

FORTY-FIFTH DAY - MARCH 19, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 19, 2014

PRAYER

The prayer was offered by Pastor Zach Anderson, Hanscom Park United Methodist Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Conrad, Karpisek, Kintner, and McCoy who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 496. Introduced by Johnson, 23.

WHEREAS, the Bishop Neumann High School boys' basketball team won the 2014 Class C-1 Boys' State Basketball Championship by defeating Wahoo High School by a score of 68-47; and

WHEREAS, the win gave the Bishop Neumann Cavaliers their first state title since 2003; 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 THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Bishop Neumann High School boys' basketball team on winning the 2014 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bishop Neumann Cavaliers boys' basketball team and Coach Mike Weiss.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR487 Health and Human Services

(Signed) John Wightman, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 986A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 987A. 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.

LEGISLATIVE BILL 1087A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, and 16 present and not voting.

LEGISLATIVE BILL 887. Senator McCoy asked unanimous consent to withdraw his amendment, AM2331, found on page 942, and replace it with his substitute amendment, FA268, to the committee amendment. No objections. So ordered.

FA268

Amend AM2032

Change line 24 of page 24 from two percent to five percent.

Pending.

AMENDMENTS - Print in Journal

Senator B. Harr filed the following amendment to LB946:
AM2502

(Amendments to E & R amendments, ER179)

- 1 1. Strike section 11 and renumber the remaining sections
- 2 accordingly.

Senator Lautenbaugh filed the following amendment to LB1103:

FA257

On page 3, line 2, strike "December 31st" and insert "November 30th".

Senator Lautenbaugh filed the following amendment to LB863:
FA258
Page 10, line 22, strike "does not include" and insert "includes".

Senator Lautenbaugh filed the following amendment to LB1012:
FA259
Page 4, line 22, strike "defense" and insert "former military".

Senator Lautenbaugh filed the following amendment to LB251:
FA260
On page 3, line 22, strike "2014" and insert "2015".

Senator Lautenbaugh filed the following amendment to LB751:
FA261
Page 3, line 11, strike "of incorporation".

Senator Lautenbaugh filed the following amendment to LB751A:
FA262
Page 2, line 1, strike "10,640" and insert "1,000".

Senator Lautenbaugh filed the following amendment to LB660:
FA263
Page 3, line 4, strike "June 30, 2014" and insert "August 1, 2014".

Senator Lautenbaugh filed the following amendment to LB836:
FA264
Page 3, line 5, after "development" insert "as well as economic growth".

Senator Lautenbaugh filed the following amendment to LB1114:
FA265
Page 3, line 23, strike "2021" and insert "2020".

Senator Lautenbaugh filed the following amendment to LB1114A:
FA266
Page 2, line 1, strike "50,000" and insert "10,000".

Senator Lautenbaugh filed the following amendment to LB946:
FA267
Page 4, line 4, strike "county".

BILL ON FIRST READING

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

LEGISLATIVE BILL 967A. Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB195, section 48; to appropriate funds to aid in carrying out the provisions of Legislative Bill 967, One Hundred Third Legislature, Second Session,

2014; to repeal the original section; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 497. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether Nebraska should amend its insurance statutes to authorize property and casualty to engage in the following:

- (1) Electronic delivery of notices and documents; and
- (2) Internet posting of insurance policies.

The study should include an examination of issues raised during consideration of LB716 which was introduced in 2014 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 498. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to further study the updating of Nebraska's business entity statutes. The study should include a review of current versions of business entity legislation as promulgated by the National Conference of Commissioners on Uniform State Laws and by the Corporate Laws Committee of the Business Law Section of the American Bar Association. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Secretary of State and should consider the input of interested persons, including the practicing bar, as the study committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 499. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether Nebraska's Real Property Appraiser Act should be updated. The study should include an examination of issues raised during consideration of LB 685 (2014) which was referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 500. Introduced by Krist, 10; Bloomfield, 17.

