

FIFTY-SECOND DAY - MARCH 31, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 31, 2014

PRAYER

The prayer was offered by Reverend Lowell Nelson, Immanuel Lutheran Church, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

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

PRESIDENT HEIDEMANN PRESIDING**CORRECTIONS FOR THE JOURNAL**

Page 1223, line 10, after "875," insert "First Session, 2013,".
The Journal for the fifty-first day was approved as corrected.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 559. Placed on Select File with amendment.
ER217 is available in the Bill Room.

LEGISLATIVE BILL 700. Placed on Select File with amendment.
ER220

- 1 1. On page 2, line 21, strike "this" and insert "the".
- 2 2. On page 3, line 5, strike "mean" and insert "means".
- 3 3. On page 3, line 18; and page 5, line 5, strike
- 4 "insurer" and insert "insurer's".
- 5 4. On page 4, line 1, strike "changes have" and insert
- 6 "change has".
- 7 5. On page 7, line 20, after the second "assessment"
- 8 insert "summary".
- 9 6. On page 8, line 2, after "for" insert "a".
- 10 7. On page 10, line 19, after "44-2137.01" insert an
- 11 underscored comma.

LEGISLATIVE BILL 994. Placed on Select File.

LEGISLATIVE BILL 994A. Placed on Select File with amendment.
ER229

- 1 1. On page 1, line 1, after the semicolon insert
- 2 "to amend section 26, Legislative Bill 905, One Hundred Third
- 3 Legislature, Second Session, 2014, and Laws 2013, LB195, sections
- 4 92 and 103, as amended by sections 57 and 60, respectively,
- 5 Legislative Bill 905, One Hundred Third Legislature, Second
- 6 Session, 2014;"; and in line 3 after the semicolon insert "to
- 7 change provisions relating to appropriations to the Department of
- 8 Health and Human Services; to repeal the original sections;".

LEGISLATIVE BILL 811. Placed on Select File with amendment.
ER227

- 1 1. In the Standing Committee amendments, AM2400, on page
- 2 22, line 17, after "phenyl" insert an underscored comma.
- 3 2. On page 1, line 3, strike ", 28-405, and 28-416" and
- 4 insert "and 28-405".

LEGISLATIVE BILL 373. Placed on Select File with amendment.
ER219

- 1 1. On page 1, line 3, strike "and eliminate"; in line
- 2 4 after the semicolon insert "and"; and strike beginning with the
- 3 semicolon in line 5 through "Nebraska" in line 6.

LEGISLATIVE BILL 923. Placed on Select File with amendment.
ER221

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The position of state school security
- 4 director is created within the State Department of Education. The
- 5 Commissioner of Education shall appoint the director based on
- 6 experience, knowledge, and skills in the field of school security.
- 7 Sec. 2. The state school security director appointed
- 8 pursuant to section 1 of this act shall be responsible for
- 9 providing leadership and support for safety and security for the
- 10 public, private, denominational, and parochial schools. Duties of
- 11 the director include, but are not limited to:
- 12 (1) Collecting safety and security plans, required
- 13 pursuant to rules and regulations of the State Department of
- 14 Education relating to accreditation of schools, and other school
- 15 security information from each school system in Nebraska. School
- 16 districts shall provide the state school security director with
- 17 the safety and security plans of the school district and any other
- 18 security information requested by the director, but any plans or

19 information submitted by a school district may be withheld by the
20 department pursuant to subdivision (8) of section 84-712.05;

21 (2) Recommending minimum standards for school security on
22 or before January 1, 2016, to the State Board of Education;

23 (3) Conducting an assessment of the security of each
1 public school building, which assessment shall be completed by
2 August 31, 2017;

3 (4) Identifying deficiencies in school security based on
4 the minimum standards adopted by the State Board of Education
5 and making recommendations to school boards for remedying such
6 deficiencies;

7 (5) Establishing security awareness and preparedness
8 tools and training programs for public school staff;

9 (6) Establishing research-based model instructional
10 programs for staff, students, and parents to address the underlying
11 causes for violent attacks on schools; and

12 (7) Overseeing suicide awareness and prevention training
13 in public schools pursuant to section 4 of this act.

14 Sec. 3. The State Board of Education, based on the
15 recommendations of the state school security director appointed
16 pursuant to section 1 of this act, may adopt and promulgate rules
17 and regulations establishing minimum school security standards on
18 or before July 1, 2016.

19 Sec. 4. (1) Beginning in school year 2015-16, all
20 public school nurses, teachers, counselors, school psychologists,
21 administrators, school social workers, and any other appropriate
22 personnel shall receive at least one hour of suicide awareness and
23 prevention training each year. This training shall be provided
24 within the framework of existing inservice training programs
25 offered by the State Department of Education or as part of
26 required professional development activities.

