seeking
51 services, but use of the term representative shall not be construed to
52 disqualify an individual who retains all legal and personal autonomy;
53 (8) Uniform assessment means a single standardized tool used to
54 assess a defined population at a specific time; and
55 (9) University Center for Excellence in Developmental Disability
56 Education, Research and Service means the federally designated University
57 Center for Excellence in Developmental Disability Education, Research and
58 Service of the Munroe-Meyer Institute at the University of Nebraska
Sec. 6. The State of Nebraska shall establish three demonstration projects to evaluate the feasibility of establishing aging and disability resource centers as a means of promoting appropriate, effective, and efficient use of long-term care resources. The demonstration projects shall operate through June 30, 2018. Each aging and disability resource center demonstration project shall provide one or more of the following services:

1. Comprehensive information on the full range of available public and private long-term care programs, options, financing, service providers, and resources within a community, including information on the availability of integrated long-term care;
2. Assistance in accessing and applying for public benefits;
3. Personal counseling to assist individuals in assessing their existing or anticipated long-term care needs using uniform assessments and developing a plan for long-term care designed to meet their specific needs and circumstances;
4. A convenient point of entry to the range of publicly supported long-term care programs for eligible individuals;
5. A process for identifying unmet service needs in communities and developing recommendations to respond to those unmet needs;
6. Facilitation of person-centered transition support to assure that an eligible individual is able to find the services and support that are most appropriate to his or her need;
7. Mobility management to promote the appropriate use of public transportation services by persons who do not own or are unable to operate an automobile; and
8. A home care provider registry that will provide persons who need home care with the names of home care providers and information about their rights and responsibilities as home care consumers.

Sec. 7. Aging and disability resource center project grants shall be awarded by the department. The department shall adopt criteria for evaluating proposals to operate an aging and disability resource center demonstration project and release a request for proposal within thirty days after the effective date of this act.

Sec. 8. (1) Within sixty days after the release date of a request for proposals, each area agency on aging, after consultation with the collaborating organizations described in section 3 of this act and with other organizations including, but not limited to, organizations providing advocacy, protection, and safety for aging persons and persons with disabilities, may submit to the department a proposal to establish an aging and disability resource center demonstration project to provide assistance and support to facilitate access to options counseling to assist eligible individuals and their representatives in identifying the most appropriate services to meet their needs. The proposal shall specify how organizations currently serving eligible individuals will be engaged in the process of delivery.
of services through the aging and disability resource center. The proposal shall be developed in consultation with eligible individuals and their representatives. The proposal shall indicate how resources will be utilized by the collaborating organizations to fulfill the responsibilities of an aging and disability resource center demonstration project.

(2) Two or more area agencies on aging may develop a joint proposal to establish an aging and disability resource center demonstration project to serve all or a portion of their planning and services areas. A joint proposal shall provide information on how the services described in section 6 of this act will be provided in all counties to be served by the aging and disability resource center demonstration project described in the joint proposal.

(3) Within ninety days after receipt of a proposal developed pursuant to subsection (1) or (2) of this section, the department shall select three proposals for funding. The department shall enter into a contract with an independent institution having experience in evaluating aging and disability resource center demonstration projects. A preliminary report of the findings of the evaluation shall be presented to the Clerk of the Legislature prior to December 1, 2016. A final evaluation report will be completed by September 30, 2018.

Sec. 9. The department shall reimburse each area agency on aging operating an aging and disability resource center demonstration project on a schedule agreed to by the department and the area agency on aging. Such reimbursement shall be made from (1) state funds appropriated by the Legislature, (2) federal funds allocated to the department for the purpose of establishing and operating aging and disability resource centers, and (3) other funds as available.

(Signed) Kathy Campbell, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 538A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 538, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 114. Introduced by Craighead, 6.

WHEREAS, the Omaha Creighton Prep High School powerlifting team won the 2015 State Powerlifting Championship; and
WHEREAS, the win gives the Omaha Creighton Prep High School powerlifting team its sixth consecutive state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Omaha Creighton Prep High School powerlifting team on winning the 2015 State Powerlifting Championship.
2. That a copy of this resolution be sent to the Omaha Creighton Prep High School powerlifting team and Coach Dan Barton.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:
  Board of Emergency Medical Services
    Laura A. Scholl

Voting in the affirmative, 35:

Baker  Davis  Howard  Lindstrom  Riepe
Bloomfield  Ebke  Hughes  McCollister  Scheer
Bolz  Friesen  Kintner  McCoy  Schnoor
Brasch  Gloor  Kolowski  Mello  Schumacher
Campbell  Groene  Kolterman  Morfeld  Stinner
Chambers  Hansen  Kuehn  Murante  Watermeier
Crawford  Hilkemann  Larson  Pansing  Brooks  Williams

Voting in the negative, 0.

Present and not voting, 8:

Craighead  Hadley  Krist  Smith
Haar, K.  Harr, B.  Nordquist  Sullivan

Excused and not voting, 6:

Coash  Garrett  Schilz
Cook  Johnson  Seiler

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.
Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

State Board of Health
Teresa Konda

Voting in the affirmative, 35:

Baker    Davis    Hilkemann    McCollister    Schnoor
Bloomfield Ebke    Howard    Mello    Schumacher
Bolz     Friesen   Kintner    Morfeld    Smith
Brasch   Gloor     Kolowski    Murante    Stinner
Campbell Groene   Kolterman    Pansing Brooks Sullivan
Chambers Haar, K. Larson    Riepe    Watermeier
Crawford Hansen    Lindstrom    Scheer    Williams

Voting in the negative, 0.

Present and not voting, 8:

Craighed Harr, B. Krist    McCoy
Hadley    Hughes    Kuehn    Nordquist

Excused and not voting, 6:

Coash Garrett    Schilz
Cook Johnson    Seiler

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 717:

Nebraska Rural Health Advisory Commission
John A. E. Craig

Voting in the affirmative, 33:

Baker    Ebke    Kintner    Mello    Smith
Bolz     Friesen   Kolowski    Murante    Stinner
Brasch   Gloor     Kolterman    Pansing Brooks Sullivan
Campbell Haar, K. Larson    Riepe    Watermeier
Chambers Hansen    Lindstrom    Scheer    Williams
Crawford Hilkemann    McCollister    Schnoor
Davis    Howard    McCoy    Schumacher

Voting in the negative, 0.
Present and not voting, 10:

Bloomfield  Groene  Harr, B.  Krist  Morfeld
Craighead  Hadley  Hughes  Kuehn  Nordquist

Excused and not voting, 6:

Coash  Garrett  Schilz
Cook  Johnson  Seiler

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

ANNOUNCEMENT

The Chair announced the birthday of Senator Kolterman.

SELECT FILE

LEGISLATIVE BILL 10. Senator Chambers renewed his amendment, AM528, found on page 639 and considered on page 762.

Senator Chambers offered the following amendment to his amendment:

FA30
Amend AM528
In line 23 after "same" insert "proportional".

SPEAKER HADLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 106, 107, and 108 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 106, 107, and 108.

SELECT FILE

LEGISLATIVE BILL 10. The Chambers amendment, FA30, found in this day's Journal, to his amendment, AM528, was renewed.

SENATOR KRIST PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.
The Chambers amendment lost with 15 ayes, 18 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to his amendment:
FA31
Amend AM528
In line 25 after "is" insert "the".

Pending.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 141. Placed on General File.

(Signed) Ken Schilz, Chairperson
Executive Board

LEGISLATIVE BILL 56. Placed on General File with amendment.
AM845
1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Notwithstanding sections 72-811 to 72-818 or any other
4 provision of law, the Director of Administrative Services shall cause a
5 survey of the property which comprises the Norfolk Regional Center to be
6 done and, in consultation with the Department of Health and Human
7 Services, shall determine what portion is not needed for state purposes.
8 Pursuant to such survey and determination, the Director of Administrative
9 Services shall submit a report to the Legislature and the Governor and
10 request authorization to give the Northeast Community College Area the
11 right of first refusal to purchase the portion of property not needed for
12 state purposes at its fair market value for the purpose of development of
13 the Northeast Community College Technology Park. The report submitted to
14 the Legislature shall be submitted electronically. Approval of the
15 Governor and the Legislature or, if the Legislature is not in session,
16 the Executive Board of the Legislative Council shall be required to give
17 such right of first refusal to the Northeast Community College Area.
18 Sec. 2. Since an emergency exists, this act takes effect when
19 passed and approved according to law.

LEGISLATIVE RESOLUTION 7CA. Placed on General File with amendment.
AM822
1 1. Strike the original sections and insert the following new
2 sections:
Section 1. At the general election in November 2016 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

(1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of three consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Sec. 2. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the limit on legislative terms from two consecutive terms to three consecutive terms and to eliminate obsolete provisions.

For Against.

(3) A constitutional amendment to eliminate the provision that service for more than one-half of a legislative term constitutes one term for purposes of the limit on legislative terms and to eliminate obsolete provisions.

For Against.

(Signed) Bob Krist, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 610A. 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 610, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 115. Introduced by Williams, 36.

WHEREAS, Kendra Staab, age 18, of Broken Bow, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals,
honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Staab earned this honor by giving generously of her time and energy to construct a frisbee golf course at Melham Park in Broken Bow after securing $340 in sponsorship dollars to pay for the materials. Ms. Staab plotted a course layout, secured the approval of the city, and built and mounted the baskets; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Staab who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Kendra Staab for being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award.

2. That a copy of this resolution be sent to Kendra Staab.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Bloomfield filed the following amendment to LB242:

AM851

(Amendments to E and R amendments, ER49)

1 1. On page 2, line 31, strike "twenty-four" and insert "twenty".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Crawford - LB268
Haar, K., Hughes, Morfeld, Pansing Brooks, Schnoor - LB323
Hansen - LB268
Lindstrom - LB591

VISITORS

Visitors to the Chamber were UNL students, Caitlin Summerlin and Sarah O'Neill; Lexus Johnson and Amber Root from Lincoln; and 15 key women educators of Delta Kappa Gamma Society International Rho State, from across the state.

The Doctor of the Day was Dr. Brady Fickenscher from Omaha.
ADJOURNMENT

At 11:56 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Tuesday, March 17, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-SIXTH DAY - MARCH 17, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 17, 2015

PRAYER

The prayer was offered by Pastor Jackie Perry, First Congressional United
Church of Christ, Norfolk.

ROLL CALL

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

The roll was called and all members were present except Senators Coash
and Mello 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 128. Placed on Final Reading.

LEGISLATIVE BILL 245. Placed on Final Reading.
ST15
The following changes, required to be reported for publication in the
Journal, have been made:
1. In the E and R amendments, ER46, on page 1, line 2, "29-2103" has
been struck and "29-2102, 29-2103," inserted.
2. Section 2 and all amendments thereto have been struck and the
following new section inserted:
Sec. 4. Original sections 29-2102, 29-2103, and 29-4120, Reissue
Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 304. Placed on Final Reading.

LEGISLATIVE BILL 366A. Placed on Final Reading.

LEGISLATIVE BILL 439. Placed on Final Reading Second.
LEGISLATIVE BILL 504. Placed on Final Reading.
LEGISLATIVE BILL 504A. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 12, 2015

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

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

Contingent upon your approval, the following individual is being appointed
to the State Emergency Response Commission:

Sharon Medcalf, 8046 Swallowtail Street, Papillion, NE 68046

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

Sincerely,

(Signed) Pete Ricketts
Governor

Enclosure

March 13, 2015

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

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

Contingent upon your approval, the following individual is being appointed
to the Nebraska Oil and Gas Conservation Commission:

John Arley Rundel, 416 East C Street, Trenton, NE 69044

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

Sincerely,
FORTY-SIXTH DAY - MARCH 17, 2015

(Signed) Pete Ricketts
Governor

Enclosure

SELECT FILE

LEGISLATIVE BILL 10. Senator Chambers renewed his amendment, FA31, found on page 865.

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

The Chambers amendment lost with 13 ayes, 21 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)
Agriculture

LEGISLATIVE BILL 618. Placed on General File with amendment.

AM792
1 1. Strike original sections 3, 12, and 17 and insert the following
2 new sections:
3 Sec. 3. (1) On or before December 1, 2015, on or before August 1,
4 2020, and on or before August 1 of every fifth year thereafter, the board
5 shall prepare a report that provides (a) a five-year history of planted
6 and harvested wheat acres and the number of bushels of wheat harvested
7 within each district established under section 2-2304 or subsection (2)
8 of this section and (b) appropriate graphic, narrative, or other
9 description and analysis of trends in the (i) geographic distribution of
10 wheat production within the state and (ii) marketing destination and end-
11 use markets, including any geographic distinctions or distinctions due to
12 wheat variety or attributes for Nebraska-grown wheat. The board shall
13 notify the Director of Agriculture and the chairperson of the Agriculture
14 Committee of the Legislature of the completion and availability of the
15 reports prepared pursuant to this subsection.
16 (2)(a) The composition of the board as defined by section 2-2304
17 shall continue until such time as a plan is implemented pursuant to this
18 subsection based on a determination by the board that the districts and
19 at-large membership as defined by section 2-2304 are incompatible with an
20 equitable representation of producers of wheat due to changing geographic
21 distribution of wheat production in the state, changing marketing
22 patterns, or availability of qualified individuals to serve as board
23 members. In order to maintain equitable representation of wheat
24 producers, the board may, from time-to-time as necessary and appropriate,
25 prepare a plan to revise the composition of the board by redefining the
LEGISLATIVE JOURNAL

boundaries of the districts, by increasing or decreasing the number of members selected by the districts, by increasing or decreasing the number of members selected from the state at-large, or by any combination of such methods. Any plan to revise the composition of the board may reassign members of the board at the time such plan takes effect to assume membership as the representative of a redesignated district within which such member resides or reassign such member as an at-large member. Any plan to revise the composition of the board shall not eliminate the membership of any member of the board at the time such plan takes effect prior to the expiration of the term of such member. Any plan to revise the composition of the board shall not affect any qualification to serve as a member of the board or the procedure for nomination and appointment to the board.

Whenever the board proposes a plan to revise the composition of the board as provided in this subsection, the board shall provide notice of the plan along with any graphic or narrative description of such plan and a written explanation of the need to revise the composition of the board to the Director of Agriculture and chairperson of the Agriculture Committee of the Legislature on or before November 1 of the year prior to when such plan would be implemented, and any such plan shall not be implemented until ninety days after adjournment of the next regular session of the Legislature.

Sec. 12. (1) On or before December 1, 2015, on or before August 1, 2020, and on or before August 1 of every fifth year thereafter, the board shall prepare a report that provides (a) a five-year history of planted and harvested corn acres and the number of bushels of corn harvested within each district established under section 2-3615 or subsection (2) of this section and (b) appropriate graphic, narrative, or other description and analysis of trends in the (i) geographic distribution of corn production within the state and (ii) marketing destination and end-use markets, including any geographic distinctions or distinctions due to corn variety or attributes for Nebraska-grown corn. The board shall notify the Director of Agriculture and the chairperson of the Agriculture Committee of the Legislature of the completion and availability of the reports prepared pursuant to this subsection.