WHEREAS, Wayne E. Boyd of South Sioux City, Nebraska, has displayed tremendous public service and leadership during his life; and

WHEREAS, on March 10, 1982, Wayne was appointed by Governor Charles Thone to fill the unexpired term of a Nebraska Public Power District (NPPD) board member who died in office; and

WHEREAS, Wayne was elected to his first six-year term on the NPPD Board of Directors in 1982, and was subsequently reelected four consecutive times, serving in office through January 2, 2013; and

WHEREAS, Wayne is the longest-serving member of the NPPD Board of Directors and held many offices on the NPPD board, including ten years as board chairman; and

WHEREAS, Wayne serves as the city attorney for South Sioux City, a position he was first appointed to by Mayor Ernie Albertson in November 1968, and has also served as the city attorney for Dakota City and the village of Hubbard since 1987, which makes Wayne the longest serving city attorney in Nebraska representing multiple cities or villages; and

WHEREAS, Wayne received the prestigious James H. Epps III Award for 40 years of service to various northeast Nebraska cities during the International Municipal Lawyers Association (IMLA) annual conference in New Orleans in 2010; and

WHEREAS, with the IMLA award, Wayne was recognized for having the political and legal skills necessary to represent the same community for at least 30 years; and

WHEREAS, Wayne and his wife, Diane, were married on June 1, 1963, and they have three children, Dr. Scott Boyd, Laurie Boyd Petty, and Lynde Tyrrell, as well as several grandchildren.

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

1. That the Legislature recognizes Wayne E. Boyd for his many years of public service and thanks Wayne for his lifelong contributions to the State of Nebraska.
2. That a copy of this resolution be sent to Wayne E. Boyd.

Laid over.

LEGISLATIVE RESOLUTION 501. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether the Nebraska Appraisal Management Company Registration Act should be updated. The study should include an examination of issues raised during consideration of LB684 (2014) which was referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real Property Appraiser Board and should consider the input of interested persons as the committee deems necessary or appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 502. Introduced by Crawford, 45; McGill, 26.

WHEREAS, Connie Yori is the head coach for the University of Nebraska women's basketball team and coached the team to a 2014 Big Ten Conference Women's Basketball Championship; and

WHEREAS, Connie was named the 2014 Big Ten Conference Women's Basketball Coach of the Year for the second consecutive year; and

WHEREAS, Connie led the 2013-14 University of Nebraska women's basketball team to a 25-6 regular season record and an appearance in the NCAA Tournament; and

WHEREAS, Connie played and coached women's basketball at Creighton University and was inducted into the Creighton University Athletic Hall of Fame; and

WHEREAS, Connie has experienced continued success in coaching women's basketball in the State of Nebraska with an all-time record of 410 wins and 256 losses while coaching both the Creighton Bluejays and Nebraska Cornhuskers women's basketball teams.

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

1. That the Legislature congratulates Connie Yori on being named the 2014 Big Ten Conference Women's Basketball Coach of the Year and extends its best wishes for her continued success.

2. That a copy of this resolution be sent to Coach Connie Yori.

Laid over.

LEGISLATIVE RESOLUTION 503. Introduced by Gloor, 35.

WHEREAS, Wasmer Elementary School in Grand Island was named a Title I Distinguished School for 2013 by the National Title I Association; and

WHEREAS, Wasmer Elementary School had the highest 2013 math and reading proficiency of those 77 Nebraska public elementary schools with 75% or more of students qualifying for free or reduced priced meals; and

WHEREAS, 91% of Wasmer Elementary School students scored proficient in math which was well above the 51% average for the group; and

WHEREAS, reading proficiency at Wasmer Elementary School was 87% as compared with the 57% average for the group; and

WHEREAS, Wasmer Elementary School was one of 46 high-poverty schools nationally to be named a Title I Distinguished School and the only honoree school selected from Nebraska.

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

1. That the Legislature congratulates Wasmer Elementary School on being named a Title I Distinguished School for 2013 and commends the faculty, staff, and students at Wasmer Elementary School on their academic achievements.

2. That a copy of this resolution be sent to Wasmer Elementary School and Principal Betty Desaire.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 887. The McCoy amendment, FA268, found in this day's Journal, to the committee amendment, was renewed.