27 (2) The department, in consultation with organizations
1 including, but not limited to, the Nebraska State Suicide
2 Prevention Coalition, the Nebraska chapter of the American
3 Foundation for Suicide Prevention, the Behavioral Health Education
4 Center of Nebraska, the National Alliance on Mental Illness
5 Nebraska, and other organizations and professionals with expertise
6 in suicide prevention, shall develop a list of approved training
7 materials to fulfill the requirements of subsection (1) of this
8 section. Such materials shall include training on how to identify
9 appropriate mental health services, both within the school and
10 also within the larger community, and when and how to refer youth
11 and their families to those services. Such materials may include
12 programs that can be completed through self-review of suitable
13 suicide prevention materials.

14 (3) The department may adopt and promulgate rules and
15 regulations to carry out this section.

16 2. On page 1, line 1, after the semicolon insert "to

17 provide for the position of state school security director; to
18 require assessment of and training on school security;".

LEGISLATIVE BILL 719. Placed on Select File with amendment.
ER218

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 84-907.04, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 84-907.04 (1) At the time an agency finalizes a proposed
6 rule or regulation and prior to submission to the Secretary of
7 State, Attorney General, and Governor, the agency shall attach to
8 the proposed rule or regulation a concise explanatory statement
9 containing:
10 (a) Its reasons for adopting the rule or regulation;
11 (b) An indication of any change between the text of
12 the proposed rule or regulation contained or referenced in the
13 published notice and the text of the rule or regulation to be
14 adopted, with the reasons for any change; and
15 (c) When procedural rules differ from the model rules,
16 the agency's reasons why relevant portions of the model rules were
17 impracticable under the circumstances.
18 (2) Only the reasons contained in the concise explanatory
19 statement may be used by an agency as justifications for the
20 adoption of the rule or regulation in any proceeding in which its
21 validity is at issue.
22 (3) The agency shall also attach to the proposed rule
23 or regulation a written report that includes a summary of the
1 testimony offered at the public hearing and that lists any
2 specific issues or questions that were presented by individuals
3 or representatives of organizations at the hearing or in written
4 testimony submitted as part of the public hearing process. The
5 report shall also include a response from the agency proposing
6 the regulatory change to the questions and issues that were
7 presented by individuals or representatives of organizations at the
8 hearing or in written testimony submitted as part of the public
9 hearing process. The written report shall also be submitted to
10 the Executive Board of the Legislative Council. The chairperson
11 of the executive board or committee staff member of the executive
12 board shall refer each written report received pursuant to this
13 subsection for review (a) to the chairperson of the standing
14 committee of the Legislature which has subject matter jurisdiction
15 over the issue involved in the rule or regulation or which
16 has traditionally handled the issue and (b) if practicable, to
17 the member of the Legislature who was the primary sponsor of a
18 legislative bill that granted the agency the rulemaking authority
19 if the member is still serving or, if the legislative bill was
20 amended to include the rulemaking authority, to the member of
21 the Legislature who was the primary sponsor of the amendment that

22 granted rulemaking authority if the member is still serving.
23 Sec. 2. Section 84-907.10, Reissue Revised Statutes of
24 Nebraska, is amended to read:
25 84-907.10 ~~(1) After an agency submits a copy of each~~
26 ~~amendment or rule or regulation pursuant to section 84-907.06, or~~
27 ~~any time thereafter.~~ (1) If any member of the Legislature who feels
1 aggrieved by a rule or regulation or by the proposed adoption,
2 amendment, or repeal of a rule, or regulation pursuant to section
3 84-907.06 or believes that ~~the~~ (a) a rule or regulation or the
4 adoption, amendment, ~~rule, or regulation~~ or repeal of a rule or
5 regulation is in excess of the statutory authority or jurisdiction
6 of the agency, is unconstitutional, ~~or~~ is inconsistent with the
7 legislative intent of the authorizing statute, or creates an undue
8 burden in a manner that significantly outweighs its benefit to
9 the public, (b) circumstances have changed since the passage of
10 the statute which a rule or regulation implements, or (c) a rule
11 or regulation or an amendment or repeal overlaps, duplicates, or
12 conflicts with federal, state, or local laws, rules, regulations,
13 or ordinances, the member may file a complaint with the Chairperson
14 of the Executive Board of the Legislative Council. The complaint
15 shall explain in detail the member's contentions.
16 (2) The chairperson of the executive board or a committee
17 staff member of the executive board shall refer the complaint
18 to the chairperson of the standing committee of the Legislature
19 which has subject matter jurisdiction over the issue involved in
20 the rule or regulation or which has traditionally handled the
21 issue and, if practicable, to the member of the Legislature who
22 was the primary sponsor of the legislative bill that granted
23 the agency the rulemaking authority if the member is still
24 serving or, if the legislative bill was amended to include the
25 rulemaking authority, to the primary sponsor of the amendment
26 granting rulemaking authority if the member is still serving.
27 (3) The standing committee and primary sponsor of the
1 legislative bill or amendment granting rulemaking authority may
2 consider the complaint and, if such committee or primary sponsor
3 concludes that the complaint has merit, then such committee or
4 primary sponsor may request a written response from the agency
5 which shall include, but not be limited to (a) a description of the
6 amendment or rule or regulation, (b) when applicable, a description
7 of the legislative intent of the statute granting the agency
8 rulemaking authority and a statement explaining how the rule or
9 regulation or the adoption, amendment, or repeal of the ~~or~~ rule or
10 regulation is within the authority or jurisdiction of the agency,
11 is constitutional, is consistent with legislative intent, or is not
12 an undue burden, (c) if the description required in subdivision (b)
13 of this subsection is inapplicable, an explanation as to why the
14 rule or regulation or the adoption, amendment, or repeal ~~or rule or~~
15 regulation is necessary, and (d) an explanation of the extent to
16 which and how any public comment was taken into consideration by