(2)(a) The composition of the board as defined by section 2-3615 shall continue until such time as a plan is implemented pursuant to this subsection based on a determination by the board that the districts and at-large membership as defined by section 2-3615 are incompatible with an equitable representation of producers of corn due to changing geographic distribution of corn production in the state, changing marketing patterns, or availability of qualified individuals to serve as board members. In order to maintain equitable representation of corn producers, the board may, from time-to-time as necessary and appropriate, prepare a plan to revise the composition of the board by redefining the boundaries of the districts, by increasing or decreasing the number of members selected by the districts, by increasing or decreasing the number of members selected from the state at-large, or by any combination of such methods. Any plan to revise the composition of the board may reassign
members of the board at the time such plan takes effect to assume membership as the representative of a redesignated district within which such member resides or reassign such member as an at-large member. Any plan to revise the composition of the board shall not eliminate the membership of any member of the board at the time such plan takes effect prior to the expiration of the term of such member. Any plan to revise the composition of the board shall not affect any qualification to serve as a member of the board or the procedure for nomination and appointment to the board.

(b) Whenever the board proposes a plan to revise the composition of the board as provided in this subsection, the board shall provide notice of the plan along with any graphic or narrative description of such plan and a written explanation of the need to revise the composition of the board to the Director of Agriculture and chairperson of the Agriculture Committee of the Legislature on or before November 1 of the year prior to when such plan would be implemented, and any such plan shall not be implemented until ninety days after adjournment of the next regular session of the Legislature.

Sec. 17. (1) On or before December 1, 2015, on or before August 1, 2020, and on or before August 1 of every fifth year thereafter, the commission shall prepare a report that provides (a) a five-year history of planted and harvested dry bean acres and the number of bushels of dry beans harvested within each district established under section 2-3746 or subsection (2) of this section and (b) appropriate graphic, narrative, or other description and analysis of trends in the (i) geographic distribution of dry bean production within the state and (ii) marketing destination and end-use markets, including any geographic distinctions or distinctions due to dry bean variety or attributes for Nebraska-grown dry beans. The commission shall notify the Director of Agriculture and the chairperson of the Agriculture Committee of the Legislature of the completion and availability of the reports prepared pursuant to this subsection.

(2)(a) The composition of the commission as defined by section 2-3746 shall continue until such time as a plan is implemented pursuant to this subsection based on a determination by the commission that the districts and at-large membership as defined by section 2-3746 are incompatible with an equitable representation of producers of dry beans due to changing geographic distribution of dry bean production in the state, changing marketing patterns, or availability of qualified individuals to serve as commission members. In order to maintain equitable representation of dry bean producers, the commission may, from time-to-time as necessary and appropriate, prepare a plan to revise the composition of the commission by redefining the boundaries of the districts, by increasing or decreasing the number of members selected by the districts, by increasing or decreasing the number of members selected from the state at-large, or by any combination of such methods. Any plan to revise the composition of the commission may reassign members of the commission at the time such plan takes effect to assume membership as the representative of a redesignated district within which such member
resides or reassign such member as an at-large member. Any plan to revise the composition of the commission shall not eliminate the membership of any member of the commission at the time such plan takes effect prior to the expiration of the term of such member. Any plan to revise the composition of the commission shall not affect any qualification to serve as a member of the commission or the procedure for nomination and appointment to the commission.

(b) Whenever the commission proposes a plan to revise the composition of the commission as provided in this subsection, the commission shall provide notice of the plan along with any graphic or narrative description of such plan and a written explanation of the need to revise the composition of the commission to the Director of Agriculture and Chairperson of the Agriculture Committee of the Legislature on or before November 1 of the year prior to when such plan would be implemented, and any such plan shall not be implemented until ninety days after adjournment of the next regular session of the Legislature.

Sec. 18. Section 2-4006, Reissue Revised Statutes of Nebraska, is amended to read:

2-4006 This section applies until a plan is implemented pursuant to section 2-4007. The member serving district 1 as it existed prior to May 18, 2011, shall assume the role of serving district 1 as defined by section 2-4004, and his or her term shall expire on July 1, 2014. The member serving district 3 as it existed prior to May 18, 2011, shall assume the role of serving new district 2 as defined by section 2-4004, and his or her term shall expire on July 1, 2013. The member serving as the at-large member prior to May 18, 2011, shall assume the role of serving district 3 as defined by section 2-4004, and his or her term shall expire on July 1, 2013. The Governor shall appoint a member to serve district 4 as defined by section 2-4004, and the term of such member shall expire on July 1, 2012. The member serving district 2 as it existed prior to May 18, 2011, shall assume the role of serving as the at-large member appointed by the board as defined by section 2-4004, and his or her term shall expire on July 1, 2012. The member serving district 4 as it existed prior to May 18, 2011, shall assume the role of serving as an at-large member appointed by the Governor as defined by section 2-4004, and the term of such member shall expire on July 1, 2013. The member serving district 5 as it existed prior to May 18, 2011, shall assume the role of serving as an at-large member appointed by the Governor as defined by section 2-4004, and the term of such member shall expire on July 1, 2014.

Sec. 19. Section 2-4007, Reissue Revised Statutes of Nebraska, is amended to read:

2-4007 (1) On or before December 1, 2015, on or before August 1, 2020, and on or before August 1 of every fifth year thereafter, the board shall prepare a report that provides (a) a five-year history of planted and harvested grain sorghum acres and the number of bushels of grain sorghum harvested within each district established under section 2-4004, this section as it existed prior to the effective date of this act, or
subsection (2) of this section and (b) appropriate graphic, narrative, or other description and analysis of trends in the (i) geographic distribution of grain sorghum production within the state and (ii) marketing destination and end-use markets, including any geographic distinctions or distinctions due to grain sorghum variety or attributes for Nebraska-grown grain sorghum. The board shall notify the Director of Agriculture and the chairperson of the Agriculture Committee of the Legislature of the completion and availability of the reports prepared pursuant to this subsection.

(2)(a) The composition of the board as defined by section 2-4004 or as provided by this section prior to the effective date of this act shall continue until such time as a plan is implemented pursuant to this subsection based on a determination by the board that the districts and at-large membership as defined by section 2-4004 or as provided by this section prior to the effective date of this act are incompatible with an equitable representation of producers of grain sorghum due to changing geographic distribution of grain sorghum production in the state, changing marketing patterns, or availability of qualified individuals to serve as board members. In order to maintain equitable representation of grain sorghum producers, the board may, from time-to-time as necessary and appropriate, prepare a plan to revise the composition of the board by redefining the boundaries of the districts, by increasing or decreasing the number of members selected by the districts, by increasing or decreasing the number of members selected from the state at-large, or by any combination of such methods. Any plan to revise the composition of the board may reassign members of the board at the time such plan takes effect to assume membership as the representative of a redesignated district within which such member resides or reassign such member as an at-large member. Any plan to revise the composition of the board shall not eliminate the membership of any member of the board at the time such plan takes effect prior to the expiration of the term of such member. Any plan to revise the composition of the board shall not affect any qualification to serve as a member of the board or the procedure for nomination and appointment to the board.

(b) Whenever the board proposes a plan to revise the composition of the board as provided in this subsection, the board shall provide notice of the plan along with any graphic or narrative description of such plan and a written explanation of the need to revise the composition of the board to the Director of Agriculture and chairperson of the Agriculture Committee of the Legislature on or before November 1 of the year prior to when such plan would be implemented, and any such plan shall not be implemented until ninety days after adjournment of the next regular session of the Legislature.

The board shall be responsible for the administration of all subsequent appointments and may adopt rules and regulations to carry out such responsibility. The composition of the board as defined by section 2-4004 shall continue until such time as the board determines that the districts and at-large membership as defined by such section are incompatible with an equitable representation of producers of grain
sorghum due to changing geographic distribution of grain sorghum production in the state, changing marketing patterns, or availability of qualified individuals to serve as board members. The board may, from time to time as appropriate, by rule and regulation, redesignate districts and the number of at-large members to provide for an equitable representation of producers of grain sorghum, except that the number of appointed members of the board shall be either seven or five and the number of districts shall be no greater than six nor fewer than three.

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

(Signed) Jerry Johnson, Chairperson

Judiciary

LEGISLATIVE BILL 268. Placed on General File with amendment. AM754 is available in the Bill Room.

LEGISLATIVE BILL 459. Placed on General File with amendment. AM364

1 1. On page 2, line 25, strike "or police department".

(Signed) Colby Coash, Vice Chairperson

Natural Resources

LEGISLATIVE BILL 469. Placed on General File with amendment. AM833

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

Section 1. For purposes of sections 1 to 4 of this act:

(1) Covered electric generating unit means a fossil fuel-fired electric generating unit existing within the state prior to the effective date of this act that is subject to regulation under the federal emission guidelines;

(2) Federal emission guidelines means any final rules, regulations, guidelines, or other requirements that the United States Environmental Protection Agency may adopt for regulating carbon dioxide emissions from covered electric generating units under section 111(d) of the federal Clean Air Act, 42 U.S.C. 7411(d);

(3) State means the State of Nebraska; and

(4) State plan means any plan to establish and enforce carbon dioxide emission control measures that the Department of Environmental Quality may adopt to implement the obligations of the state under the federal emission guidelines.

Sec. 2. The Department of Environmental Quality shall not submit a state plan for regulating carbon dioxide emissions from covered electric generating units to the United States Environmental Protection Agency until the department has provided a copy of the state plan to the State...
Sec. 2. The department shall provide such copy to the State Energy Office prior to the submission deadline for the state plan set by the United States Environmental Protection Agency. If the United States Environmental Protection Agency extends the submission deadline, the department shall provide such copy to the State Energy Office at least one hundred twenty days prior to the extended submission deadline. Nothing in this section shall prevent the department from complying with federally prescribed deadlines.

Sec. 3. (1) After receiving the copy of the state plan under section 2 of this act, the State Energy Office shall prepare a report that assesses the effects of the state plan on: (a) The electric power sector, including: (i) The type and amount of electric generating capacity within the state that is likely to retire or switch to another fuel; (ii) The stranded investment in electric generating capacity and other infrastructure; (iii) The amount of investment necessary to offset retirements of electric generating capacity and maintain generation reserve margins; (iv) Potential risks to electric reliability, including resource adequacy risks and transmission constraints; and (v) The amount by which retail electricity prices within the state are forecast to increase or decrease; and (b) Employment within the state, including direct and indirect employment effects and jobs lost within affected sectors of the state's economy.

(2) The State Energy Office shall complete the report required under this section within thirty days after receiving the copy of the state plan under section 2 of this act and shall electronically submit to the Legislature a copy of such report.

(3) If the Legislature is in session when it receives the report, the Legislature may vote on a nonbinding legislative resolution endorsing or disapproving the state plan based on the findings of the report.

Sec. 4. Upon submitting a state plan to the United States Environmental Protection Agency, the Department of Environmental Quality shall electronically submit to the Legislature a copy of the state plan.

Sec. 5. Section 81-1601, Reissue Revised Statutes of Nebraska, is amended to read:

(1) There is hereby created an agency of state government to be known as the State Energy Office. The office may be a separate division within an existing executive department.

(2) The chief executive officer shall be known as the Director of the State Energy Office and shall be appointed by the Governor with the advice and consent of the Legislature. The director shall administer the affairs of the office and shall serve at the pleasure of the Governor.

The director may employ such assistants, professional staff, and other employees as may be deemed necessary to effectively carry out the provisions of sections 81-1601 to 81-1605 and section 8 of this act within such appropriations as the Legislature may provide. The salary of the director shall be fixed by the Governor unless otherwise expressly
Sec. 6. Section 81-1602, Reissue Revised Statutes of Nebraska, is amended to read:

81-1602 The State Energy Office shall have the following duties:

1. To serve as or assist in developing and coordinating a central repository within state government for the collection of data on energy;
2. To undertake a continuing assessment of the trends in the availability, consumption, and development of all forms of energy;
3. To collect and analyze data relating to present and future demands and resources for all sources of energy and to specify energy needs for the state;
4. To recommend to the Governor and the Legislature energy policies and conservation measures for the state and to carry out such measures as are adopted;
5. To provide for public dissemination of appropriate information on energy, energy sources, and energy conservation;
6. To accept, expend, or disburse funds, public or private, made available to it for research studies, demonstration projects, or other activities which are related either to energy conservation and efficiency or development;
7. To study the impact and relationship of state energy policies to national and regional energy policies and engage in such activities as will reasonably insure that the State of Nebraska and its citizens receive an equitable share of energy supplies, including the administration of any federally mandated or state-mandated energy allocation programs;
8. To actively seek the advice of the citizens of Nebraska regarding energy policies and programs;
9. To prepare emergency allocation plans suggesting to the Governor actions to be taken in the event of serious shortages of energy;
10. To design a state program for conservation of energy and energy efficiency;
11. To provide technical assistance to local subdivisions of government; and
12. To provide technical assistance to private persons desiring information on energy conservation and efficiency techniques and the use of renewable energy technologies;
13. To develop a strategic state energy plan pursuant to section 8 of this act;
14. To develop and disseminate transparent and objective energy information and analysis while utilizing existing energy planning resources of relevant stakeholder entities;
15. To actively seek to maximize federal and other nonstate funding and support to the state for energy planning; and
16. To monitor energy transmission capacity planning and policy affecting the state and the regulatory approval process for the development of energy infrastructure and make recommendations to the Governor and electronically to the Legislature as necessary to facilitate energy infrastructure planning and development.
31 Sec. 7. Section 81-1603, Reissue Revised Statutes of Nebraska, is amended to read:
32 81-1603 The office shall have the power to do such things as are necessary to carry out sections 81-1601 to 81-1605 and section 8 of this act, including but not limited to the following:
33 (1) To adopt rules and regulations, pursuant to the Administrative Procedure Act, to carry out the purposes of sections 81-1601 to 81-1605 and section 8 of this act;
34 (2) To make all contracts pursuant to sections 81-1601 to 81-1605 and section 8 of this act and do all things to cooperate with the federal government, and to qualify for, accept, expend, and dispense public or private funds intended for the implementation of sections 81-1601 to 81-1605 and section 8 of this act;
35 (3) To contract for services, if such work or services cannot be satisfactorily performed by employees of the agency or by any other part of state government;
36 (4) To enter into such agreements as are necessary to carry out energy research and development with other states;
37 (5) To carry out the duties and responsibilities relating to energy as may be requested or required of the state by the federal government;
38 (6) To cooperate and participate with the approval of the Governor in the activities of organizations of states relating to the availability, conservation, development, and distribution of energy;
39 (7) To engage in such activities as will seek to insure that the State of Nebraska and its citizens receive an equitable share of energy supplies at a fair price; and
40 (8) To form advisory committees of citizens of Nebraska to advise the director of the energy office on programs and policies relating to energy and to assist in implementing such programs. Such committees shall be of a temporary nature and no member shall receive any compensation for serving on any such committee but, with the approval of the Governor, members shall receive reimbursement for actual and necessary expenses as provided in sections 81-1174 to 81-1177 for state employees. The minutes of meetings of and actions taken by each committee shall be kept and a record shall be maintained of the name, address, and occupation or vocation of every individual serving on any committee. Such minutes and records shall be maintained in the State Energy Office and shall be available for public inspection during regular office hours.
41 Sec. 8. (1) The Legislature finds that:
42 (a) Comprehensive planning enables the state to address its energy needs, challenges, and opportunities and enhances the state's ability to prioritize energy-related policies, activities, and programs; and
43 (b) Meeting the state's need for clean, affordable, and reliable energy in the future will require a diverse energy portfolio and a strategic approach, requiring engagement of all energy stakeholders in a comprehensive planning process.
44 (2) The State Energy Office shall develop an integrated and comprehensive strategic state energy plan and review such plan periodically as the office deems necessary. The office may organize
technical committees of individuals with expertise in energy development for purposes of developing the plan. If the office forms an advisory committee pursuant to subdivision (8) of section 81-1603 for purposes of such plan, the chairperson of the Appropriations Committee of the Legislature, the chairperson of the Natural Resources Committee of the Legislature, and three members of the Legislature selected by the Executive Board of the Legislative Council shall be nonvoting, ex officio members of such advisory committee.