Senator Campbell offered the following motion:

MO145

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Campbell moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Campbell requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 27:

Adams	Conrad	Haar, K.	Kolowski	Sullivan
Ashford	Cook	Hadley	Lathrop	Wallman
Avery	Crawford	Harr, B.	McGill	Wightman
Bolz	Davis	Howard	Mello	
Campbell	Dubas	Johnson	Nordquist	
Chambers	Gloor	Karpisek	Schumacher	

Voting in the negative, 21:

Bloomfield	Garrett	Larson	Pirsch	Watermeier
Brasch	Hansen	Lautenbaugh	Scheer	
Carlson	Harms	McCoy	Schilz	
Christensen	Janssen	Murante	Seiler	
Coash	Kintner	Nelson	Smith	

Present and not voting, 1:

Krist

The Campbell motion to invoke cloture failed with 27 ayes, 21 nays, and 1 present and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 905. ER168, found on page 905, was adopted.

Senator Mello offered his amendment, AM2408, found on page 935.

The Mello amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Chambers offered his amendment, AM2464, found on page 939.

SPEAKER ADAMS PRESIDING

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

VISITORS

Visitors to the Chamber were 12 members of Elkhorn Rural Public Power District from Battle Creek; 21 twelfth-grade students, teacher, and sponsors from Burwell; 52 fourth-grade students and teachers from Sandoz Elementary, Lexington; Senator Carlson's wife, Margo, and Lanna Haflich, Rona Isaacson, Julie Bergman, and Kathy Doiel from Holdrege, and Kris Earsom and Karen Hadley from Loomis; and 70 fourth-grade students and sponsors from Gretna.

RECESS

At 11:44 a.m., on a motion by Senator Bolz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Gloor presiding.

ROLL CALL

The roll was called and all members were present except Senators Garrett and Lautenbaugh who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 986A. Placed on Select File.

LEGISLATIVE BILL 987A. Placed on Select File.

LEGISLATIVE BILL 1087A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 132. Placed on Final Reading.

LEGISLATIVE BILL 692. Placed on Final Reading.

LEGISLATIVE BILL 728. Placed on Final Reading.
LEGISLATIVE BILL 854. Placed on Final Reading.
LEGISLATIVE BILL 884. Placed on Final Reading.
LEGISLATIVE BILL 941. Placed on Final Reading.
LEGISLATIVE BILL 941A. Placed on Final Reading.
LEGISLATIVE BILL 974. Placed on Final Reading.
LEGISLATIVE BILL 974A. Placed on Final Reading.

LEGISLATIVE BILL 986. Placed on Final Reading.
 ST52

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

1. On page 1, line 4, "; to provide a homestead exemption for individuals with a developmental disability" has been inserted after "limitations".

LEGISLATIVE BILL 1014. Placed on Final Reading.

(Signed) John Murante, Chairperson

SELECT FILE

LEGISLATIVE BILL 905. The Chambers amendment, AM2464, found on page 939 and considered in this day's Journal, was renewed.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Adams	Cook	Hansen	Krist
Ashford	Crawford	Harr, B.	Lathrop
Campbell	Dubas	Howard	McGill
Chambers	Haar, K.	Kolowski	Wallman

Voting in the negative, 22:

Avery	Coash	Harms	Lautenbaugh	Seiler
Bloomfield	Davis	Johnson	McCoy	Wightman
Brasch	Garrett	Karpisek	Murante	
Carlson	Gloor	Kintner	Scheer	
Christensen	Hadley	Larson	Schilz	

Present and not voting, 7:

Bolz	Mello	Nordquist	Smith
Conrad	Nelson	Schumacher	

Excused and not voting, 4:

Janssen Pirsch Sullivan Watermeier

The Chambers amendment lost with 16 ayes, 22 nays, 7 present and not voting, and 4 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 994A. 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 994, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB965:
AM2349

(Amendments to Standing Committee amendments, AM2045)

- 1 1. On page 1, line 1, after the semicolon insert "in
- 2 line 15 after 'generation' insert 'and transmission';"; and in line
- 3 11 before the semicolon insert "and after 'generation' insert 'and
- 4 transmission';".