17 the agency with respect to the rule or regulation or the adoption,
 18 amendment, or repeal, or rule or regulation. The agency shall
 19 respond within sixty days of a request, and such response shall be
 20 a public record.
 21 (4) Nothing in this section shall be construed to
 22 prohibit the adoption or promulgation of the rule or regulation
 23 in accordance with other ~~sections~~ provisions of the Administrative
 24 Procedure Act.
 25 Sec. 3. Original sections 84-907.04 and 84-907.10,
 26 Reissue Revised Statutes of Nebraska, are repealed.
 27 2. On page 1, strike lines 2 through 4 and insert
 1 "sections 84-907.04 and 84-907.10, Reissue Revised Statutes of
 2 Nebraska; to require a report and referral of the report regarding
 3 proposed rules and regulations; to change provisions regarding
 4 complaints by members of the Legislature relating to rules and
 5 regulations; and to repeal the original sections."

LEGISLATIVE BILL 1115A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 364. Placed on Final Reading.

LEGISLATIVE BILL 438. Placed on Final Reading Second.

LEGISLATIVE BILL 438A. Placed on Final Reading Second.

ST74

(Final Reading copy)

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

1. The Adams amendment, AM2625, has been incorporated into the Final Reading Copy of LB438A.

2. On page 1, line 3, "; and to declare an emergency" has been inserted after "2014".

LEGISLATIVE BILL 674. Placed on Final Reading.

LEGISLATIVE BILL 679. Placed on Final Reading.

LEGISLATIVE BILL 687. Placed on Final Reading.

LEGISLATIVE BILL 687A. Placed on Final Reading.

LEGISLATIVE BILL 712. Placed on Final Reading.

LEGISLATIVE BILL 714. Placed on Final Reading.

LEGISLATIVE BILL 717. Placed on Final Reading.

LEGISLATIVE BILL 739. Placed on Final Reading.

LEGISLATIVE BILL 757. Placed on Final Reading.

LEGISLATIVE BILL 758. Placed on Final Reading.

LEGISLATIVE BILL 759. Placed on Final Reading.

LEGISLATIVE BILL 766. Placed on Final Reading.

LEGISLATIVE BILL 777. Placed on Final Reading.
LEGISLATIVE BILL 802. Placed on Final Reading.
LEGISLATIVE BILL 803. Placed on Final Reading.
LEGISLATIVE BILL 806. Placed on Final Reading.
LEGISLATIVE BILL 859. Placed on Final Reading.
LEGISLATIVE BILL 863. Placed on Final Reading Second.

LEGISLATIVE BILL 1048. Placed on Final Reading.
ST75

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

1. On page 1, line 1, "political parties" has been struck and "elections" inserted.

(Signed) John Murante, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Monday, April 7, 2014 1:00 p.m.

John F. Krager III - Board of Public Roads Classifications and Standards

(Signed) Annette Dubas, Chairperson

General Affairs

Room 1510

Monday, April 7, 2014 1:00 p.m.

James S. Brummer - State Electrical Board

(Signed) Russ Karpisek, Chairperson

MESSAGES FROM THE GOVERNOR

March 28, 2014

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 132, 692, 728e, 740, 749, 755, 776e, 844, 854, 884, 941, 941A, 983e, 983Ae, 1014, 1016e, and 1016Ae were received in my office on March 24, 2014.

These bills were signed and delivered to the Secretary of State on March 28, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

March 28, 2014

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

Dear Mr. President and Members of the Legislature:

I am returning LB 671 without my signature and with my objections.

LB 671 would repeal authorization for the Nebraska Game and Parks Commission to issue permits for hunting mountain lions. In 2012, I signed LB 928 to grant the Commission the authority to permit the hunting of mountain lions. The majority of you supported the enactment of that law.

Nebraskans expect responsible wildlife management. LB 671 eliminates an important tool used to accomplish it. The Nebraska Game and Parks Commission should retain the ability to determine those management actions which are necessary to protect both the health and safety of our citizens and the wildlife in our state. Removing the agency's authority to manage mountain lions through hunting at this time is poor public policy.