(3) The strategic state energy plan shall include short-term and long-term objectives that will ensure a secure, reliable, and resilient energy system for the state's residents and businesses; a cost-competitive energy supply and access to affordable energy; the promotion of sustainable economic growth, job creation, and economic development; and a means for the state's energy policy to adopt to changing circumstances.

(4) The strategic state energy plan shall include, but not be limited to:

(a) A comprehensive analysis of the state's energy profile, including all energy resources, end-use sectors, and supply and demand projections;
(b) An analysis of other state energy plans and regional energy activities which identifies opportunities for streamlining and partnerships;
(c) An identification of goals and recommendations related to:
   (i) The diversification of the state's energy portfolio in a way that balances the lowest practicable environmental cost with maximum economic benefits;
   (ii) The encouragement of state and local government coordination and public-private partnerships for future economic and investment decisions;
   (iii) The incorporation of new technologies and opportunities for energy diversification that will maximize Nebraska resources and support local economic development;
   (iv) The interstate and intrastate promotion and marketing of the state's renewable energy resources;
   (v) A consistent method of working with and marketing to energy-related businesses and developers;
   (vi) The advancement of transportation technologies, alternative fuels, and infrastructure;
   (vii) The development and enhancement of oil, natural gas, and electricity production and distribution;
   (viii) The development of a communications process between energy utilities and the State Energy Office for responding to and preparing for regulations having a statewide impact; and
   (ix) The development of a mechanism to measure the plan's progress.

Sec. 9. Section 81-1605, Reissue Revised Statutes of Nebraska, is amended to read:

Notwithstanding any provisions of sections 81-1601 to 81-1605 and section 8 of this act, the State Energy Office shall not
5 perform any duties or exercise any powers which are delegated to other
6 agencies or subdivisions of state government.
7 Sec. 10. Section 81-1606, Reissue Revised Statutes of Nebraska, is
8 amended to read:
9 81-1606 The Director of the State Energy Office shall develop and
10 maintain a program of collection, compilation, and analysis of energy
11 statistics and information. Existing information reporting requests,
12 maintained at the state and federal levels, shall be utilized whenever
13 possible in any data collection required under the provisions of sections
14 81-1601 to 81-1607 and section 8 of this act. A central state repository
15 of energy data shall be developed and coordinated with other governmental
16 data-collection and record-keeping programs. The director shall, on at
17 least an annual basis, with monthly compilations, submit to the Governor
18 and the Clerk of the Legislature a report identifying state energy
19 consumption by fuel type and by use to the extent that such information
20 is available. The report submitted to the Clerk of the Legislature shall
21 be submitted electronically. Nothing in this section shall be construed
22 as permitting or authorizing the revealing of confidential information.
23 For purposes of this section confidential information shall mean any
24 process, formula, pattern, decision, or compilation of information which
25 is used, directly or indirectly, in the business of the producer,
26 refiner, distributor, transporter, or vendor, and which gives such
27 producer, refiner, distributor, transporter, or vendor an advantage or an
28 opportunity to obtain an advantage over competitors who do not know or
29 use it.
30 Sec. 11. Section 81-1607.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:
1 81-1607.01 The State Energy Office Cash Fund is hereby created. The
2 fund shall consist of funds received pursuant to section 57-705. The fund
3 shall be used for the administration of sections 81-1601 to 81-1607 and
4 section 8 of this act, for energy conservation activities, and for
5 providing technical assistance to communities in the area of natural gas
6 other than assistance regarding ownership of regulated utilities, except
7 that transfers may be made from the fund to the General Fund at the
8 direction of the Legislature. Any money in the State Energy Office Cash
9 Fund available for investment shall be invested by the state investment
10 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
11 State Funds Investment Act.
12 Sec. 12. Original sections 81-1601, 81-1602, 81-1603, 81-1605,
13 81-1606, and 81-1607.01, Reissue Revised Statutes of Nebraska, are
14 repealed.

(Signed) Ken Schilz, Chairperson
Business and Labor

LEGISLATIVE BILL 494. Placed on General File with amendment.
AM647
1 1. Strike the original sections and insert the following new
Section 1. Section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425, is amended to read:

48-1203 (1) Except as otherwise provided in this section and section 48-1203.01, every employer shall pay to each of his or her employees a minimum wage of:

(a) Seven dollars and twenty-five cents per hour through December 31, 2014;
(b) Eight dollars per hour on and after January 1, 2015, through December 31, 2015; and
(c) Nine dollars per hour on and after January 1, 2016.

(2)(a) For persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay cash wages at the minimum rate provided in subdivision (2)(b) of this section of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered.

(b) The minimum cash wage per hour shall be:

(i) Two dollars and thirteen cents per hour through July 31, 2015;
(ii) Two dollars and thirty-five cents per hour on and after August 1, 2015, through December 31, 2015; and
(iii) Two dollars and sixty-four cents per hour on and after January 1, 2016.

(3) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable.

Sec. 2. Section 48-1205, Reissue Revised Statutes of Nebraska, is amended to read:

48-1205 Every employer subject to the Wage and Hour Act provisions of sections 48-1201 to 48-1209 shall keep a summary of the act sections furnished by the Commissioner of Labor without charge, posted in a conspicuous place on or about the premises wherein any person subject to the act provisions of sections 48-1201 to 48-1209 is employed. Minimum wage amounts in effect shall also be posted by such employers and shall be furnished by the commissioner without charge.

Sec. 3. Original section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Reissue Revised Statutes of Nebraska, as amended by section 1, Initiative Law 2014, No. 425, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Burke Harr, Chairperson
LEGISLATIVE BILL 235. Placed on General File with amendment.

AM751
1 1. On page 2, strike lines 24 and 25 and insert:
2 "(8) Provider means, a physician, an osteopathic physician, or a
3 physician assistant licensed under the Medicine and Surgery Practice Act
4 or an optometrist licensed under the Optometry Practice Act".
5 2. On page 3, line 7, after "than" insert "two years for spectacles
6 or"; and in line 8 after "year" insert "for contact lenses".
7 3. On page 4, line 18, after the period insert "Review of complaints
8 and investigations under this section shall be in accordance with the
9 Uniform Credentialing Act."

(Signed) Kathy Campbell, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 116. Introduced by Harr, B., 8; Krist, 10.

WHEREAS, the Omaha Creighton Prep swimming team won the 2015
Boys' State Swimming Championship; and
WHEREAS, the win gives the Omaha Creighton Prep swimming team its
ninth consecutive state championship; and
WHEREAS, the Omaha Creighton Prep swimming team scored a state
record 475 points; and
WHEREAS, Head Coach Tom Beck, and assistant coaches Harlan Groff,
Dr. Larry Raynor, Becki Carter, and Matt Franco did a tremendous job of
guiding the team during the season; and
WHEREAS, the Omaha Creighton Prep swimming team includes the
following members: Brandon Abboud, Tyler Bowen, Carter Brouillette,
Sam Buechler, Clark Carter, Ray Cronin, Irving Delgado, Jon Doyle, Patrick
Forbes, Michael Franco, Leo Garofalo, Matt Ginger, Jon Gouger, Jake
Hangren, Matthew Heaney, Jake Hedrick, Joe Hennessey, Ben Kellen, Jeff
Kilborn, Colin LaFave, Brian Magee, Charles Magee, Baily McFadden,
Jalen Nichols, Caleb Piti, Collin Piti, Nick Shotkoski, Michael Simmons,
Nate Singh, Nick Soltys, Jacob Sutej, Ryan Tate, Sean Tate, Mark Thayer,
Will Tjaden, and James Warren; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic
achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates the Omaha Creighton Prep
swimming team on winning the 2015 Boys' State Swimming Championship.
2. That a copy of this resolution be sent to the Omaha Creighton Prep
swimming team and their head coach Tom Beck.

Laid over.
LEGISLATIVE RESOLUTION 117. Introduced by Johnson, 23; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Kintner, 2; Kolowski, 31; Koltermann, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; 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, Don McCabe, editor of the Nebraska Farmer, is retiring after 37 years with the magazine; and
WHEREAS, Don started working at the Nebraska Farmer in 1977 as a field editor; and
WHEREAS, through his work at the Nebraska Farmer, Don has traveled to every county and most of the small towns in Nebraska; and
WHEREAS, Don served as the 15th editor of the Nebraska Farmer which began publication in 1859.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Don McCabe on his retirement and recognizes his many years of dedicated service covering agriculture and farming at the Nebraska Farmer magazine.
2. That a copy of this resolution be sent to Don McCabe.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Medcalf, Sharon - State Emergency Response Commission - Government, Military and Veterans Affairs
Rundel, John Arley - Nebraska Oil and Gas Conservation Commission - Natural Resources

(Signed) Bob Krist, Chairperson
Executive Board
LEGISLATIVE BILL 10. Senator Chambers offered the following motion: MO52
Reconsider the vote taken on FA31.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to reconsider failed with 18 ayes, 26 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his amendment, AM528, found on page 639 and considered on pages 762 and 864.

Senator McCoy offered the following motion: MO51
Invoke cloture pursuant to Rule 7, Sec. 10.

Senator McCoy moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

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

Voting in the affirmative, 31:

<table>
<thead>
<tr>
<th>Baker</th>
<th>Garrett</th>
<th>Kintner</th>
<th>Murante</th>
<th>Stinner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield</td>
<td>Gloor</td>
<td>Kolterman</td>
<td>Riepe</td>
<td>Watermeier</td>
</tr>
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<td>Brasch</td>
<td>Groene</td>
<td>Krist</td>
<td>Scheer</td>
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<td>Coash</td>
<td>Hadley</td>
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<td>Schilz</td>
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<td>Craighead</td>
<td>Hilkenm</td>
<td>Larson</td>
<td>Schnoor</td>
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<tr>
<td>Davis</td>
<td>Hughes</td>
<td>Lindstrom</td>
<td>Seiler</td>
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<tr>
<td>Friesen</td>
<td>Johnson</td>
<td>McCoy</td>
<td>Smith</td>
<td></td>
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</tbody>
</table>

Voting in the negative, 18:

<table>
<thead>
<tr>
<th>Bolz</th>
<th>Crawford</th>
<th>Harr, B.</th>
<th>Mello</th>
<th>Schumacher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>Ebke</td>
<td>Howard</td>
<td>Morfeld</td>
<td>Sullivan</td>
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<tr>
<td>Chambers</td>
<td>Haar, K.</td>
<td>Kolowski</td>
<td>Nordquist</td>
<td></td>
</tr>
<tr>
<td>Cook</td>
<td>Hansen</td>
<td>McCollister</td>
<td>Pansing Brooks</td>
<td></td>
</tr>
</tbody>
</table>

Not voting, 0.

The McCoy motion to invoke cloture failed with 31 ayes, 18 nays, and 0 not voting.

The Chair declared the call raised.
LEGISLATIVE RESOLUTION 118. Introduced by Brasch, 16.

WHEREAS, Cole Jacobsen, a seventh-grader at Wisner-Pilger Public Schools, has achieved national recognition for exemplary volunteer service by receiving a 2015 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Jacobsen earned this honor by constructing more than 180 wooden card holders to make it easier for residents of a dozen nursing homes in three counties to play cards with friends and family; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Jacobsen who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates Cole Jacobsen for receiving a 2015 Prudential Spirit of Community Award.

2. That a copy of this resolution be sent to Cole Jacobsen.

Laid over.

PRESIDENT FOLEY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 15. Title read. Considered.

Committee AM514, found on page 703, was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, and 14 present and not voting.

LEGISLATIVE BILL 139. Title read. Considered.

Committee AM119, found on page 511, was offered.

Senator Schumacher offered the following amendment to the committee amendment:

AM893

(Amendments to Standing Committee amendments, AM119)

1 1. On page 1, line 2, strike "section" and insert "sections".

2 2. On page 3, after line 9, insert the following new section:
3 Sec. 70. Beginning on the effective date of this act, there shall be a one-year moratorium on enforcement action by the Real Estate Appraisal Board involving mass appraisals conducted under the authority of any county assessor by employees or independent contractors.

The Schumacher amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 139A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 33. Title read. Considered.

Committee AM525, found on page 748, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Committee AM662, found on page 746, was offered.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR109 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR109.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 627. Placed on Select File with amendment.

ER50

1 1. On page 1, line 5, strike beginning with "and" through 2 "pregnancy" and insert "for an unlawful employment practice related to
3 individuals affected by pregnancy, childbirth, or related medical
4 conditions; to change provisions related to lawful employment practices;
5 to provide requirements for reports by the Equal Opportunity Commission”.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 119. Introduced by Hilkemann, 4; McCoy, 39.

WHEREAS, the Elkhorn South High School boys' basketball team won
the 2015 Class B Boys' State Basketball Championship by defeating Sidney
High School by a score of 60-51; and
WHEREAS, this was the Elkhorn South Storms first state title in boys' basketball; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic
achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates the Elkhorn South High School
boys' basketball team on winning the 2015 Class B Boys' State Basketball
Championship.
2. That a copy of this resolution be sent to the Elkhorn South High School
boys' basketball team.

Laid over.

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LB356:
AM867
(Amendments to Standing Committee amendments, AM803)
1. On page 3, line 5; and page 4, lines 17 and 23, strike "income
and expense" and insert "actual income and actual expense".