Senator Smith filed the following amendment to LB965:
AM2346

(Amendments to Standing Committee amendments, AM2045)

- 1 1. On page 1, line 3, after the semicolon insert "in line
- 2 20 strike 'but is not limited to;'"; and in line 13 after the
- 3 semicolon insert "strike beginning with the comma in line 9 through
- 4 the first comma in line 10;"

Senator Mello filed the following amendment to LB851:
AM2510

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 77-367, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-367 (1) The Department of Revenue may contract to
- 5 procure products and services to develop, deploy, or administer
- 6 systems or programs which identify nonfilers of returns,
- 7 underreporters, or nonpayers of taxes administered by the
- 8 department or improper or fraudulent payments made through programs

9 administered by the department. The department shall enter into at
 10 least one such contract by December 31, 2014, and such contract
 11 shall be for the purpose of identifying nonfilers of returns with
 12 a tax liability in any amount or underreporters or nonpayers of
 13 taxes with an outstanding tax liability of at least five thousand
 14 dollars. Fees for services, reimbursements, costs incurred by the
 15 department, or other remuneration may be funded from the amount of
 16 tax, penalty, interest, or other recovery actually collected and
 17 shall be paid only after the amount is collected. The Legislature
 18 intends to appropriate an amount from the tax, penalty, interest,
 19 and other recovery actually collected, not to exceed the amount
 20 collected, which is sufficient to pay for services, reimbursements,
 21 costs incurred by the department, or other remuneration pursuant to
 22 this section. Vendors entering into a contract with the department
 23 pursuant to this section are subject to the requirements and
 1 penalties of the confidentiality laws of this state regarding tax
 2 information.

3 (2) Ten percent of all proceeds received during each
 4 calendar year due to the contracts entered into pursuant to this
 5 section shall be deposited in the Department of Revenue Enforcement
 6 Fund for purposes of identifying nonfilers, underreporters,
 7 nonpayers, and improper or fraudulent payments.

8 (3) The Tax Commissioner shall submit electronically an
 9 annual report to the Revenue Committee of the Legislature and
 10 Appropriations Committee of the Legislature on the amount of
 11 dollars generated during the previous fiscal year pursuant to this
 12 section.

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

15 3. Correct the operative date and repealer sections so
 16 that the section added by this amendment becomes operative three
 17 calendar months after the adjournment of this legislative session.

Senator Karpisek filed the following amendment to LB946:
 AM2517

(Amendments to E & R amendments, ER179)

1 1. Insert the following new section:
 2 Sec. 4. Section 32-207, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 32-207 The office of election commissioner shall be
 5 created for each county having a population of more than one
 6 hundred thousand inhabitants. The election commissioner shall be
 7 appointed by the Governor subject to the approval of a majority
 8 of the members of the Legislature and shall serve for a term of
 9 four years or until a successor has been appointed and qualified.
 10 In the event of a vacancy, the Governor shall appoint an election
 11 commissioner subject to the approval of a majority of the members
 12 of the Legislature to serve the unexpired portion of the term.
 13 If the Legislature is not in session, any appointment shall be

- 14 temporary until the next session of the Legislature, at which
15 time a majority of the members of the Legislature may approve or
16 disapprove such appointment.
17 2. Renumber the remaining sections and correct internal
18 references and the repealer accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 504. Introduced by Garrett, 3;
Crawford, 45.

WHEREAS, the Bellevue West High School boys' basketball team won the 2014 Class A Boys' State Basketball Championship by defeating Omaha Westside High School in overtime by a score of 56-50; and

WHEREAS, the Bellevue West Thunderbirds boys' basketball team ended their season with a record of 21 wins and 6 losses; 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 THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Bellevue West High School boys' basketball team and Head Coach Doug Woodard on winning the 2014 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bellevue West High School boys' basketball team and Coach Doug Woodard.

Laid over.

LEGISLATIVE RESOLUTION 505. Introduced by Garrett, 3;
Crawford, 45.

WHEREAS, the Bellevue West High School and Bellevue East High School girls' basketball teams both advanced to the 2014 Class A Girls' State Basketball Tournament; and

WHEREAS, the Bellevue West High School girls' 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 THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Bellevue West High School and Bellevue East High School girls' basketball teams on advancing to the 2014 Class A Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Bellevue West High School and Bellevue East High School girls' basketball teams.

Laid over.

SELECT FILE

LEGISLATIVE BILL 905. Senator Lautenbaugh offered the following amendment:

FA269

Amend AM2019

Strike Section 7 on page 2, and renumber the remaining sections.

SENATOR COASH PRESIDING

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 the Lautenbaugh amendment.