I am concerned that LB 671 is potentially unconstitutional as it prohibits wildlife management of mountain lions through hunting. The majority of Nebraskans expressed, through the 2012 adoption of Article XV, Section 25 of the Nebraska Constitution that "hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife."

This provision of our Constitution is so new there is no clearly established law that tests its reach. However, LB 671 could be challenged as infringing upon Article XV, Section 25 because it precludes hunting which is now established as "preferred means" of wildlife management. Even if LB 671 is not unconstitutional, it fails to respect the will of Nebraska's citizens on this issue.

For these reasons, I respectfully urge you to sustain my veto of this bill.

Sincerely,
(Signed) Dave Heineman
Governor

March 29, 2014

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 949e was received in my office on March 24, 2014.

I signed and delivered this bill to the Secretary of State on March 29, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

March 29, 2014

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

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

With this letter, I am returning LB 130 with my signature, but with line-item reductions.

I have vetoed the \$14,500,000 transfer from the Cash Reserve Fund to the Nebraska Capitol Construction Fund in FY 2014-15 provided for in section 2 of LB 130. This transfer was made to enable appropriations for construction of four courtyard fountains and the beginning of the renovation of the heating, ventilation, and air condition system in the State Capitol. The appropriations in LB 905 have been vetoed and this transfer is not

necessary.

I have line-item reduced the transfer of \$50,500,000 from the Cash Reserve Fund to the General Fund provided for in section 2 of LB 130 by \$15,000,000, for the following reasons:

- 1) I have line-item reduced the appropriation from the Game & Parks State Park Improvement and Maintenance Fund created in LB 906. \$5,000,000 of the \$15,000,000 transfer amount made by the Legislature for this purpose from the Cash Reserve Fund is not necessary.
- 2) I have vetoed the \$10,000,000 appropriation provided for in LB 905 from the Job Training Cash Fund. The \$10,000,000 transfer amount made by the Legislature for this purpose from the Cash Reserve Fund is not necessary.

I urge you to sustain my line-item reductions.

Sincerely,
(Signed) Dave Heineman
Governor

March 29, 2014

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

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

With this letter, I am returning LB 906 with my signature, but with line-item reductions.

I have vetoed the \$12,500,000 transfer from the Department of Motor Vehicles Cash Fund to the Vehicle Title and Registration System Replacement and Maintenance Cash Fund provided for in section 3. This transfer was made to enable the appropriation for a replacement vehicle title and registration system. I have vetoed the appropriation for that purpose in LB 905. Therefore, this transfer is not necessary.

I have vetoed \$1,100,000 of the \$21,000,000 transfer from the General Fund to the Water Sustainability Fund provided for in section 8. This line-item reduction is to specifically remove any funding for redevelopment of sewer infrastructure facilities in FY 2014-15 and continue this reduction in future years to preserve the intended purpose and use of these monies for water sustainability. Therefore, this transfer is not necessary.

I have vetoed the \$5,000,000 of the \$15,000,000 transfer from the General Fund to the Game & Parks State Park Improvement and Maintenance Fund

provided for in section 5. I have vetoed the \$2,500,000 transfer from the State Recreation Road Fund to the Game & Parks State Park Improvement and Maintenance Fund provided for in section 6. This transfer was made to enable appropriations for Game and Parks Commission deferred maintenance projects. I have line-item reduced appropriations for that purpose in LB 905. Therefore, these transfer amounts are not necessary.

I urge you to sustain my line-item reductions.

Sincerely,
(Signed) Dave Heineman
Governor

March 29, 2014

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

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 905 with my signature, but with line-item reductions.

I have vetoed \$45,000 General Funds in FY 2013-14 and \$15,000 General Funds in FY 2014-15 from the Legislative Council that has been appropriated to re-establish Nebraska as an annual dues paying member of the Midwest Interstate Passenger Rail Compact. Sufficient justification has not been presented to explain any benefit that Nebraska has received or will receive from its participation in the Compact. There is simply no obligation to pay the dues merely because a bill has been received from the Compact. The Legislature rightfully eliminated this funding in 2010 and is encouraged to repeal the reference to Nebraska's participation and officially withdraw next session.

I have vetoed \$152,105 General Funds, along with \$88,506 of new Salary Limit, in FY 2014-15 provided to the Legislative Council for increased staffing for the Office of the Inspector General for Child Welfare. The Legislature is encouraged to utilize existing appropriation authority to address staffing needs that may exist in this area consistent with its decision for other state agencies requesting additional funding during this mid-biennium.

I have vetoed \$8,273 General Funds, along with \$6,293 of new Salary Limit in FY 2014-15, provided to the Supreme Court, for an additional salary increase for County Court employees greater than the annual wage increase provided for other state employees. The Supreme Court did not submit a deficit budget request for this additional wage increase for County Court

employees. It was not part of my budget recommendations.