Senator Stinner filed the following amendment to LB633:
AM880
1. Strike the original sections and insert the following new
sections:
3 Section 1. (1) The Legislature shall annually appropriate twenty
4 million dollars of General Funds for aid to incorporated municipalities
5 to be used for public infrastructure.
6 (2) The appropriation for aid to incorporated municipalities shall
7 be allocated by the Tax Commissioner to the various incorporated
8 municipalities. The Tax Commissioner shall determine the amount to be
9 distributed to the incorporated municipalities and certify such amounts
10 by voucher to the Director of Administrative Services. Each amount shall
be distributed in seven as nearly as possible equal monthly payments on
the last business day of each month beginning in December. The State
Treasurer shall, on the business day preceding the last business day of
each month, notify the Director of Administrative Services of the amount
of funds available in the General Fund for payment purposes. The Director
of Administrative Services shall, on the last business day of each month,
draw warrants against funds appropriated. The Tax Commissioner shall
compute the amount due the incorporated municipalities on the ratio of
the population of the particular incorporated municipality to the total
population of all incorporated municipalities in the state as determined
by the most recent federal census figures certified by the Tax
Commissioner as provided in section 77-3,119, which amounts shall be
placed in the general fund of such municipalities.
(3) For purposes of this section, public infrastructure for
municipalities means and includes, but is not limited to, any of the
following, or any combination thereof:
(a) Public highways and bridges and municipal roads, streets,
bridges, and sidewalks;
(b) Solid waste management facilities;
(c) Wastewater, storm water, and water treatment works and systems,
water distribution facilities, and water resources projects, including,
but not limited to, pumping stations, transmission lines, and mains and
their appurtenances;
(d) Hazardous waste disposal systems;
(e) Resource recovery systems;
(f) Airports;
(g) Port facilities;
(h) Buildings and capital equipment used in the operation of
municipal government;
(i) Convention and tourism facilities;
(j) Redevelopment projects as defined in section 18-2103;
(k) Mass transit and other transportation systems, including parking
facilities; and
(l) Equipment necessary for the provision of municipal services.
Sec. 2. (1) The Legislature shall appropriate twenty million
dollars of General Funds as aid to counties to be used for public
infrastructure.
(2)(a) Of the appropriation, each county shall receive an amount
determined on the basis of the ratio of the lineal feet of bridges in the
county to the total lineal feet of bridges in the state. The
determination shall be based upon data provided to the Tax Commissioner
by the Department of Roads. Each county's distribution under this section
shall be proportionately reduced in order to provide funds for
distribution under subdivision (2)(b) of this section.
(b) Any county which has no bridges shall receive a distribution
equal to eighty-five percent of the smallest county aid distribution
under this section.
(3) The Tax Commissioner shall determine the amount to be
distributed to the various counties under this section and certify such
amounts to the Director of Administrative Services on or before July 1 of each year. Each amount shall be distributed in nine as nearly as possible equal monthly payments on the last business day of each month beginning in September.

(4) For purposes of this section, public infrastructure for counties means and includes, but is not limited to, any of the following, or any combination thereof:

(a) Public roads, highways, and bridges;
(b) Jails and correction facilities;
(c) Buildings and capital equipment used in the operation of county government; and
(d) Equipment necessary for the provision of county services.

Sec. 3. Section 13-518, Reissue Revised Statutes of Nebraska, is amended to read:

13-518 For purposes of sections 13-518 to 13-522:
(1) Allowable growth means (a) for governmental units other than community colleges, the percentage increase in taxable valuation in excess of the base limitation established under section 77-3446, if any, due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year and (b) for community colleges, the percentage increase in excess of the base limitation, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined;
(2) Capital improvements means (a) acquisition of real property or (b) acquisition, construction, or extension of any improvements on real property;
(3) Governing body has the same meaning as in section 13-503;
(4) Governmental unit means every political subdivision which has authority to levy a property tax or authority to request levy authority under section 77-3443 except sanitary and improvement districts which have been in existence for five years or less and school districts;
(5) Qualified sinking fund means a fund or funds maintained separately from the general fund to pay for acquisition or replacement of tangible personal property with a useful life of five years or more which is to be undertaken in the future but is to be paid for in part or in total in advance using periodic payments into the fund. The term includes sinking funds under subdivision (13) of section 35-508 for firefighting and rescue equipment or apparatus;
(6) Restricted funds means (a) property tax, excluding any amounts refunded to taxpayers, (b) payments in lieu of property taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers of surpluses from any user fee, permit fee, or regulatory fee if the fee surplus is transferred to fund a service or function not directly related to the fee and the costs of the activity funded from the fee, (g) any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements but which were not spent and are not
expected to be spent for capital improvements, (h) the tax provided in sections 77-27,223 to 77-27,227 beginning in the second fiscal year in which the county will receive a full year of receipts, and (i) any excess tax collections returned to the county under section 77-1776. Funds received pursuant to the nameplate capacity tax levied under section 77-6203 for the first five years after a wind energy generation facility has been commissioned are nonrestricted funds; and

(7) State aid means:

(a) For all governmental units, state aid paid pursuant to sections 60-3,202 and 77-3523;

(b) For municipalities, state aid to municipalities paid pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3,190, and 77-27,139.04 and section 1 of this act and insurance premium tax paid to municipalities;

(c) For counties, state aid to counties paid pursuant to sections 39-2501 to 39-2520 and 60-3,184 to 60-3,190 and section 2 of this act, insurance premium tax paid to counties, and reimbursements to counties from funds appropriated pursuant to section 29-3933;

(d) For community colleges, (i) for fiscal years 2010-11, 2011-12, 2012-13, state aid to community colleges paid pursuant to section 90-517 and (ii) for fiscal year 2013-14 and each fiscal year thereafter, state aid to community colleges paid pursuant to the Community College Aid Act;

(e) For educational service units, state aid appropriated under sections 79-1241.01 and 79-1241.03; and

(f) For local public health departments as defined in section 71-1626, state aid as distributed under section 71-1628.08.

Sec. 4. Section 77-3,119, Revised Statutes Cumulative Supplement, 2014, is amended to read:

(1) The Tax Commissioner shall certify the population of cities and villages to be used for purposes of calculations made pursuant to subdivision (4) of section 18-2603, subdivisions (3)(a) and (b) of section 35-1205, subdivision (1) of section 39-2517, and sections 39-2513 and 77-27,139.02 and section 1 of this act. The Tax Commissioner shall transmit copies of such certification to all interested parties upon request.

(2) The Tax Commissioner shall certify the population of each city and village based upon the most recent federal census. The Tax Commissioner shall determine the most recent federal census for each city and village by using the most recent federal census figures available from (a) the most recent federal decennial census, (b) the most recent federal census update or recount certified by the United States Bureau of the Census, or (c) the most recent federal census figure of the city or village plus the population of territory annexed as calculated in sections 18-1753 and 18-1754.

(3) The Tax Commissioner may adopt and promulgate rules and regulations to carry out this section.

Sec. 5. This act becomes operative on July 1, 2015.

Sec. 6. Original section 13-518, Reissue Revised Statutes of Nebraska, and section 77-3,119, Revised Statutes Cumulative Supplement,
7 2014, are repealed.
8 Sec. 7. Since an emergency exists, this act takes effect when
9 passed and approved according to law.

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

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

Larson - LB591
Friesen, Kuehn, Larson, Scheer, Schilz, Seiler - LB323

**VISITORS**

Visitors to the Chamber were 22 twelfth-grade students and sponsor from
Wilcox-Hildreth; 29 eighth- through twelfth-grade students of the Buffalo
County Youth Advisory; 20 fourth-grade students from Immanuel Lutheran
School, Columbus; Elsie Holland from Kansas and Eunice Stuart from
Fairbury; and 10 fourth-grade students and teachers from St. Paul Lutheran
School, Beatrice.

The Doctor of the Day was Dr. Aaron Lanik from Geneva.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Hansen, the Legislature adjourned
until 9:00 a.m., Wednesday, March 18, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-SEVENTH DAY - MARCH 18, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 18, 2015

PRAYER

The prayer was offered by Reverend Edwin Anderson, Good Shepherd Baptist Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Campbell, Hansen, Howard, Morfeld, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 17, 2015

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

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

Contingent upon your approval, the following individual is being reappointed to the Climate Assessment Response Committee:

Barbara Cooksley, 81830 Highway 2, Anselmo, NE 68813

Contingent upon your approval, the following individuals are being appointed to the Climate Assessment Response Committee:
Mary Baker, 6026 Cleveland Avenue, Lincoln, NE 68507
Richard Koelsch, 7946 Dawson Creek Drive, Lincoln, NE 68505

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 120. Introduced by Hughes, 44.

WHEREAS, Coy Aerni, a member of Troop 160, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Coy 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, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Coy, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Coy Aerni on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Coy Aerni.

Laid over.

LEGISLATIVE RESOLUTION 121. Introduced by Hughes, 44.

WHEREAS, Kaden Kammerer, a member of Troop 160, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Kaden 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, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

1. That the Legislature congratulates Kaden Kammerer on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kaden Kammerer.

Laid over.

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

Senator McCoy filed the following amendments to **LB268**:

**AM916**

(Amendments to Standing Committee amendments, AM754)

1. Strike original section 9.
2. Renumber the remaining sections and correct the repealer accordingly.

**AM917**

(Amendments to Standing Committee amendments, AM754)

1. Strike original section 12.
2. Renumber the remaining sections and correct the repealer accordingly.

**AM918**

(Amendments to Standing Committee amendments, AM754)

1. Strike original section 20.
2. Renumber the remaining sections and correct the repealer accordingly.
RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 110, 111, and 112 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 110, 111, and 112.

GENERAL FILE

LEGISLATIVE BILL 324. Committee AM662, found on page 746 and considered on page 887, was renewed.

Senator McCoy offered the following amendment to the committee amendment:

AM919

(Amendments to Standing Committee amendments, AM662)
1 1. On page 1, line 21; page 3, line 8; page 11, line 6; and page 13, 2 line 2, after the period insert "Any owner having an interest in the real 3 property within the limits of the sanitary and improvement district who 4 decides to utilize the solid waste collection services contracted by the 5 sanitary and improvement district shall pay for such services separately 6 to the district and not through a tax or special assessment levied 7 against the owner's real property to pay for such services."
8 2. On page 4, lines 11 and 12, strike the new matter.
9 3. On page 9, lines 20 and 21, strike the new matter.

SENATOR KRIST PRESIDING

The McCoy amendment lost with 14 ayes, 20 nays, and 15 present and not voting.

The committee amendment was adopted with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 554. Placed on General File with amendment.

AM744

1 1. On page 3, after line 27 insert the following new paragraphs:
2 "$95,000.00 for Tort Claim Number 2009-03751, against the State of 3 Nebraska, pay to Debra Rhodes on behalf of Estate of David Peterson, c/o 4 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496, 5 out of the General Fund.
6 $95,000.00 for Tort Claim Number 2010-04062, against the State of Nebraska, pay to Natasha Lunn on behalf of Estate of Travis Lunn, c/o Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496, out of the General Fund."

10. On page 4, lines 14 and 17, strike "1,004,509.97" and insert "1,194,509.97".

(Signed) Burke Harr, Chairperson

General Affairs

LEGISLATIVE BILL 619. Placed on General File with amendment. AM115 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

Business and Labor

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

Steven Bley - Boiler Safety Code Advisory Board
Robert Kirkpatrick - Boiler Safety Code Advisory Board
Thomas E. Phipps - Boiler Safety Code Advisory Board


(Signed) Burke Harr, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 122. Introduced by Ebke, 32.

WHEREAS, the Exeter-Milligan High School boys' basketball team won the 2015 Class D-2 Boys' State Basketball Championship by defeating Bancroft-Rosalie High School in double overtime by a score of 67-62; and
WHEREAS, Exeter-Milligan High School became the second school since 1995 to win both the Class D-2 state football championship and the Class D-2 boys' state basketball championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Exeter-Milligan High School boys' basketball team on winning the 2015 Class D-2 Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the Exeter-Milligan High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School boys' basketball team advanced to the 2015 Class D-2 Boys' State Basketball Tournament; and

WHEREAS, the Bancroft-Rosalie High School boys' basketball team played in the championship game and finished in second place; and

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

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

1. That the Legislature congratulates the Bancroft-Rosalie High School boys' basketball team on finishing second at the 2015 Class D-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 124. Introduced by Brasch, 16.

WHEREAS, Guardian Angels Central Catholic High School in West Point had an outstanding 2015 season in girls' basketball; and

WHEREAS, the Guardian Angels Central Catholic Bluejays won third place at the 2015 Class C-2 Girls' State Basketball Tournament by defeating Sutton High School 69-28 in the third-place game; and

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

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

1. That the Legislature congratulates Guardian Angels Central Catholic High School for their outstanding season in girls' basketball and for winning third place at the 2015 Class C-2 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic High School girls' basketball team.

Laid over.
REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Baker, Mary - Climate Assessment Response Committee - Agriculture
Cooksley, Barbara - Climate Assessment Response Committee - Agriculture
Koelsch, Richard - Climate Assessment Response Committee - Agriculture

(Signed) Bob Krist, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 356. Title read. Considered.

Committee AM803, found on page 787, was offered.

Senator B. Harr withdrew his amendment, AM867, found on page 888.

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

AM930
(Amendments to Standing Committee amendments, AM803)
1 1. On page 1, line 10, after "58-219" insert "involving rental housing as defined in section 58-220".
2 2. On page 3, line 5; and page 4, lines 17 and 23, strike "income and expense" and insert "actual income and actual expense".

The B. Harr amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 89. Title read. Considered.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Craighead has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.
AMENDMENT(S) - Print in Journal

Senator Craighead filed the following amendment to LB324:

(AMENDMENTS TO STANDING COMMITTEE AMENDMENTS, AM662)

1 1. Insert the following new section:
2 Sec. 7. (1) If the chairperson of a sanitary and improvement
3 district board of trustees or the legal counsel or administrator for the
4 district receives written notice from a city or village proposing to
5 annex territory within the sanitary and improvement district under the
6 authority of sections 14-117, 15-104, 16-117, 16-130, 17-405.01, or
7 17-407, the district shall not spend assets for a period of ninety days
8 after receiving such notice, except for:
9 (a) All interest and principal payments on bonds due and payable
10 from the construction fund or bond fund of the district;
11 (b) All interest and principal payments on construction fund
12 warrants due and payable from the construction fund or bond fund of the
13 district;
14 (c) All interest and principal payments on general fund warrants due
15 and payable from the general fund of the district;
16 (d) Payment or issuance of warrants for services, work, labor, or
17 materials that were ordered or contracted for by the district prior to
18 receiving notice of the city or village’s proposal to annex the district.
19 Such payments or warrants shall be paid from the district’s general fund,
20 construction fund, bond fund, or service fee fund, so long as such
21 payment or warrant shall not cause the district to exceed its total
22 budget for the fund from which payment or warrant is to be made;
23 (e) Payment or issuance of warrants for any expense incurred by the
24 district prior to receiving notice of the city or village’s proposal to
25 annex the district that is required by the district (i) to satisfy any
26 statutory obligation of the district, (ii) to address emergency or
27 imminent public safety repairs or replacements to district property, and
28 expenses that would be paid by the district in the ordinary course of
29 business of the district, and (iii) to address projects for which a
30 notice to contractors has been published, the bidding process has begun,
31 and contracts are awarded for such project that (A) does not cause the
32 district to exceed the district’s total general fund budget and is paid
33 from the general fund, including, but not limited to, levied tax receipts
34 to be received by the district on April 1 and August 1 if the annexation
35 is to occur after such dates, (B) does not cause the district to exceed
36 the district’s total construction fund or bond fund budget and is paid
37 from the construction fund or bond fund, and (C) does not cause the
38 district to exceed the district’s total service fee fund budget and is
39 paid from the service fee fund; and
40 (f) Payment or issuance of warrants for a commitment or contract
41 that will bind the district to pay for any other expense approved in
42 writing by the city finance director or other designated person
43 responsible for such approvals.
18 (2) If a district plans to commence a construction project or enter
19 into any contracts required to be publicly bid pursuant to section 31-741
20 and for which a notice to contractors has not been published and the
21 bidding process has not begun prior to the district receiving notice of
22 the city or village's proposal to annex the district, the district shall
23 first submit either the plans and specifications for the improvements or
24 the proposed contract to the city or village finance director or other
25 designated person. Within ten business days after the district submits
26 the plans and specifications or the proposed contract, the city or
27 village finance director or other designated person shall either (a)
28 approve or deny such plans and specifications or the proposed contract or
29 (b) direct the department head within the city or village responsible for
30 reviewing plans and specifications or contracts to approve or deny such
31 plans and specifications or the proposed contract within ten business
32 days.
2 2. Renumber the remaining section accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

**LEGISLATIVE BILL 382A.** Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 382, One Hundred
Fourth Legislature, First Session, 2015; and to provide for a transfer.