Voting in the affirmative, 3:

Bloomfield Kintner Lautenbaugh

Voting in the negative, 34:

Adams	Coash	Haar, K.	Kolowski	Nordquist
Ashford	Conrad	Hadley	Krist	Scheer
Avery	Cook	Hansen	Lathrop	Seiler
Bolz	Crawford	Harms	McCoy	Sullivan
Campbell	Davis	Howard	McGill	Wallman
Carlson	Dubas	Johnson	Mello	Wightman
Chambers	Gloor	Karpisek	Nelson	

Present and not voting, 7:

Brasch	Garrett	Murante	Schumacher
Christensen	Janssen	Schilz	

Excused and not voting, 5:

Harr, B.	Larson	Pirsch	Smith	Watermeier
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The Lautenbaugh amendment lost with 3 ayes, 34 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 906. ER171, found on page 908, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 130. ER169, found on page 909, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 949. ER170, found on page 913, was adopted.

Advanced to Enrollment and Review for Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 660A. 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 660, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 506. Introduced by Christensen, 44.

PURPOSE: The purpose of this resolution is to examine section 8-157.01 to determine the following:

(1) Whether, as a result of evolution in the electronic payments market, the goals of section 8-157.01 are now adequately served through other means such as increased competition and federal regulation; and

(2) Whether changes in the electronic payments market have effectively rendered section 8-157.01 unworkable and inapplicable to financial institutions, payment networks, and other entities involved in the delivery of electronic payment services.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 507. Introduced by Janssen, 15.

WHEREAS, the Fremont Bergan High School boys' basketball team won the 2014 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the win gave the school its first state title since 2008; and
 WHEREAS, the Fremont Bergan Knights capped off an impressive season with a 71-69 overtime win in the championship game; and

WHEREAS, the Knights played five overtime games during the 2013-14 season, winning all five and finishing the season with a record of 24 wins and 3 losses; and

WHEREAS, the Knights team includes players Jonah Madsen, Adam Dykman, Nate Griffen, Colton Brdicko, Cole Conrad, Logan Bovill, Ogbe Thompson, Tyler Thomsen, Austin Ottis, Santana Melgoza, Wes LaBelle, JT Vecera, Brian Wilmes, Wil Kammerer, Blake Dieckmann, and Tanner Boggs, student assistants Bryant Carlson and Lane Degroff, and coaches Chris Paulson, Chris Rainforth, Derek Melgoza, Chad Swanson, Matt Sleister, and Zach Stauffer.

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

1. That the Legislature congratulates the Fremont Bergan High School boys' basketball team on winning the 2014 Class C-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Fremont Bergan Knights boys' basketball team and Head Coach Chris Paulson.

Laid over.

LEGISLATIVE RESOLUTION 508. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to examine issues surrounding the Nebraska P-16 Initiative organized and managed by the University of Nebraska. This study shall include, but not be limited to, the following issues:

(1) A review of the history, structure, and current membership of the Nebraska P-16 Initiative;

(2) A review of past and current goals and priorities set by the Nebraska P-16 Initiative, as well as efforts to implement those goals and priorities by the membership; and

(3) An examination of the need to restructure the Nebraska P-16 Initiative and also codify it in the Revised Statutes of Nebraska.

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

1. That the Education 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.

SELECT FILE

LEGISLATIVE BILL 987. Senator Janssen offered his amendment, AM2458, found on page 939.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814. ER154, found on page 785, was adopted.

Senator Avery offered his amendment, AM2248, found on page 818.

The Avery amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 814A. Senator Avery offered his amendment, AM2258, found on page 800.

The Avery 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 867. ER155, found on page 785, was adopted.

Senator Nelson offered his amendment, AM2223, found on page 862.

The Nelson amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Nordquist offered his amendment, AM2262, found on page 877.

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

Senator Hadley offered the following amendment:
AM2449

(Amendments to E & R amendments, ER155)

- 1 1. Strike sections 1 to 3 and insert the following new
- 2 sections:
- 3 Section 1. Section 13-2709, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 13-2709 The department shall submit, as part of the
- 6 department's annual status report under section 81-1201.11, the
- 7 following information regarding the Civic and Community Center

8 Financing Act:

9 (1) Information documenting the grants conditionally
10 approved for funding by the Legislature in the following fiscal
11 year;

12 (2) Reasons why a full application was not sent to any
13 municipality seeking assistance under the act;