I have vetoed a total of \$282,683 General Funds, along with \$245,490 of new Salary Limit in FY 2014-15 provided to the Supreme Court, for reclassification of probation officer positions, which will provide an extra salary increase in addition to the annual wage increase provided for other court employees. I vetoed a similar request by the Supreme Court in 2013 and that veto was sustained by the Legislature in the 2013 Legislative Session. Funding for these extra salary increases that will result from this reclassification of probation officers was not included in my 2014 deficit budget recommendations.

I have vetoed a total of \$1,702,368 General Funds, along with \$1,500,000 of new Salary Limit in FY 2014-15 to the Supreme Court, for additional salary increases for court and probation employees, greater than the annual increase provided for other state employees. The Supreme Court did not submit a deficit budget request for this additional wage increase for Court and Probation employees. It was not part of my budget recommendations. Your recommendation to use one-time monies for ongoing wage obligations is not sound fiscal policy.

I have vetoed \$7,400,000 General Funds in FY 2013-14, provided to the Supreme Court, for a Juvenile Services Project Contingency Program, just in case there is a shortfall in funds already requested and provided to the Supreme Court in Laws 2013, LB 561A for the Juvenile Services Delivery Project. This \$7,400,000 contingency appropriation represents an additional 37.4% over the total amount of General Funds provided to the Courts through LB 561A. The Supreme Court did not submit a deficit budget request, nor was it included in my recommendations. An analysis of year-to-date spending through February 28, 2014, for Probation – Community Corrections Program, reveals that the Supreme Court is estimated to underspend General Fund appropriations by approximately \$8 million by June 30, 2014. This contingency appropriation is not necessary.

I have vetoed \$17,668 General Funds, along with \$12,024 of new Salary Limit, in FY 2014-15 from the Governor's Office provided to convert a half-time position to full-time. This increased appropriation is not a priority.

I have vetoed \$17,668 General Funds, along with \$12,024 of new Salary Limit, in FY 2014-15 from the Lieutenant Governor's Office provided to convert a half-time position to full-time. This increased appropriation is not a priority.

I have vetoed \$176,669 General Funds, along with \$20,000 of new Salary Limit, for each of FY 2013-14 and FY 2014-15 appropriated to the Auditor of Public Accounts to restore their budget to the Legislature's original appropriations enacted during the 2013 Legislative Session. This veto restores the appropriation decisions made during the 2013 Legislative Session. This increased appropriation is not a priority.

I have vetoed \$95,798 General Funds for each of FY 2013-14 and FY 2014-15 that were taken from the Department of Education early childhood education grant program and redirected to finance Department of Education operational costs. Monies intended for state aid to directly benefit Nebraska's children should not be redirected to fund the state bureaucracy. The Department already receives adequate operations funding.

I have vetoed \$95,000 General Funds and \$55,000 of new Salary Limit for FY 2014-15 that were appropriated to the Department of Education for additional staff and technical assistance for early childhood education. The Department already receives an adequate appropriation for staff and administration of its aid programs.

I have vetoed \$250,000 General Funds for FY 2014-15 that were appropriated to the Department of Education to contract directly with the Microsoft IT Academy for a pilot project. As this provision causes a state agency sole source contract with one specific vendor by name, it represents special legislation potentially in violation of Article III, Section 18 of the Nebraska Constitution.

I have vetoed \$93,532 General Funds and \$55,048 new Salary Limit for FY 2014-15 that were appropriated to the Department of Education for a student achievement coordinator, a position that was eliminated in 2011. The position was originally created in 2006, but the Department did not implement the functions intended for the position. In 2012, the Legislature appropriated \$75,000 General Funds to the Department to perform the original duties of this position. The additional appropriation in LB 905 does not account for this existing appropriation. Furthermore, LB 438A also provides the Department another full-time position that would perform duties which are closely related to the duties of the position funded in LB 905. This appropriation in LB 905 is not necessary.

I have vetoed \$100,000 General Funds for FY 2014-15 that were appropriated to the Department of Education for an ongoing licensing fee. This specific amount of appropriation does not comport with the Department's own deficit request. The Department already received adequate funding for data systems for the current biennium during the 2013 Legislative Session.

I have vetoed \$13,605 cash fund appropriations and \$7,515 Salary Limit in FY 2013-14 and \$50,964 cash funds appropriation and \$32,273 Salary Limit in FY 2014-15 from the Public Service Commission for an additional administrative assistant. Again, providing additional appropriation to add state employee positions to existing programs is not a priority during this mid-biennium.

I have vetoed \$10,198 cash funds, along with \$8,855 of new Salary Limit, in FY 2013-14 and \$10,428 cash funds, along with \$9,055 of new Salary

Limit, in FY 2014-15 provided to the Commission on Problem Gambling (administratively located within the Department of Revenue), to increase the salary for the Commission's administrative support position. LB 6A, 2013 Session Laws provided adequate funding for a staff support position to perform duties and responsibilities on behalf of the Commission. Nothing has occurred in the few short months of the Commission's independence to warrant increasing the cost of the staff support position provided to the Commission.