**LEGISLATIVE BILL 465A.** Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 465, One Hundred
Fourth Legislature, First Session, 2015.

**SENATOR KRIST PRESIDING**

**GENERAL FILE**

**LEGISLATIVE BILL 498.** Title read. Considered.

Committee AM413, found on page 605, was adopted with 29 ayes, 0 nays,
19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, and 17
present and not voting.

**LEGISLATIVE BILL 367.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present
and not voting, and 1 excused and not voting.
BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 89A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 137A. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 125. Introduced by Bloomfield, 17; Baker, 30; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; 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; Koltesman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; 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 Winnebago High School boys' basketball team won the 2015 Class C-1 Boys' State Basketball Championship by defeating Scotus Central Catholic High School of Columbus by a score of 66-51; and
WHEREAS, this was the Winnebago Indians first state championship in boys' basketball in 75 years; and
WHEREAS, Coach Jeff Berridge guided the team to an outstanding 27-1 season; and
WHEREAS, throughout the year the Winnebago Indians boys' basketball team has demonstrated that hard work, dedication, and teamwork produces remarkable results; and
WHEREAS, the members of the Winnebago Indians boys' basketball team are positive role models for young athletes in the community and throughout the state; and
WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but also through the support of the entire community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Winnebago High School boys' basketball team on winning the 2015 Class C-1 Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the Winnebago High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 126. Introduced by McCoy, 39.

WHEREAS, the Mount Michael Benedictine High School academic decathlon team of Elkhorn won the 2015 Nebraska Academic Decathlon; and
WHEREAS, the Academic Decathlon is a ten-event scholastic competition for teams of high school students. This year's theme was "New Alternatives in Energy: Ingenuity and Innovation"; and
WHEREAS, Coach Dave Cormier did a tremendous job of mentoring and fostering the team; and
WHEREAS, Adam Terasinki, Jared Mikuls, Jon Collins, Jacob Bova, Alex Hotovy, Cade Johnson, Max deMayo, Michael Fischer, Broden Kaps, Jacob Raemakers, Walt Wear, and Andrew Ahn displayed hard work and dedication as they prepared for the competition; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Mount Michael Benedictine High School academic decathlon team on winning the 2015 Nebraska Academic Decathlon.
2. That a copy of this resolution be sent to the Mount Michael Benedictine High School academic decathlon team and Coach Dave Cormier.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

McCollister - LB47
Kolterman, Mello, Nordquist - LB323
McCollister - LB437
Cook - LB405
McCollister - LB623
Cook, Howard, Johnson, Stinner, Watermeier - LB323
VISITORS

Visitors to the Chamber were 13 seventh- through tenth-grade students and sponsor from Wilber-Clatonia; Senator Davis' nephew, Hunter Sieckmeyer, from Lincoln; 6 eighth-grade students and teacher from Norris Leadership Team; 9 middle-school students and teacher from Aurora; 20 members of the Nebraska Civic Leadership Program from the UNO Political Science Department; 5 eighth-grade students and teacher from Otte Middle School, Blair; 5 middle-school students and teacher from St. Wenceslaus School, Omaha; 40 members for Madison County Day at the Capitol; Senator Craighead's daughter, Staci Craighead, from Kearney; Senator Bloomfield's wife, Dee, from Hoskins and Karen Kruger from Hoskins; and Senator Hilkemann's wife, Julie, from Omaha and Paty Swarez from Omaha.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Thursday, March 19, 2015.

Patrick J. O'Donnell
Clerk of the Legislature
FORTY-EIGHTH DAY - MARCH 19, 2015

LEGISLATIVE JOURNAL

ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 19, 2015

PRAYER

The prayer was offered by Pastor Lance Burch, Reality Church, La Vista.

ROLL CALL

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

The roll was called and all members were present except Senators Davis and Nordquist who were excused; and Senators Kolowski, Mello, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 15. Placed on Select File with amendment.
ER52
1 1. On page 1, strike beginning with "43-272.01" in line 1 through
2 line 4 and insert "43-272, Reissue Revised Statutes of Nebraska, and
3 section 43-272.01, Revised Statutes Cumulative Supplement, 2014; to
4 require the Supreme Court to promulgate guidelines; to provide and change
5 duties for guardians ad litem; to provide for compensation of guardians
6 ad litem; to define terms; to repeal the original sections; and to
7 declare an emergency."

LEGISLATIVE BILL 139. Placed on Select File with amendment.
ER51 is available in the Bill Room.

LEGISLATIVE BILL 139A. Placed on Select File.

LEGISLATIVE BILL 33. Placed on Select File.
LEGISLATIVE BILL 324. Placed on Select File with amendment.
ER53
1 1. In the Standing Committee amendments, AM662:
2 a. On page 16, line 5, after "obligations" insert an underscored
3 comma; in line 11 after "relevy" insert an underscored comma; and in
4 lines 12 and 14 after "relevied" insert an underscored comma; and
5 b. On page 17, line 17, after "In" insert "the".
6 2. On page 1, line 2, strike "31-729, and 31-740" and insert
7 "31-727.03, 31-729, 31-740, 31-763, and 31-766"; and in line 4 after the
8 semicolon insert "to provide additional powers for certain sanitary and
9 improvement districts subject to approval as prescribed; to require
10 acknowledgments to be obtained from purchasers of real estate within
11 sanitary and improvement districts as prescribed;".

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 76. Placed on General File.

LEGISLATIVE BILL 542. Placed on General File.

LEGISLATIVE BILL 591. Placed on General File with amendment.
AM627 is available in the Bill Room.

LEGISLATIVE BILL 574. Indefinitely postponed.

(Signed) Mike Gloor, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 18, 2015

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 23, 34, 35, 37, 46, 129, 146, 155e, 164, 179,
207 and 279e were received in my office on March 12, 2015.
These bills were signed and delivered to the Secretary of State on March
18, 2015.

Sincerely,
(Signed) Pete Ricketts
Governor

PR/lhk
RESOLUTION(S)

LEGISLATIVE RESOLUTION 127. Introduced by Craighead, 6.

WHEREAS, the Omaha Creighton Prep High School basketball team won the 2015 Class A Boys’ State Basketball Championship by defeating Omaha South High School by a score of 46-41; and
WHEREAS, the win gives the Creighton Prep Bluejays basketball team its 12th state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the Omaha Creighton Prep High School basketball team on winning the 2015 Class A Boys’ State Basketball Championship.
2. That a copy of this resolution be sent to the Omaha Creighton Prep High School basketball team.

Laid over.

LEGISLATIVE RESOLUTION 128. Introduced by Craighead, 6.

WHEREAS, Brooke Biby, a sixth grade student at Joslyn Elementary School in Omaha, won the 2015 Midwest Spelling Bee; and
WHEREAS, the win gives Brooke and the Joslyn Jaguars their first Midwest Spelling Bee title; and
WHEREAS, Brooke will represent Nebraska and western Iowa at the Scripps National Spelling Bee in Washington, D.C. in May; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Brooke Biby on winning the 2015 Midwest Spelling Bee.
2. That a copy of this resolution be sent to Brooke Biby, her teachers Jennifer Sinnott and Kristi Eggen, and Principal Betsy Kosch.

Laid over.
LEGISLATIVE BILL 31. Title read. Considered.

Committee AM359, found on page 765, was offered.

Senator Hilkemann offered the following motion:
MO53
Bracket until June 5, 2015.

Senator Gloor moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

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

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

Voting in the affirmative, 21:
Baker  Gloor  Howard  Pansing Brooks Williams
Bolz  Haar, K.  Johnson  Riepe
Campbell  Hadley  Kolowski  Seiler
Cook  Hansen  Kuehn  Smith
Crawford  Hilkemann  Lindstrom  Watermeier

Voting in the negative, 19:
Chambers  Groene  Krist  Murante  Schumacher
Coash  Hughes  Larson  Scheer  Stinner
Ebke  Kintner  McCoy  Schilz  Sullivan
Friesen  Koltermann  Morfeld  Schnoor

Present and not voting, 6:
Bloomfield  Craighead  McCollister
Brasch  Garrett  Mello

Excused and not voting, 3:
Davis  Harr, B.  Nordquist

The Hilkemann motion to bracket failed with 21 ayes, 19 nays, 6 present and not voting, and 3 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 105A. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 105, One Hundred Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 227. Placed on General File with amendment. AM903

1. On page 2, strike beginning with "Legislature" in line 3 through line 5, show as stricken, and insert "department shall".

The Education 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.

Dennis Baack - Nebraska Educational Telecommunications Commission
Marilyn Hadley - Nebraska Educational Telecommunications Commission
Darlene Starman - Nebraska Educational Telecommunications Commission


(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 129. Introduced by Brasch, 16.

WHEREAS, Joe Berg of West Point-Beemer High School won the 2015 Class B State Wrestling Championship in the 126-pound division; and
WHEREAS, Joe's win helped lead the West Point-Beemer Cadets to a fifth-place team finish; and
WHEREAS, Joe displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Joe Berg on his state wrestling championship.
2. That a copy of this resolution be sent to Joe Berg.
LEGISLATIVE RESOLUTION 130. Introduced by Brasch, 16.

WHEREAS, Nick Arlt of Oakland-Craig High School won the 2015 Class D State Wrestling Championship in the 160-pound division; and
WHEREAS, Nick's win helped lead the Oakland-Craig Knights to a third-place team finish; and
WHEREAS, Nick displayed outstanding determination, perseverance, and skill in winning the state championship; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Nick Arlt on his state wrestling championship.
2. That a copy of this resolution be sent to Nick Arlt.

LEGISLATIVE RESOLUTION 131. Introduced by Coash, 27; Baker, 30; Bolz, 29; Campbell, 25; Ebke, 32; Hansen, 26; Pansing Brooks, 28.

WHEREAS, Jake Moore is retiring after 25 seasons as the head volleyball coach for Pius X High School in Lincoln; and
WHEREAS, Coach Moore's career win-loss record is an impressive 705-232; and
WHEREAS, Coach Moore's teams have qualified for the State Volleyball Tournament 21 times, including the last 20 consecutive seasons. Under his leadership, Pius X High School has won seven state championships, one state runner-up title, and finished as a state semi-finalist eight other times; and
WHEREAS, Coach Moore was a finalist for the 2014 High School National Coach of the Year.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Jake Moore on his retirement and recognizes his successful coaching career.
2. That a copy of this resolution be sent to Jake Moore.

LEGISLATIVE RESOLUTION 132. Introduced by Schnoor, 15.

WHEREAS, lymphedema is a disease characterized by chronic, progressive, potentially incurable, and often severe and debilitating swelling
caused by an accumulation of lymphatic fluid in parts of the body where lymph nodes or lymphatic vessels are damaged or inadequate; and

WHEREAS, lymphedema in adults is most commonly a consequence of damage to the lymphatic system resulting from treatment for cancer; and

WHEREAS, lymphedema affects millions of people of all ages and both genders, many of whom are unaware they have the disease until it has progressed far enough to affect their daily lives or compromise their health; and

WHEREAS, untreated lymphedema often results in disfigurement, pain, disability, and serious infections such as cellulitis, which can require costly medical treatment and hospitalization; and

WHEREAS, lymphedema is a progressive condition which occurs in four stages (latent, reversible, spontaneously reversible, and elephantiasis); and

WHEREAS, due to the lack of awareness, information, and education affecting both the public and the medical community, lymphedema is often misdiagnosed or undiagnosed resulting in unchecked progression of the untreated disease; and

WHEREAS, lymphedema can be well-controlled or the progression of the disease may be halted if it is correctly diagnosed and then subjected to a multiphase treatment regimen carried out by specially trained, nationally certified professionals.

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

1. That the Legislature recognizes March 2015 as Lymphedema Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Lymphedema Network, the Lymphedema Advocacy Group, the Nebraska Occupational Therapy Association, the American Occupational Therapy Association, the Nebraska Physical Therapy Association, the American Physical Therapy Association, the Nebraska Medical Association, the Lancaster County Medical Society, the Metro Omaha Medical Society, the Nebraska Oncology Society, the Oncology Nursing Society chapters in Nebraska, the University of Nebraska Medical Center, and the CHI Health Creighton University Medical Center.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB70:

AM945

(Amendments to E and R amendments, ER27)

1 1. Strike section 3 and insert the following new sections:

2 Sec. 2. Section 77-3001, Reissue Revised Statutes of Nebraska, is amended to read:

3 77-3001 For purposes of the Mechanical Amusement Device Tax Act, 5 unless the context otherwise requires:

6 (1) Person means an individual, partnership, limited liability
company, society, association, joint-stock company, corporation, estate, receiver, lessee, trustee, assignee, referee, or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals;
(2) Mechanical amusement device means any machine which, upon insertion of a coin, currency, credit card, or substitute into the machine, operates or may be operated or used for a game, contest, or amusement of any description, such as, by way of example, but not by way of limitation, pinball games, shuffleboard, bowling games, radio-ray rifle games, baseball, football, racing, boxing games, electronic games of skill, and coin-operated pool tables. Mechanical amusement device also includes game and draw lotteries and coin-operated automatic musical devices. The term does not mean vending machines which dispense tangible personal property, devices located in private homes for private use, pickle card dispensing devices which are required to be registered with the Department of Revenue pursuant to section 9-345.03, or devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska;
(3) Operator means any person who operates a place of business in which a machine or device owned by him or her is physically located or any person who places and who either directly or indirectly controls or manages any machine or device;
(4) Distributor means any person who sells, leases, or delivers possession or custody of a machine or mechanical device to operators thereof for a consideration either directly or indirectly received;
(5) Whenever in the act, the words machine or device are used, they refer to mechanical amusement device; and
(6) Whenever in the act, the words machine, device, person, operator, or distributor are used, the words in the singular include the plural and in the plural include the singular.