14 (3) The amount of sales tax revenue generated for the
15 fund pursuant to subsection (4) of section 13-2610 and subsection
16 ~~(6)-(9)~~ of section 13-3108, the total amount of grants applied for
17 under the act, the year-end fund balance, and, if all available
18 funds have not been committed to funding grants under the act, an
19 explanation of the reasons why all such funds have not been so
20 committed;

21 (4) The amount of appropriated funds actually expended by
22 the department for the year;

1 (5) The department's current budget for administration
2 of the act and the department's planned use and distribution of
3 funds, including details on the amount of funds to be expended on
4 grants and the amount of funds to be expended by the department for
5 administrative purposes; and

6 (6) Grant summaries, including the applicant
7 municipality, project description, grant amount requested,
8 amount and type of matching funds, and reasons for approval
9 or denial based on evaluation criteria from section 13-2707 or
10 13-2707.01 for every application seeking assistance under the act.

11 Sec. 2. Section 13-3107, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 13-3107 (1) If an application is approved, the Tax
14 Commissioner shall:

15 (a) Audit or review audits of the approved eligible
16 sports arena facility to determine the (i) state sales tax revenue
17 collected by retailers doing business at such facility on sales at
18 such facility, (ii) state sales tax revenue collected on primary
19 and secondary box office sales of admissions to such facility, and
20 (iii) new state sales tax revenue collected by nearby retailers;

21 (b) Certify annually the amount of state sales tax
22 revenue and new state sales tax revenue determined under
23 subdivision (a) of this subsection to the ~~State Treasurer~~
24 Legislature; and

25 (c) Determine if more than one facility is eligible
26 for state assistance from state sales tax revenue collected by
27 the same nearby retailers. If the Tax Commissioner has made such
1 a determination, the facility that was first determined to be
2 eligible for state assistance shall be the only facility eligible
3 to receive such funds.

4 (2) State sales tax revenue collected by retailers that
5 are doing business at an eligible sports arena facility and new
6 state sales tax revenue collected by nearby retailers shall be
7 reported on informational returns developed by the Department of

8 Revenue and provided to any such retailers by the facility. The
 9 informational returns shall be submitted to the department by the
 10 retailer by the twentieth day of the month following the month the
 11 sales taxes are collected. The Tax Commissioner shall use the data
 12 from the informational returns and sales tax returns of both such
 13 categories of retailers and the sports arena facility ~~to determine~~
 14 ~~the appropriate amount of state sales tax revenue, for purposes of~~
 15 the Sports Arena Facility Financing Assistance Act.

16 (3) On or before April 1, 2014, the Tax Commissioner
 17 shall certify to the State Treasurer, for each eligible sports
 18 arena facility for which state assistance has been approved, the
 19 total amount of state sales tax revenue and new state sales tax
 20 revenue described in subdivisions (1)(a)(i) through (iii) of this
 21 section that was collected from July 1, 2013, through December 31,
 22 2013. The certified amount shall be used for purposes of making the
 23 transfer required under subdivision (2)(a) of section 13-3108 and
 24 making the distribution of state assistance described in subsection
 25 (4) of section 13-3108.

26 (4) Beginning in 2014, the Tax Commissioner shall use
 27 data from the informational returns and sales tax returns described
 1 in subsection (2) of this section to certify quarterly, for each
 2 eligible sports arena facility for which state assistance has been
 3 approved, the total amount of state sales tax revenue and new
 4 state sales tax revenue described in subdivisions (1)(a)(i) through
 5 (iii) of this section that was collected in the preceding calendar
 6 quarter. The Tax Commissioner shall certify such amount to the
 7 State Treasurer within sixty days after the end of each calendar
 8 quarter, and such certification shall be used for purposes of
 9 making the transfers required under subdivision (2)(b) of section
 10 13-3108 and making the quarterly distributions of state assistance
 11 described in subsection (5) of section 13-3108.

12 ~~(5)~~ (5) The Department of Revenue may adopt and
 13 promulgate rules and regulations to carry out the Sports Arena
 14 Facility Financing Assistance Act.

15 Sec. 3. Section 13-3108, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 13-3108 (1) ~~Upon the annual certification under section~~
 18 ~~13-3107, the State Treasurer shall transfer after the audit the~~
 19 ~~amount certified to the~~ The Sports Arena Facility Support Fund
 20 ~~which is hereby created.~~ Any money in the fund available for
 21 investment shall be invested by the state investment officer
 22 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 23 State Funds Investment Act.