I have vetoed a \$100,000 cash funds increase in FY 2013-14 provided to the Commission on Problem Gambling that would be used to contract for development of a data collection system to gather demographic and service utilization data. Sufficient flexibility exists within the Commission's current \$3.1 million biennial budget to accommodate development of the system without the \$100,000 increase.

I have vetoed \$15,000 cash funds in FY 2014-15, provided to the Department of Aeronautics, for an increase in aid to the Civil Air Patrol. This \$15,000 was not sought by the Department of Aeronautics in a 2014 deficit budget request and was not included in my recommendations. It represents an unreasonable increase of 59.5% above the current budgeted amount for FY 2014-15.

I have vetoed \$271,128 cash funds, along with \$94,584 of new Salary Limit, in FY 2014-15 provided to the Department of Motor Vehicles to identify a replacement vehicle title and registration system, associated costs, and financing options. This funding was not requested by the Department and is not an emergency that requires an appropriation during the mid-biennium deficit process.

I have vetoed the \$300,000 Health and Human Services Cash Fund earmark in FY 2013-14 for support of the vital records program in the Department of Health and Human Services. The additional spending proposed from the Medicaid False Claims Act Cash Fund over obligates the balance of the fund. The fund balance is not sufficient to support the additional spending from the fund proposed by the Legislature. At the present time there are no additional receipts identified for the remainder of the biennium other than a small amount of interest earnings.

I have vetoed the \$500,000 one-time FY 2014-15 appropriation from the Medicaid False Claims Act Cash Fund designated for the electronic health records initiative. The additional spending proposed from the Medicaid False Claims Act Cash Fund over obligates the balance of the fund. The fund balance is simply not sufficient to support the additional spending from the fund proposed by the Legislature. At the present time there are no additional receipts identified for the remainder of the biennium other than a small amount of interest earnings.

I have vetoed \$10,000,000 General Funds in FY 2014-15 redirected from

the Patient Protection and Affordable Care Act Contingency Fund program to the Behavioral Health Aid program. The \$10,000,000 General Funds represent only a portion of the savings to state behavioral health program attributable to the passage of the Affordable Care Act (ACA). It is imperative that these savings be captured as intended during the 2013 Legislative Session to help offset the cost to the state due to the ACA.

The Developmental Disability Aid program received significant increases when the biennial budget was developed during the 2013 Legislative Session, including \$8.7 million for transitioning students, \$13.0 million to address the waiting list, \$5.9 million for provider rates, and \$42 million for a new rate methodology for paying providers. The new rate methodology was adopted during the 2013 Legislative Session to pay providers based upon actual costs of providing services in the state with provisions for future adjustments for inflation. LB 905 includes an additional \$10.5 million for FY 2014-15 for the waiting list and \$5.4 million for FY 2014-15 for provider rates. I have vetoed \$2,595,048 General Funds and \$2,821,240 federal funds in FY 2014-15 for the additional adjustment in provider rates. It is premature to add funds for additional rate adjustments before the new methodology is implemented in FY 2014-15. All other increases listed above remain intact after my modest veto for provider rates.

I have vetoed \$1,500,000 General Funds and \$1,500,000 federal funds in FY 2014-15 for the state ward permanency pilot project. A request to establish a state ward permanency pilot was withdrawn by the Department of Health and Human Services, indicating that the request was more appropriate to address during development of the biennial budget than for consideration for supplemental or deficit funding. I concur that this pilot project should be considered during the regular biennial budget process for the 2015-2017 biennium. Adequate funding remains after my veto for the Department to serve these wards.

I have vetoed Salary Limit amounts of \$408,000 in FY 2013-14 and \$871,600 in FY 2014-15 designated for the behavioral health operations program. Adequate justification does not exist for this increase in Salary Limit.

I have vetoed \$85,000 General Funds in FY 2014-15 for increased funding for Nebraska Advocacy Services. The \$85,000 represents an increase of more than 21% above the current \$399,750 General Funds allocated for this purpose. This unreasonable increase is not necessary.

I have vetoed Salary Limit amounts of \$293,422 in FY 2013-14 and \$387,540 in FY 2014-15 designated for the Norfolk Sex Offender Treatment program. The Salary Limit increases of \$293,421 for FY 2013-14 and \$387,539 for FY 2014-15 remaining after my veto is sufficient to operate the facility during the biennium.

Senator Mello's AM2408 to LB 905 reduced the FY2013-14 General Fund

appropriation to Medicaid by \$2,400,000 and gave those monies to the Supreme Court. It also substituted a Cash Fund appropriation for Medicaid of \$2,400,000 for FY 2013-14 to be funded from the Medicaid False Claims Act Cash Fund. I have vetoed this \$2,400,000 FY 2013-14 Cash Fund appropriation from the Medicaid False Claims Act Cash Fund to the Medical Assistance program. The additional spending proposed from the Medicaid False Claims Act Cash Fund over obligates the balance of the fund. The fund balance is not sufficient to support the additional spending from the fund proposed by the Legislature. There are no additional receipts identified for the remainder of the biennium other than a small amount of interest earnings.