Sec. 4. (1) Beginning January 1, 2016, in addition to the occupation tax imposed pursuant to section 77-3004, an additional occupation tax shall be levied upon the business of operating a mechanical amusement device that:
(a) Accepts currency, coins, tokens, or other value in exchange for play;
(b) Awards a monetary prize or anything redeemable for a monetary prize;
(c) Is played by a player using a touch screen, computer mouse, touch pad, light pen, laser, or device of similar function by which the player competes against software running the device; and
(d) Has not been adjudicated by a court of competent jurisdiction within the State of Nebraska to not constitute a gambling device as defined in subdivision (5) of section 28-1101. Any such adjudication shall be by way of a final order in which the Tax Commissioner has been made a party to the action and written notice has been provided to the Attorney General at the commencement of the action.
(2) Any operator of such mechanical amusement device shall pay the occupation tax. The amount of the occupation tax shall be equal to ten...
30 percent of the gross revenue derived from the operation of any mechanical
31 amusement device described in subsection (1) of this section. The Tax
1 Commissioner shall collect such occupation tax concurrently with the
collection of the state sales tax in the same manner as the state sales
tax is collected. All taxes collected pursuant to this section shall be
remitted to the State Treasurer, and the State Treasurer shall credit
ninety-seven percent of such taxes to the General Fund and the remaining
three percent of such taxes to the Compulsive Gamblers Assistance Fund.
(3) The occupation tax imposed in this section shall not apply to:
(a) Any device that is specifically authorized by the laws of this
state; or
(b) Any device not within the definition of a gambling device as
defined in subdivision (5) of section 28-1101.
(4) To receive the exemption provided in subsection (3) of this
section, an operator must:
(a) Apply to the Tax Commissioner for a determination that such
exemption applies. The application shall contain such information
regarding the device’s location, software, Internet connectivity, and
configuration as may be required by the Tax Commissioner; and
(b) Prove by a preponderance of the evidence to the Tax
Commissioner, at the operator’s expense, that the device, in all its
operating configurations, is:
(i) A device that is specifically authorized by the laws of this
state; or
(ii) A device not within the definition of a gambling device as
defined in subdivision (5) of section 28-1101.
(5) The proof required by subdivision (4)(b)(ii) of this section may
be made by:
(a) A showing that the software running the game remains constant
with the nature of a game that had its software at issue in a judicial
case, not overturned by appeal, in which the State of Nebraska was a
party, the issue was litigated, and the final order found that the
particular game was more controlled by the player than not, and thus was
predominantly a game of skill; or
(b) Providing the results of an examination of the relevant
software, an analysis of the software’s performance conducted by a gaming
laboratory approved by the Tax Commissioner, the results of human
performance tests that weigh the skill component against the chance
component of the play, and such other information as may be required by
the Tax Commissioner to demonstrate to the satisfaction of the Tax
Commissioner that all games playable on the device are more controlled by
the player than not, and thus are predominantly games of skill.
(6) Except as provided in subsection (7) of this section, the Tax
Commissioner shall make an initial review of an application for exemption
under this section and any supporting materials within a reasonable time
after the application and supporting materials are submitted. If upon
such review the Tax Commissioner determines that the device qualifies for
exemption, the Tax Commissioner shall submit notice of such determination
to the Attorney General for review. If the Attorney General does not
object within thirty days after receiving such notification, the Tax
Commissioner shall grant the exemption for the device as configured. If
the Attorney General objects or the Tax Commissioner determines that the
device does not qualify for exemption, the operator shall have the
opportunity for an administrative hearing before the Tax Commissioner at
which evidence may be presented on the issue of whether the device
qualifies for the exemption. After such hearing, the Tax Commissioner
shall enter a final decision approving or denying the exemption. The Tax
Commissioner's final decision may be appealed, and the appeal shall be in
accordance with the Administrative Procedure Act.

(7) For any device in operation on the effective date of this act,
the operator of such device may apply to the Tax Commissioner, in a
manner prescribed by the Tax Commissioner, within fifteen days after the
effective date of this act for an exemption under this section. The Tax
Commissioner shall make an initial review of such an application and any
supporting materials within seventy-five days after the application and
supporting materials are submitted. If upon such review the Tax
Commissioner determines that the device qualifies for exemption, the Tax
Commissioner shall submit notice of such determination to the Attorney
General for review. If the Attorney General does not object within thirty
days after receiving such notification, the Tax Commissioner shall grant
the exemption for the device as configured. If the Attorney General
objects or the Tax Commissioner determines that the device does not
qualify for exemption, the operator shall have the opportunity for an
administrative hearing before the Tax Commissioner at which evidence may
be presented on the issue of whether the device qualifies for the
declaration. After such hearing, the Tax Commissioner shall enter a final
decision approving or denying the exemption. The Tax Commissioner's final
decision may be appealed, and the appeal shall be in accordance with the
Administrative Procedure Act. Any such appeal shall be advanced on the
court docket and heard and decided by the court as quickly as possible.

(8) For purposes of this section, gross revenue means the total
aggregate receipts received from the operation of any mechanical
amusement device described in subsection (1) of this section without any
reduction for prizes, discounts, taxes, or expenses and includes receipts
from admission costs, any consideration necessary for participation, and
the value of any free tickets, games, or plays used.

(9) For purposes of this section, the fact that the device is played
or connected via league or tournament play shall play no factor in
determining whether the occupation tax imposed by this section is due.

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

VISITORS

Visitors to the Chamber were 12 sixth- through eighth-grade students and
teachers from Norris Public School, Firth; 11 twelfth-grade students,
teacher, and sponsor from Bertrand; Aaron and Alex Rooker from Omaha;
30 ninth-grade students and teachers from Northstar High School, Lincoln;
24 fourth-grade students and teachers from Arapahoe; 13 fourth-grade students and teachers from Lyons-Decatur Northeast, Lyons; 47 fourth-grade students and teachers from Avery Elementary, Bellevue; and 30 members of the Nebraska Firearm Owners Association.

The Doctor of the Day was Dr. Jeremy Howe from Omaha.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Schnoor, the Legislature adjourned until 9:00 a.m., Friday, March 20, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature
FORTY-NINTH DAY - MARCH 20, 2015
LEGISLATIVE JOURNAL
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION
FORTY-NINTH DAY
Legislative Chamber, Lincoln, Nebraska
Friday, March 20, 2015

PRAYER
The prayer was offered by Pastor Perry Gauthier, Capitol Ministries, Lincoln.

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

The roll was called and all members were present except Senators Davis, Kolowski, Larson, and Nordquist who were excused; and Senators Hansen and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL
The Journal for the forty-eighth day was approved.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 362. Placed on General File.

LEGISLATIVE BILL 254. Placed on General File with amendment.
AM768
1 1. On page 5, lines 17 and 18, strike "lien on real estate" and
2 insert "conveyance of or a lien on any interest in real estate;
3 (5) a power of attorney"; and in line 19 strike ")(5)" and insert
4 "(6)".

LEGISLATIVE BILL 265. Placed on General File with amendment.
AM878 is available in the Bill Room.

(Signed) Les Seiler, Chairperson
LEGISLATIVE RESOLUTION 41. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 21. Placed on General File with amendment.

AM834
1 1. Strike the original sections and insert the following new sections:
2 Section 1. Section 71-801, Revised Statutes Cumulative Supplement, 3 2014, is amended to read:
4 71-801 Sections 71-801 to 71-831 and section 2 of this act shall be known and may be cited as the Nebraska Behavioral Health Services Act.
5 Sec. 2. (1) All rate increases for providers of behavioral health services under the medical assistance program shall be passed on in their entirety to such providers by any contractor governing at-risk managed care service delivery for behavioral health services.
6 (2) All rate increases described in subsection (1) of this section shall go into effect on the first day of the next fiscal year following enactment of such rate increases.
7 (3) In an annual report submitted electronically to the Clerk of the Legislature and the Legislative Fiscal Analyst, the department shall provide assurances that all provider rate increases have been distributed to providers of behavioral health services for the direct provision of services under the Nebraska Behavioral Health Services Act.
8 Sec. 3. Section 71-806, Revised Statutes Cumulative Supplement, 9 2014, is amended to read:
10 71-806 (1) The division shall act as the chief behavioral health authority for the State of Nebraska and shall direct the administration and coordination of the public behavioral health system, including, but not limited to: (a) Administration and management of the division, regional centers, and any other facilities and programs operated by the division; (b) integration and coordination of the public behavioral health system; (c) comprehensive statewide planning for the provision of an appropriate array of community-based behavioral health services and continuum of care; (d) coordination and oversight of regional behavioral health authorities, including approval of regional budgets and audits of regional behavioral health authorities; (e) development and management of data and information systems; (f) subject to section 2 of this act, prioritization and approval of all expenditures of funds received and administered by the division, including: The establishment of rates to be paid; reimbursement methodologies for behavioral health services; methodologies to be used by regional behavioral health authorities in determining a consumer's financial eligibility as provided in subsection (2) of section 71-809; and fees and copays to be paid by consumers of such services; (g) cooperation with the department in the licensure and regulation of behavioral health professionals, programs, and facilities; (h) cooperation with the department in the provision of behavioral health services under the medical assistance program; (i) audits of behavioral...
16 health programs and services; and (j) promotion of activities in research
17 and education to improve the quality of behavioral health services,
18 recruitment and retention of behavioral health professionals, and access
19 to behavioral health programs and services.
20 (2) The department shall adopt and promulgate rules and regulations
21 to carry out the Nebraska Behavioral Health Services Act.
22 Sec. 4. Section 71-831, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:
24 71-831 All contracts and agreements relating to the medical
25 assistance program governing at-risk managed care service delivery for
26 behavioral health services entered into by the department on or after
27 July 1, 2012, shall:
28 (1) Provide a definition and cap on administrative spending that (a)
29 shall not exceed seven percent unless the implementing department
30 includes detailed requirements for tracking administrative spending to
31 ensure (i) that administrative expenditures do not include additional
1 profit and (ii) that any administrative spending is necessary to improve
2 the health status of the population to be served and (b) shall not under
3 any circumstances exceed ten percent;
4 (2) Provide a definition of annual contractor profits and losses and
5 restrict such profits and losses under the contract so that (a) profit
6 shall not exceed three percent per year and (b) losses shall not exceed
7 three percent per year, as a percentage of the aggregate of all income
8 and revenue earned by the contractor and related parties, including
9 parent and subsidy companies and risk-bearing partners, under the
10 contract;
11 (3) Provide for reinvestment of (a) any profits in excess of the
12 contracted amount, (b) performance contingencies imposed by the
13 department, and (c) any unearned incentive funds, to fund additional
14 behavioral health services for children, families, and adults according
15 to a plan developed with input from stakeholders, including consumers and
16 their family members, the office of consumer affairs within the division,
17 and the regional behavioral health authority and approved by the
18 department. Such plan shall address the behavioral health needs of adults
19 and children, including filling service gaps and providing system
20 improvements;
21 (4) Provide for a minimum medical loss ratio of eighty-five percent
22 of the aggregate of all income and revenue earned by the contractor and
23 related parties under the contract;
24 (5) Provide that contractor incentives, in addition to potential
25 profit, be at least one and one-half percent of the aggregate of all
26 income and revenue earned by the contractor and related parties under the
27 contract;
28 (6) Provide that a minimum of one-quarter percent of the aggregate
29 of all income and revenue earned by the contractor and related parties
30 under the contract be at risk as a penalty if the contractor fails to
31 meet the minimum performance metrics defined in the contract, and such
1 penalties, if charged, shall be accounted for in a manner that shall not
2 reduce or diminish service delivery in any way; and
3 (7) Comply with the requirements of section 2 of this act; and
4 (8) Be reviewed and awarded competitively and in full compliance
5 with the procurement requirements of the State of Nebraska.
6 Sec. 5. Original sections 71-801, 71-806, and 71-831, Revised
7 Statutes Cumulative Supplement, 2014, are repealed.
8 Sec. 6. Since an emergency exists, this act takes effect when
9 passed and approved according to law.

LEGISLATIVE BILL 264. Placed on General File with amendment.
AM798
1 1. Strike original section 3 and insert the following new section:
2 Sec. 3. Beginning December 15, 2015, upon presentation of
3 satisfactory evidence that the education, training, or service completed
4 by an applicant for a credential while a member of the armed forces of
5 the United States, active or reserve, the National Guard of any state,
6 the military reserves of any state, or the naval militia of any state is
7 substantially similar to the education required for the credential, the
8 department, with the recommendation of the appropriate board, if any,
9 shall accept such education, training, or service toward the minimum
10 standards for the credential.

LEGISLATIVE BILL 547. Placed on General File with amendment.
AM785
1 1. On page 2, line 15, strike "Beginning" through "2015-16" and
2 insert "(i) For the biennium beginning July 1, 2015, and ending June 30,
3 2017"; in line 19 strike beginning with the period through "2017-18" and
4 insert ";
5 (ii) For the biennium beginning July 1, 2017, and ending June 30,
6 2019"; in line 22 strike beginning with the period through "in" and
7 insert "; and
8 (iii) For"; and strike line 31 and insert the following new
9 subsection:
10 "(4)(a)(i) For the biennium beginning July 1, 2015, and ending June
11 30, 2017, the increase from four percent to seven percent in reservation
12 of federal funds for activities relating to the quality of child care
13 services described in subdivision (3)(a)(i) of this section shall be
14 allocated for quality rating and improvement system incentives and
15 support under the Step Up to Quality Child Care Act.
16 (ii) For the biennium beginning July 1, 2017, and ending June 30,
17 2019, the increase from seven to eight percent in the reservation of
18 federal funds for activities relating to the quality of child care
19 services described in subdivision (3)(a)(ii) of this section, plus the
20 percentage allocated as described in subdivision (4)(a)(i) of this
21 section, which together total four percent, shall be allocated for
22 quality rating and improvement system incentives and support under the
23 Step Up to Quality Child Care Act.
24 (iii) For fiscal year 2019-20, the increase from eight percent to
25 nine percent in the reservation of federal funds for activities relating
26 to the quality of child care services described in subdivision (3)(a)
27 (iii) of this section, plus the percentage allocated as described in subdivision (4)(a)(ii) of this section, which together total five percent, shall be allocated for quality rating and improvement system incentives and support under the Step Up to Quality Child Care Act.

(iv) For each fiscal year after fiscal year 2019-20, five percent of federal funds provided to the State of Nebraska pursuant to the Child Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such act and sections existed on January 1, 2015, which have been reserved for activities relating to the quality of child care services as described in subdivision (3)(a)(iii) of this section, shall be allocated for quality rating and improvement system incentives and support under the Step Up to Quality Child Care Act.

(b) For fiscal year 2015-16 and each fiscal year thereafter, the three-percent reservation of federal funds for activities relating to the quality of care for infants and toddlers described in subdivision (3)(b) of this section shall be allocated to the Early Childhood Education Endowment Cash Fund created pursuant to section 79-1104.01 to provide grants to programs described in section 79-1104.02 that enter into agreements with child care providers.

(c) Funds distributed pursuant to this subsection shall comply with federal regulations contained in 45 C.F.R. 98.11, as such regulations existed on January 1, 2015.”.

2. On page 3, strike lines 1 through 14.

(Signed) Kathy Campbell, Chairperson

Revenue

LEGISLATIVE BILL 414. Placed on General File.