24 (2)(a) Upon receiving the certification described in
 25 subsection (3) of section 13-3107, the State Treasurer shall
 26 transfer the amount certified to the fund.

27 (b) Upon receiving the quarterly certification described
 1 in subsection (4) of section 13-3107, the State Treasurer shall
 2 transfer the amount certified to the fund.

3 ~~(2)(a)~~(3)(a) It is the intent of the Legislature to
 4 appropriate from the fund money to be distributed as provided
 5 in subsections (4) and (5) of this section to any political
 6 subdivision for which an application for state assistance under the
 7 Sports Arena Facility Financing Assistance Act has been approved an
 8 amount not to exceed seventy percent of the (i) state sales tax
 9 revenue collected by retailers doing business at eligible sports
 10 arena facilities on sales at such facilities, (ii) state sales
 11 tax revenue collected on primary and secondary box office sales
 12 of admissions to such facilities, and (iii) new state sales tax
 13 revenue collected by nearby retailers and sourced under sections
 14 77-2703.01 to 77-2703.04 to a location within six hundred yards of
 15 the eligible facility.

16 (b) The amount to be appropriated for distribution as
 17 state assistance to a political subdivision under this subsection
 18 for any one year after the tenth year shall not exceed the
 19 highest such amount appropriated under subdivision ~~(2)(a)~~(3)(a) of
 20 this section during any one year of the first ten years of such
 21 appropriation. If seventy percent of the state sales tax revenue as
 22 described in subdivision ~~(2)(a)~~(3)(a) of this section exceeds the
 23 amount to be appropriated under this subdivision, such excess funds
 24 shall be transferred to the General Fund.

25 (4) The amount certified under subsection (3) of section
 26 13-3107 shall be distributed as state assistance on or before April
 27 15, 2014.

1 (5) Beginning in 2014, quarterly distributions of state
 2 assistance shall be made. Such quarterly distributions shall be
 3 based on the certifications provided under subsection (4) of
 4 section 13-3107 and shall occur within fifteen days after receipt
 5 of such certification.

6 ~~(3)~~(6) The total amount of state assistance approved
 7 for an eligible sports arena facility shall not (a) exceed fifty
 8 million dollars or (b) be paid out for more than twenty years after
 9 the issuance of the first bond for the sports arena facility.

10 ~~(4)~~(7) State assistance to the political subdivision
 11 shall no longer be available upon the retirement of the bonds
 12 issued to acquire, construct, improve, or equip the facility or any
 13 subsequent bonds that refunded the original issue or when state
 14 assistance reaches the amount determined under subsection ~~(3)~~(6)
 15 of this section, whichever comes first.

16 ~~(5)~~(8) State assistance shall not be used for an
 17 operating subsidy or other ancillary facility.

18 ~~(6)~~(9) The thirty percent of state sales tax revenue
 19 remaining after the appropriation and transfer in subsection ~~(2)~~
 20 (3) of this section shall be appropriated by the Legislature to the
 21 Civic and Community Center Financing Fund.

22 ~~(7)~~(10) Except as provided in subsection ~~(8)~~(11) of
 23 this section for a city of the primary class, any municipality
 24 that has applied for and received a grant of assistance under the

25 Civic and Community Center Financing Act shall not receive state
 26 assistance under the Sports Arena Facility Financing Assistance Act
 27 for the same project for which the grant was awarded under the
 1 Civic and Community Center Financing Act.
 2 ~~(8)~~(11) A city of the primary class shall not be
 3 eligible to receive a grant of assistance from the Civic and
 4 Community Center Financing Act if the city has applied for and
 5 received a grant of assistance under the Sports Arena Facility
 6 Financing Assistance Act.
 7 2. Correct the operative date and repealer sections so
 8 that the sections added by this amendment become operative on their
 9 effective date with the emergency clause.

The Hadley amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1001. Senator Wallman offered his amendment, AM2316, found on page 866.

SENATOR KRIST PRESIDING

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1001A. Senator Wallman offered the following motion:

MO146

Indefinitely postpone.

The Wallman motion to indefinitely postpone prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 560. ER161, found on page 856, was adopted.

Senator Lathrop offered his amendment, AM2391, found on page 918.