I have vetoed \$50,000 of the \$150,000 cash fund appropriation provided to the Nebraska Game and Parks Commission for administration and operations related to increased deferred maintenance projects to reflect the reduction in the level of deferred maintenance to be undertaken by the Commission. I have vetoed \$7,350,000 of the \$17,350,000 provided to the Nebraska Game and Parks Commission for state parks facilities deferred maintenance. Of the remaining \$10 million appropriation, I have left in \$1,500,000 to be expended at Ponca State Park to replace the existing swimming pool with a new aquatic feature and \$1,000,000 for new camper cabins. The remaining appropriation also includes \$2,107,000 to be expended at Arbor Lodge State Historical Park for deferred repairs and maintenance improvements at the mansion, carriage house, and grounds. I understand the need to maintain our state parks, state historical parks and state recreation areas for the benefit of our citizens. LB 814 proposes to direct over \$3 million annually of sales tax revenue to Nebraska Game & Parks Commission for deferred maintenance. This \$10.0 million and over \$3 million annually is adequate to initiate and continue a program of deferred maintenance based on the priorities shared with us by the Game and Parks Commission.

I have vetoed \$10,000 cash funds appropriation in FY 2013-14 and FY 2014-15 from the Nebraska Real Estate Commission for funding of educational expenses. The Commission has sufficient existing appropriations to meet its educational expenses. This additional appropriation is not necessary.

I have vetoed \$10,000 General Funds in FY 2013-14 from the Coordinating Commission for Postsecondary Education that has been appropriated to conduct a search for an executive director. I have also vetoed \$11,000 General Funds and \$14,000 Salary Limit in FY 2014-15 that has been appropriated for a retirement payout. The Commission is accruing vacancy savings due to staff resignations and should redirect its existing appropriations to fund its search for a new Executive Director and provide for retirement payout.

I have vetoed \$2,500,000 Nebraska Capitol Construction Funds in FY 2014-15 from the Department of Administrative Services (Office of the Capitol Commission) for the construction of four courtyard fountains. The State Capitol was completed in 1932. The decision was made at that time

not to install fountains because it was not a priority use of taxpayer money. The citizens of Nebraska have managed well without fountains in the courtyards for over 80 years. This expenditure lacks justification.

I have vetoed \$11,701,900 Nebraska Capitol Construction Funds in FY 2014-15 from the Department of Administrative Services (Office of the Capitol Commission) to renovate the heating, ventilation, and air condition system in the State Capitol. The Capitol Commission did not request funding for this project during this mid-biennium. LB 905 only provides funding of \$11.7 million of the \$77.8 million current estimated total cost of this project with the balance of \$66.1 million relegated to future Legislatures to resolve. This project should be presented and considered during a regular biennial budget process along side other capital projects with full consideration and a commitment to recognize and fund the full costs identified for the project.

I have vetoed \$3,000 General Funds for both FY 2013-14 and FY 2014-15 that were appropriated to the Nebraska Arts Council for operations to pay stipends to art reviewers. These reviewers traditionally have been unpaid volunteers and should remain so. Furthermore, changing this prudent volunteer relationship for the Arts Council would set a precedent for all other agencies to seek the same consideration for their unpaid volunteers.

I have vetoed the \$10,000,000 cash fund appropriation and the \$10,000,000 General Fund transfer provided to the Department of Economic Development for the Job Training Program in FY 2014-15. This increase is not needed at this time. No increase was requested by the Department of Economic Development.

I urge you to sustain my line-item reductions.

Sincerely,
(Signed) Dave Heineman
Governor

Attachments

RESOLUTION

LEGISLATIVE RESOLUTION 602. Introduced by Johnson, 23.

WHEREAS, the David City High School speech team won the 2014 Class C-1 State Speech Championship; and

WHEREAS, the David City Scouts qualified 12 competitors in 14 events for the state meet, and defeated Omaha Brownell-Talbot by a score of 172-126 to win their fourth state title in five 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 THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the David City High School speech team on winning the 2014 Class C-1 State Speech Championship.
2. That a copy of this resolution be sent to the David City High School speech team and their coach, Jarod Ockander.

Laid over.

COMMUNICATIONS

Received copies of House Concurrent Resolution No. 13 and Senate Joint Resolution No. 1 from the state of Utah relating to the federal government honoring promises made with all states east of Colorado and transfer title of public lands to all willing western states and the Legislature urging the United States Congress to support, establish, or construct a national museum recognizing atrocities against American Indians.

AMENDMENTS - Print in Journal

Senator Lathrop filed the following amendments to LB1098:

FA288

Strike Section 1.

FA289

Strike Section 2.

FA290

Strike Section 3.

GENERAL FILE

LEGISLATIVE BILL 907A. Title read. Considered.

Senator Ashford offered his amendment, AM2660, found on page 1226.