(Signed) Mike Gloor, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hadley filed the following amendment to LB498:

1. Insert the following new section:

Sec. 18. Section 77-2701.24, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.24 Occasional sale means:

(1) A sale, but not a lease or rental, of property which is the subject of any intercompany sale or transfer involving any parent, subsidiary, or brother-sister company relationship under section 77-2704.28 and which was either originally acquired prior to June 1, 1967, or, if acquired thereafter, the seller or transferor directly or indirectly has previously paid a sales or use tax thereon, including:

(a) From one corporation to another corporation pursuant to a reorganization. For purposes of this subdivision, reorganization means a
13 statutory merger or consolidation or the acquisition by a corporation of
14 substantially all of the properties of another corporation when the
15 consideration is solely all or a part of the voting stock of the
16 acquiring corporation or of its parent or subsidiary corporation;
17 (b) In connection with the winding up, dissolution, or liquidation
18 of a corporation only when there is a distribution of the property of
19 such corporation to the shareholders in kind if the portion of the
20 property so distributed to the shareholder is substantially in proportion
21 to the share of stock or securities held by the shareholder;
22 (c) To a corporation for the purpose of organization of such
23 corporation or the contribution of additional capital to such corporation
24 when the former owners of the property transferred are immediately after
25 the transfer in control of the corporation and the stock or securities
26 received by each is substantially in proportion to his or her interest in
1 the property prior to the transfer;
2 (d) To a partnership in the organization of such partnership if the
3 former owners of the property transferred are immediately after the
4 transfer members of such partnership and the interest in the partnership
5 received by each is substantially in proportion to his or her interest in
6 the property prior to the transfer;
7 (e) From a partnership to the members thereof when made in kind in
8 the dissolution of such partnership if the portion of the property so
9 distributed to the members of the partnership is substantially in
10 proportion to the interest in the partnership held by the members;
11 (f) To a limited liability company in the organization of such
12 limited liability company if the former owners of the property
13 transferred are immediately after the transfer members of such limited
14 liability company and the interest in the limited liability company
15 received by each is substantially in proportion to his or her interest in
16 the property prior to the transfer;
17 (g) From a limited liability company to the members thereof when
18 made in kind in the dissolution of such limited liability company if the
19 portion of the property so distributed to the members of the limited
20 liability company is substantially in proportion to the interest in the
21 limited liability company held by the members;
22 (h) From one limited liability company to another limited liability
23 company pursuant to a reorganization; or
24 (i) Any transaction between two persons that qualifies as a tax-free
25 transaction under the Internal Revenue Code;
26 (2) A sale of household goods, personal effects, and services if
27 each of the following conditions is met and if any one condition is not
28 met then the entire gross receipts shall be subject to the tax imposed by
29 section 77-2703:
30 (a) Such sales are by an individual at his or her residence or if
31 more than one individual's property is involved such sales are by one of
1 the individuals involved at the residence of one of the individuals or
2 such sales are by an individual on an online auction site;
3 (b) Such sales do not occur at any residence or on an online auction
4 site for more than three days during a calendar year;
(c) Such individual or individuals or any member of any of their
households does not conduct or engage in a trade or business in which
similar items are sold or services provided;
(d) Such property sold was originally acquired for and used for
personal use or the service provided may be performed at any individual
residence without specialized equipment or supplies; and
(e) Such property is not otherwise excepted from the definition of
occasional sale;
(3) Commencing with any transaction occurring on or after October 1,
1985, any sale of business or farm machinery and equipment if each of the
following conditions is met and if any one condition is not met the
entire gross receipts shall be subject to the tax imposed by section
77-2703:
(a) Such machinery or equipment was used by the seller or seller's
predecessor in a sale described in subdivision (1) of this section as a
depreciable capital asset in connection with the farm or business for a
period of at least one year;
(b) Such property was originally acquired prior to June 1, 1967, or
if acquired thereafter, the seller or seller's predecessor in a sale
described in subdivision (1) of this section directly or indirectly has
previously paid a sales or use tax thereon; and
(c) Such property is not otherwise excepted from the definition of
occasional sale;
(4) Commencing October 1, 1985, a sale by an organization created
exclusively for religious purposes or an agent of the organization for
such sale if each of the following conditions is met and if any one
condition is not met then the entire gross receipts shall be subject to
the tax imposed by section 77-2703:
(a) All sales occur during an activity conducted by such
organization or, if more than one organization is involved, by one of the
organizations owning property being sold;
(b) The organization only sells property it owns or provides the
service during one such activity in a calendar year; and
(c) The activity does not last longer than three consecutive days;
and
(5) Any sale that is made in connection with the sale to a single
buyer of all or substantially all of a trade or business if the seller or
seller's predecessor in a sale described in subdivision (1) of this
section directly or indirectly has previously paid a sales or use tax
thereon. This subdivision shall apply to any transaction occurring on or
after October 1, 1985.
Commencing October 1, 1985, occasional sale does not include any
sale directly by or any sale which is supervised or aided by an
auctioneer or an agent or employee of an auctioneer.
Except for a sale listed in subdivision (1) of this section, an
occasional sale does not mean any sale of motor vehicles, semitrailers,
trailers, all-terrain vehicles, or utility-type vehicles as defined in
the Motor Vehicle Registration Act or any sale of a motorboat as defined
in section 37-1204.
23. Renumber the remaining sections and correct the repealer accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 133. Introduced by Stinner, 48.

WHEREAS, Michael Downing, a member of Troop 17 from Gering, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. 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, 12 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, Michael painted the parking lot lines for the First Assembly of God church in Scottsbluff; and
WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and
WHEREAS, Michael, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates Michael Downing on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Michael Downing.

Laid over.

LEGISLATIVE RESOLUTION 134. Introduced by Stinner, 48.

WHEREAS, David Misner, a member of Troop 17 from Gering, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, David
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, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

1. That the Legislature congratulates David Misner on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to David Misner.

Laid over.

LEGISLATIVE RESOLUTION 135. Introduced by Stinner, 48.

WHEREAS, Joey Eaton, a member of Troop 17, 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. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Joey 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, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

1. That the Legislature congratulates Joey Eaton on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Joey Eaton.

Laid over.
REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 19, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Abboud, Chris - Public Affairs Group  
   MasterCard
Amack, Angela K.  
   Everytown for Gun Safety Action Fund
Blaney, Joseph  
   Everytown for Gun Safety Action Fund (Withdrawn 03/18/2015)
Connealy, Matt  
   Center for Rural Affairs
Lautenbaugh, Scott  
   Heartland Strategy Group, LLC

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
http://www.nebraskalegislature.gov/agencies/view.php

GENERAL FILE

LEGISLATIVE BILL 31. Committee AM359, found on page 765 and considered on page 908, was renewed.

Senator Baker offered the following amendment to the committee amendment:
AM870
   (Amendments to Standing Committee amendments, AM359)
1 1. Strike the original sections and insert the following new
2 sections:
3 1. Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 60-6,279 (1) A person shall not operate or be a passenger on a
6 motorcycle or moped on any highway in this state unless such person is
7 wearing a protective helmet of the type and design manufactured for use
8 by operators of such vehicles and unless such helmet is secured properly
9 on his or her head with a chin strap while the vehicle is in motion. All
10 such protective helmets shall be designed to reduce injuries to the user
11 resulting from head impacts and shall be designed to protect the user by
12 remaining on the user's head, deflecting blows, resisting penetration,
13 and spreading the force of impact. Each such helmet shall consist of
14 lining, padding, and chin strap and shall meet or exceed the standards


established in the United States Department of Transportation's Federal
Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
helmets.

(2) A person operating a motorcycle who is at least twenty-one years
of age shall not be subject to the requirements of subsection (1) of this
section if the motorcycle is being operated, not in excess of thirty
miles per hour, in a parade or exhibition and the parade or exhibition is
being conducted in accordance with applicable state law and local
ordinances and resolutions.

Sec. 2. Original section 60-6,279, Reissue Revised Statutes of
Nebraska, is repealed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 242A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 242, One Hundred
Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 489A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to
aid in carrying out the provisions of Legislative Bill 489, One Hundred
Fourth Legislature, First Session, 2015.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 356. Placed on Select File with amendment.
ER54
1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 77-1333, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1333 (1) For purposes of this section, rent-restricted housing
6 project means a project consisting of five or more houses or residential
7 units that has received an allocation of federal low-income housing tax
8 credits under section 42 of the Internal Revenue Code from the Nebraska
9 Investment Finance Authority or its successor agency and, for the year of
10 assessment, is a project as defined in section 58-219 involving rental
11 housing as defined in section 58-220.
12 (2) The Legislature finds that:
LEGISLATIVE JOURNAL

928

13 (a) The provision of safe, decent, and affordable housing to all residents of the State of Nebraska is a matter of public concern and represents a legitimate and compelling state need, affecting the general welfare of all residents;
17 (b) Rent-restricted housing projects effectively provide safe, decent, and affordable housing for residents of Nebraska;
19 (c) Such projects are restricted by federal law as to the rents paid by the tenants thereof;
21 (d) Of all the professionally accepted mass appraisal methodologies, which include the sales comparison approach, the income approach, and the cost approach, the utilization of the income-approach methodology results in the most accurate determination of the actual value of such projects;
25 and
26 (e) This section is intended to (i) further the provision of safe, decent, and affordable housing to all residents of Nebraska and (ii) comply with Article VIII, section 1, of the Constitution of Nebraska, which empowers the Legislature to prescribe standards and methods for the determination of value of real property at uniform and proportionate values.
5 (3) Except as otherwise provided in this section, the county assessor shall utilize an income-approach calculation to determine the actual value of all rent-restricted housing projects constructed to allow an allocation of low-income housing tax credits under section 42 of the Internal Revenue Code and approved by the Nebraska Investment Finance Authority when determining the assessed valuation to place on the property for each assessment year. The income-approach calculation shall be consistent with this section and any rules and regulations adopted and promulgated by the Tax Commissioner and shall comply with professionally accepted mass appraisal techniques.
15 (4) The Rent-Restricted Housing Projects Valuation Committee is created. For administrative purposes only, the committee shall be within the Department of Revenue. The committee's purpose shall be to develop a market-derived capitalization rate to be used by county assessors in determining the assessed valuation for rent-restricted housing projects. The committee shall consist of the following four persons:
21 (a) A representative of county assessors appointed by the Tax Commissioner. Such representative shall be skilled in the valuation of property and shall hold a certificate issued under section 77-422;
24 (b) A representative of the low-income housing industry appointed by the Tax Commissioner. The appointment shall be based on a recommendation made by the Nebraska Commission on Housing and Homelessness;
27 (c) The Property Tax Administrator or a designee of the Property Tax Administrator who holds a certificate issued under section 77-422. Such person shall serve as the chairperson of the committee; and
30 (d) An appraiser from the private sector appointed by the Tax Commissioner. Such appraiser must hold either a valid credential as a certified general real property appraiser under the Real Property Appraiser Act or an MAI designation from the Appraisal Institute.
3 (5) The owner of a rent-restricted housing project shall file a
and the county assessor on or before October 1 of each year that details
actual income and actual expense data for the prior year, a description
of any land-use restrictions, a description of the terms of any mortgage
loans, including loan amount, interest rate, and amortization period, and
such other information as the committee or the county assessor may
require for purposes of this section.

(6) The Rent-Restricted Housing Projects Valuation Committee shall
meet annually in November to examine the information on rent-restricted
housing projects that was provided pursuant to subsection (5) of this
section. The Department of Revenue shall electronically publish notice of
such meeting no less than thirty days in advance. The committee shall
also solicit information on the sale of any such rent-restricted housing
projects and information on the yields generated to investors in rent-
restrained housing projects. The committee shall, after reviewing all
such information, calculate a market-derived capitalization rate on an
annual basis using the band-of-investment technique or other generally
accepted technique used to derive capitalization rates depending upon the
data available. The capitalization rate shall be a composite rate
weighted by the proportions of total property investment represented by
equity and debt, with equity weighted at eighty percent and debt weighted
at twenty percent unless a substantially different market capital
structure can be verified to the county assessor. The yield for equity
shall be calculated using the data on investor returns gathered by the
committee. The yield for debt shall be calculated using the data provided
to the committee pursuant to subsection (5) of this section. If the
committee determines that a particular county or group of counties
requires a different capitalization rate than that calculated for the
rest of the state pursuant to this subsection, then the committee may
calculate an additional capitalization rate that will apply only to such
county or group of counties.

(7) After the Rent-Restricted Housing Projects Valuation Committee
has calculated the capitalization rate or rates under subsection (6) of
this section, the committee shall provide such rate or rates and the
information reviewed by the committee in calculating such rate or rates
in an annual report. Such report shall be forwarded by the Property Tax
Administrator to each county assessor in Nebraska no later than December
1 of each year for his or her use in determining the valuation of rent-
restrained housing projects. The Department of Revenue shall publish the
annual report electronically but may charge a fee for paper copies. The
Tax Commissioner shall set the fee based on the reasonable cost of
producing the report.

(8) Except as provided in subsections (9) through (11) of this
section, each county assessor shall use the capitalization rate or rates
contained in the report received under subsection (7) of this section and
the actual income and actual expense data filed by owners of rent-
restrained housing projects under subsection (5) of this section in the
county assessor's income-approach calculation. Any low-income housing tax
credits authorized under section 42 of the Internal Revenue Code that
were granted to owners of the project shall not be considered income for purposes of the calculation.

(9) If the actual income and actual expense data required to be filed for a rent-restricted housing project under subsection (5) of this section is not filed in a timely manner, the county assessor may use any method for determining actual value for such rent-restricted housing project that is consistent with professionally accepted mass appraisal methods described in section 77-112 but may be considered in determining the capitalization rate to be used when capitalizing the income stream. The county assessor, in determining the actual value of any specific property, may consider other methods of determining value that are consistent with professionally accepted mass appraisal methods described in section 77-112.

(10) If a county assessor, based on the facts and circumstances, believes that the income-approach calculation does not result in a valuation of a rent-restricted housing project at actual value, then the county assessor shall present such facts and circumstances to the county board of equalization. If the county board of equalization, based on such facts and circumstances, concurs with the county assessor, then the county board of equalization shall petition the Tax Equalization and Review Commission to consider the county assessor's utilization of another professionally accepted mass appraisal technique that, based on the facts and circumstances presented by a county board of equalization, would result in a substantially different determination of actual value of the rent-restricted housing project. Petitions must be filed within thirty days after the property's valuation date. The burden of proof is on the petitioning county board of equalization to show that failure to make a determination that a different methodology should be used would result in a value that is not equitable and in accordance with the law. At the hearing, the commission may receive testimony from any interested person. After a hearing, the commission shall, within the powers granted in section 77-5007, enter its order based on evidence presented to it at such hearing.