The Lathrop amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 560A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 853. ER162, found on page 884, was adopted.

Senator Coash withdrew his amendment, AM2396, found on page 901.

Senator Coash offered his amendment, AM2441, found on page 918.

The Coash amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Howard offered her amendment, AM2397, found on page 903.

The Howard amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 967. ER177, found on page 917, was adopted.

Senator K. Haar offered his amendment, AM2462, found on page 932.

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

Senator K. Haar requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Adams	Cook	Hansen	Krist	Scheer
Bolz	Crawford	Harms	Lathrop	Schumacher
Campbell	Dubas	Howard	McGill	Seiler
Carlson	Gloor	Johnson	Mello	Sullivan
Chambers	Haar, K.	Kolowski	Nelson	Wightman

Voting in the negative, 5:

Bloomfield	Karpisek	Kintner	Lautenbaugh	Wallman
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Present and not voting, 9:

Avery	Christensen	Davis	McCoy	Schilz
Brasch	Coash	Hadley	Murante	

Excused and not voting, 10:

Ashford	Garrett	Janssen	Nordquist	Smith
Conrad	Harr, B.	Larson	Pirsch	Watermeier

The K. Haar amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 853A. Introduced by McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 853, One Hundred Third Legislature, Second Session, 2014.

AMENDMENT - Print in Journal

Senators Hadley and Schilz filed the following amendment to LB1067:
AM2457

- 1 1. Insert the following new sections:
- 2 Section 1. Section 77-27,144, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 77-27,144 (1) The Tax Commissioner shall collect the
- 5 tax imposed by any incorporated municipality concurrently with
- 6 collection of a state tax in the same manner as the state tax is
- 7 collected. The Tax Commissioner shall remit monthly the proceeds
- 8 of the tax to the incorporated municipalities levying the tax,
- 9 after deducting the amount of refunds made and three percent of the
- 10 remainder to be credited to the Municipal Equalization Fund.
- 11 (2) Deductions for a refund made pursuant to section
- 12 77-4105, 77-4106, ~~or 77-5725~~, or 77-5726 shall be delayed for
- 13 one year after the refund has been made to the taxpayer. The
- 14 Department of Revenue shall notify the municipality liable for
- 15 the refund of the pending refund, the amount of the refund, and
- 16 the month in which the deduction will be made or begin, except
- 17 that if the amount of a refund claimed under section 77-4105,
- 18 77-4106, ~~or 77-5725~~, or 77-5726 exceeds twenty-five percent of the
- 19 municipality's total sales and use tax receipts, net of any refunds
- 20 or sales tax collection fees, for the municipality's prior fiscal
- 21 year, the department shall deduct the refund over the period of
- 22 one year in equal monthly amounts beginning after the one-year
- 23 notification period required by this subsection. This subsection
- 1 applies to refunds owed by cities of the first class, cities of
- 2 the second class, and villages. This subsection applies to refunds
- 3 beginning January 1, 2014.
- 4 (3) The Tax Commissioner shall keep full and accurate
- 5 records of all money received and distributed under the provisions

6 of the Local Option Revenue Act. When proceeds of a tax levy
7 are received but the identity of the incorporated municipality
8 which levied the tax is unknown and is not identified within six
9 months after receipt, the amount shall be credited to the Municipal
10 Equalization Fund. The municipality may request the names and
11 addresses of the retailers which have collected the tax as provided
12 in subsection (13) of section 77-2711 and may certify a municipal
13 employee to request and review confidential sales tax returns and
14 sales tax return information as provided in subsection (14) of
15 section 77-2711.
16 Sec. 6. Since an emergency exists, this act takes effect
17 when passed and approved according to law.
18 2. On page 14, line 20, after the first comma insert
19 "section 77-27,144, Revised Statutes Cumulative Supplement, 2012,".
20 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 225 social work students and faculty from Chadron State College, Creighton University, Grace Abbott School of Social Work at UNO, Nebraska Wesleyan University of Lincoln and Omaha, Union College, and the University of Nebraska at Kearney; 29 eleventh- and twelfth-grade students and teachers from Elwood; and Roger Foster, the mayor of Crete.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 6:05 p.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Thursday, March 20, 2014.

Patrick J. O'Donnell
Clerk of the Legislature