(11) If the Tax Commissioner, based on the facts and circumstances, believes that the applicable capitalization rate set by the Rent-Restricted Housing Projects Valuation Committee to value a rent-restricted housing project does not result in a valuation at actual value for such rent-restricted housing project, then the Tax Commissioner shall petition the Tax Equalization and Review Commission to consider an adjustment to the capitalization rate of such rent-restricted housing project. Petitions must be filed within thirty days after the property's valuation date. The burden of proof is on the Tax Commissioner to show that failure to make an adjustment to the capitalization rate employed would result in a value that is not equal to the rent-restricted housing project's actual value. At the hearing, the commission may receive testimony from any interested person. After a hearing, the commission shall, within the powers granted in section 77-5007, enter its order based on evidence presented to it at such hearing.

(2) The owner of a rent-restricted housing project shall file a
statement with the county assessor on or before October 1 of each year that details income and expense data for the prior year, a description of any land-use restrictions, and such other information as the county assessor may require.

Sec. 2. Section 77-5007, Revised Statutes Cumulative Supplement, 2014, is amended to read:

77-5007 The commission has the power and duty to hear and determine
appeals of:
(1) Decisions of any county board of equalization equalizing the
value of individual tracts, lots, or parcels of real property so that all
real property is assessed uniformly and proportionately;
(2) Decisions of any county board of equalization granting or
denying tax-exempt status for real or personal property or an exemption
from motor vehicle taxes and fees;
(3) Decisions of the Tax Commissioner determining the taxable
property of a railroad company, car company, public service entity, or
air carrier within the state;
(4) Decisions of the Tax Commissioner determining adjusted valuation
pursuant to section 79-1016;
(5) Decisions of any county board of equalization on the valuation
of personal property or any penalties imposed under sections 77-1233.04
and 77-1233.06;
(6) Decisions of any county board of equalization on claims that a
levy is or is not for an unlawful or unnecessary purpose or in excess of
the requirements of the county;
(7) Decisions of any county board of equalization granting or
rejecting an application for a homestead exemption;
(8) Decisions of the Department of Motor Vehicles determining the
taxable value of motor vehicles pursuant to section 60-3,188;
(9) Decisions of the Tax Commissioner made under section 77-1330;
(10) Any other decision of any county board of equalization;
(11) Any other decision of the Tax Commissioner regarding property
valuation, exemption, or taxation;
(12) Decisions of the Tax Commissioner pursuant to section 77-3520;
(13) Final decisions of a county board of equalization appealed by
the Tax Commissioner or Property Tax Administrator pursuant to section
77-701;
(14) Determinations of the Rent-Restricted Housing Projects
Valuation Committee regarding the capitalization rate to be used to value
rent-restricted housing projects pursuant to section 77-1333 or the
requirement under such section that an income-approach calculation be
used by county assessors to value rent-restricted housing projects;
(15) The requirement under section 77-1314 that the income
approach, including the use of a discounted cash-flow analysis, be used
by county assessors; and
(16) Any other decision, determination, action, or order from
which an appeal to the commission is authorized.

The commission has the power and duty to hear and grant or deny
relief on petitions.
27 Sec. 3. Original section 77-1333, Reissue Revised Statutes of
28 Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement,
29 2014, are repealed.

LEGISLATIVE BILL 89. Placed on Select File.

LEGISLATIVE BILL 498. Placed on Select File with amendment.
ER55
1 1. On page 1, strike beginning with "revenue" in line 1 through line
2 5 and insert "all-terrain vehicles and utility-type vehicles; to amend
3 sections 60-123, 60-153, 60-301, 60-305, 60-339, 60-358.01, 60-6,355, and
4 77-2703, Revised Statutes Cumulative Supplement, 2014; to require
5 registration of all-terrain vehicles and utility-type vehicles under the
6 Motor Vehicle Registration Act; to redefine terms; to change sales and
7 use tax provisions; to harmonize provisions; to provide an operative
8 date; and to repeal the original sections."

LEGISLATIVE BILL 367. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 136. Introduced by Kolterman, 24;
Friesen, 34.

WHEREAS, the High Plains High School boys' basketball team from Polk
won the 2015 Class D-1 Boys' State Basketball Championship by defeating
Humphrey St. Francis High School by a score of 64-61; and
WHEREAS, the High Plains Storm boys' basketball team finished the
season with a win-loss record of 26-2; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic
achievements of the youth of our state.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST
SESSION:
1. That the Legislature congratulates the High Plains High School boys'
basketball team on winning the 2015 Class D-1 Boys' State Basketball
Championship.
2. That a copy of this resolution be sent to the High Plains High School
boys' basketball team and Coach Cameron Hudson.

Laid over.
NOTICE OF COMMITTEE HEARING(S)
Agriculture
Room 2102

Tuesday, March 31, 2015 1:10 p.m.
Mary Baker - Climate Assessment Response Committee
Barbara Cooksley - Climate Assessment Response Committee
Richard Koelsch - Climate Assessment Response Committee

(Signed) Jerry Johnson, Chairperson

Natural Resources
Room 1525

Tuesday, April 7, 2015 1:00 p.m.
James Reed Macy - Department of Environmental Quality

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 31. The Baker amendment, AM870, found in this day's Journal, to the committee amendment, was renewed.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Baker amendment lost with 6 ayes, 21 nays, 14 present and not voting, and 8 excused and not voting.

Senator Hilkemann offered the following amendment to the committee amendment:
AM939
(Amendments to Standing Committee amendments, AM359)
1 1. Strike section 1.
2 2. Renumber the remaining section accordingly.

SPEAKER HADLEY PRESIDING

Senator Chambers offered the following motion:
MO55
Bracket until June 5, 2015.

Senator Chambers withdrew his motion to bracket.
Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 320A.** Introduced by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, One Hundred Fourth Legislature, First Session, 2015.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 137.** Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia Catholic High School boys' basketball team won the 2015 Class C-2 Boys' State Basketball Championship by defeating Freeman High School by a score of 60-36; and
WHEREAS, the St. Cecilia Bluehawks won the quarterfinals game by 17 points over Hartington Cedar Catholic High School, and won the semifinals game by 18 points over Battle Creek High School; and
WHEREAS, this is the St. Cecilia Bluehawks sixth state championship; and
WHEREAS, most of the St. Cecilia boys' basketball team is composed of juniors, with no senior class members on their roster. The team finished the season with a win-loss record of 27-1.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:
1. That the Legislature congratulates the St. Cecilia Catholic High School boys' basketball team on winning the 2015 Class C-2 Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the St. Cecilia Catholic High School boys' basketball team, Coach Kevin Asher, and Father Tom Brouillette.

Laid over.

**LEGISLATIVE RESOLUTION 138.** Introduced by Sullivan, 41.

WHEREAS, the Pierce High School girls' basketball team won the 2015 Class C-1 Girls' State Basketball Championship by defeating Kearney Catholic High School by a score of 38-35; and
WHEREAS, this was the Pierce Bluejays girls' basketball team's third straight state championship; and
WHEREAS, the Pierce Bluejays girls' basketball team finished their season with a win-loss record of 22-6; and
WHEREAS, in addition to their state championship, the Pierce Bluejays girls' basketball team was also presented with the Class C-1 Girls' State Basketball Sportsmanship Award; and

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

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

1. That the Legislature congratulates the Pierce High School girls' basketball team on winning the 2015 Class C-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Pierce High School girls' basketball team.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Gloor filed the following amendment to LB31:

AM954

1 1. Insert the following new section:

Section 1. Section 60-4,182, Revised Statutes Cumulative Supplement, 2014, is amended to read:

60-4,182 In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:

8 (1) Conviction of motor vehicle homicide - 12 points;
9 (2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense - 12 points;
10 (3) Failure to stop and render aid as required under section 60-697 in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another - 6 points;
11 (4) Failure to stop and report as required under section 60-696 or any city or village ordinance in the event of a motor vehicle accident resulting in property damage - 6 points;
12 (5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 - 6 points;
13 (6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 - 6 points;
14 (7) Careless driving in violation of any city or village ordinance or of section 60-6,212 - 4 points;
15 (8) Negligent driving in violation of any city or village ordinance or of section 60-6,212 - 4 points;
3 - 3 points;  
4 (9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 - 5 points;  
5 (10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:  
6 (a) Not more than five miles per hour over the speed limit - 1 point;  
7 (b) More than five miles per hour but not more than ten miles per hour over the speed limit - 2 points;  
8 (c) More than ten miles per hour but not more than thirty-five miles per hour per hour over the speed limit - 3, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour, and  
9 speed limits provided for in subdivision (1)(e), (f), (g), or (h) of section 60-6,186; and  
10 (d) More than thirty-five miles per hour over the speed limit - 4 points;  
11 (11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian - 2 points;  
12 (12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian - 4 points;  
13 (13) Using a handheld wireless communication device in violation of section 60-6,179.01 or texting while driving in violation of subsection (1) or (3) of section 60-6,179.02 - 3 points;  
14 (14) Using a handheld mobile telephone in violation of subsection (2) or (4) of section 60-6,179.02 - 3 points;  
15 (15) Unlawful obstruction or interference of the view of an operator in violation of section 60-6,256 - 1 point;  
16 (16) A violation of subsection (1) of section 60-6,175 - 3 points;  
17 and  
18 (17) Failure to wear a motorcycle or moped protective helmet if the operator is involved in a crash - 6 points; and  
19 (18) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

Subdivision (18) of this section does not include violations involving an occupant protection system pursuant to section 60-6,270, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations if the operator is not involved in a crash, or overloading of trucks.  
18 All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had.  
19 Points may be reduced by the department under section 60-4,188.
In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle or an electric personal assistive mobility device as defined in section 60-618.02.

Senator Schumacher filed the following amendment to LB31:

AM973
1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 60-6,279, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,279  (1)(a) This subsection applies until September 15, 2020. A person shall not operate a motorcycle or moped on any highway in this state unless such person is wearing eye protection.

(b) Except as otherwise provided in subdivision (c) of this subsection, a person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

(c) A person who is at least twenty-one years of age is exempt from subdivision (b) of this subsection.

(2) Beginning September 15, 2020, a person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall...
meet or exceed the standards established in the United States Department of Transportation’s Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

Sec. 2. Original section 60-6,279, Reissue Revised Statutes of Nebraska, is repealed.

Senator Kintner filed the following amendment to LB268:

(Amendments to Standing Committee amendments, AM754)

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

Section 1. Section 83-964, Reissue Revised Statutes of Nebraska, is amended to read:

83-964 A sentence of death shall be enforced by firing squad. The convicted person shall be chemically sedated prior to death by firing squad. Sedation of the convicted person and death by firing squad shall be carried out the intravenous injection of a substance or substances in a quantity sufficient to cause death. The lethal substance or substances shall be administered in compliance with an execution protocol created and maintained by the Department of Correctional Services.

Section 2. Section 83-965, Reissue Revised Statutes of Nebraska, is amended to read:

83-965 (1) A sentence of death shall be enforced by the Director of Correctional Services. Upon receipt of an execution warrant, the director shall proceed at the time named in the warrant to enforce the sentence, unless the director is informed that enforcement of the sentence has been stayed by competent judicial authority, the sentence has been commuted, or the conviction has been pardoned.

(2) The director shall create, modify, and maintain a written execution protocol describing the process and procedures by which sedation of the convicted person and death by firing squad will be carried out consistent with this section. The director shall (a) select the substance or substances to be employed for sedation of the convicted person in an execution by lethal injection, (b) create a documented process for obtaining the necessary substances for sedation of the convicted person and for the necessary equipment and firearms for carrying out death by firing squad, (c) designate an execution team composed of the person administering sedation and two or more executioners and any other personnel deemed necessary to effectively and securely conduct an execution, (d) describe the respective responsibilities of the person administering sedation and each member of the execution team, (e) describe the training required of the person administering sedation and each member of the execution team, and (f) perform or authorize any other details deemed necessary and appropriate by the director.

(3) The execution protocol shall require that the first or only substance injected be capable of rendering the convicted person unconscious and that a determination sufficient to reasonably verify that the convicted person is unconscious be made before the administration of
any additional substances, if any.
Sec. 3. Section 83-966, Reissue Revised Statutes of Nebraska, is
amended to read:
83-966 Notwithstanding any other provision of law:
(1) Any prescription, preparation, compounding, dispensing,
obtaining, or administration of the substances deemed necessary for
sedation of the convicted person to perform a lethal injection shall not
constitute the practice of medicine or any other profession relating to
health care which is subject by law to regulation, licensure, or
certification;
(2) A pharmacist or pharmaceutical supplier may dispense the
designated substances for sedation of the convicted person, without a
prescription, to the Director of Correctional Services or the director's
designee upon production of a written request from the director for the
designated substances necessary for sedation of the convicted person to
conduct an execution;
(3) Obtaining, preparing, compounding, dispensing, and administering
the substance or substances designated by the execution protocol for
sedation of the convicted person does not violate the Uniform Controlled
Substances Act or sections 71-2501 to 71-2512; and
(4) If a person who is a member of the execution team is licensed by
a board or department, the licensing board or department shall not
censure, reprimand, suspend, revoke, or take any other disciplinary
action against that person's license as a result of that person's
participation in sedation of a convicted person or a court-ordered
execution.
Sec. 4. Section 83-967, Reissue Revised Statutes of Nebraska, is
amended to read:
83-967 (1) The Director of Correctional Services may designate any
person qualified under the terms of the execution protocol to administer
to the convicted person the substances necessary for sedation of the
convicted person and any persons qualified under the terms of the
execution protocol to comply with the execution protocol.
(2) The identity of all members of the execution team, and any
information reasonably calculated to lead to the identity of such
members, shall be confidential and exempt from disclosure pursuant to
sections 84-712 to 84-712.09 and shall not be subject to discovery or
introduction as evidence in any civil proceeding unless extraordinary
good cause is shown and a protective order is issued by a district court
limiting dissemination of such information.
Sec. 5. Section 83-970, Reissue Revised Statutes of Nebraska, is
amended to read:
83-970 Besides the Director of Correctional Services and those
persons required to be present under the execution protocol, the
following persons, and no others, except as provided in section 83-971,
may be present at the execution: (1) The members of the execution team;
(2) the member of the clergy in attendance upon the convicted person; (3)
no more than three persons selected by the convicted person; (4) no
more than three persons representing the victim or victims of the crime;
2 and (5, 4) such other persons, not exceeding six in number, as the
director may designate. At least two persons designated by the director
shall be professional members of the Nebraska news media.
Sec. 6. Original sections 83-964, 83-965, 83-966, 83-967, and
83-970, Reissue Revised Statutes of Nebraska, are repealed.

Senator Hilkemann filed the following amendment to LB31:
AM942
(Amendments to Standing Committee amendments, AM359)
1. On page 1, line 7, strike beginning with "Except" through the
underscored comma; in line 8 strike the new matter and reinstate the
stricken matter; strike lines 20 and 21; and in line 22 strike "(4)" and
insert "(3)".

VISITORS

Visitors to the Chamber were 23 fourth-grade students and teachers from
Cornerstone Christian School, Bellevue; and 4 members of Delta Sigma
Theta Sorority, Inc. from Lincoln and Omaha.

The Doctor of the Day was Dr. Jason Citta from North Platte.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Smith, the Legislature adjourned
until 10:00 a.m., Monday, March 23, 2015.

Patrick J. O'Donnell
Clerk of the Legislature