The Ashford amendment 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 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 999A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 464A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 690. With Emergency Clause.

A BILL FOR AN ACT relating to health and human services; to provide duties for the Department of Health and Human Services; to require application for a federal grant as prescribed; to create and provide duties for a task force; to provide a termination date; 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, 32:

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

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Larson	Scheer	Schilz
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Excused and not voting, 2:

Johnson	Lautenbaugh
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

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

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Larson	Scheer	Schilz
-------	--------	--------	--------

Excused and not voting, 2:

Johnson	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 690A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, One Hundred Third Legislature, Second Session, 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, 32:

Adams	Cook	Harms	Mello	Smith
Ashford	Crawford	Harr, B.	Murante	Sullivan
Avery	Davis	Howard	Nelson	Wallman
Bolz	Dubas	Karpisek	Nordquist	Wightman
Campbell	Gloor	Krist	Scheer	
Chambers	Haar, K.	Lathrop	Schumacher	
Conrad	Hadley	McGill	Seiler	

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Kolowski	Larson	Schilz
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Excused and not voting, 2:

Johnson	Lautenbaugh
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 32:

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

Voting in the negative, 11:

Bloomfield	Christensen	Janssen	Pirsch
Brasch	Garrett	Kintner	Watermeier
Carlson	Hansen	McCoy	

Present and not voting, 4:

Coash	Larson	Schilz	Seiler
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Excused and not voting, 2:

Johnson	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 744. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to establish the Nebraska Sesquicentennial Commission; to provide for the membership of the commission; to provide powers and duties; to provide an operative date; 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:

Adams	Christensen	Haar, K.	Larson	Schilz
Ashford	Coash	Hadley	Lathrop	Schumacher
Avery	Conrad	Harms	Lautenbaugh	Seiler
Bloomfield	Cook	Harr, B.	McGill	Smith
Bolz	Crawford	Howard	Mello	Sullivan
Brasch	Davis	Johnson	Murante	Wallman
Campbell	Dubas	Karpisek	Nelson	Watermeier
Carlson	Garrett	Kolowski	Nordquist	Wightman
Chambers	Gloor	Krist	Scheer	

Voting in the negative, 3:

Kintner	McCoy	Pirsch
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Present and not voting, 2:

Hansen	Janssen
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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 744A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 744, One Hundred Third Legislature, Second Session, 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:

Adams	Christensen	Haar, K.	Larson	Schumacher
Ashford	Coash	Hadley	Lathrop	Seiler
Avery	Conrad	Harms	McGill	Smith
Bloomfield	Cook	Harr, B.	Mello	Sullivan
Bolz	Crawford	Howard	Murante	Wallman
Brasch	Davis	Johnson	Nelson	Watermeier
Campbell	Dubas	Karpisek	Nordquist	Wightman
Carlson	Garrett	Kolowski	Scheer	
Chambers	Gloor	Krist	Schilz	

Voting in the negative, 4:

Hansen Kintner McCoy Pirsch

Present and not voting, 2:

Janssen Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTIONS - Return LB768 to Select File

Senator Larson moved to return LB768 to Select File for the following specific amendment:

AM2658

(Amendments to Final Reading copy)

- 1 1. On page 10, line 16; and page 13, line 2, strike
- 2 "The", show as stricken, and insert "For the period May 1, 2014,
- 3 through April 30, 2016, the amount of the fee assessed pursuant to
- 4 this section shall be six hundred fifty dollars. Beginning May 1,
- 5 2016, the".

Senator Larson requested a roll call vote, in reverse order, on his motion to return.

The Larson motion to return failed with 23 ayes, 14 nays, and 12 present and not voting.

Senator Davis moved to return LB768 to Select File for the following specific amendment:

AM2610

(Amendments to Standing Committee amendments, AM1945)

- 1 1. Strike sections 8 and 9 and insert the following
- 2 sections:
- 3 Sec. 8. Section 54-1,120, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 54-1,120 (1) Any person who operates a cattle feeding
- 6 operation located within the brand inspection area may make

7 application to the Nebraska Brand Committee for registration as
8 a registered feedlot. The application form shall be prescribed by
9 the brand committee and shall be made available by the director
10 of the brand committee for this purpose upon written request.

11 If the applicant is an individual, the application shall include
12 the applicant's social security number. After the brand committee
13 has received a properly completed application, an agent of the
14 brand committee shall within thirty days make an investigation to
15 determine if the following requirements are satisfied:

16 (a) The operator's feedlot must be permanently fenced;
17 and

18 (b) The operator must commonly practice feeding cattle to
19 finish for slaughter.

20 If the application is satisfactory, and upon payment of
21 a registration fee by the applicant, the brand committee shall
22 issue a registration number and registration certificate valid
1 for one year unless rescinded for cause. If the registration is
2 rescinded for cause, any registration fee shall be forfeited by
3 the applicant. The fees for registered feedlots shall be ~~not less~~
4 ~~than one hundred dollars nor more than six hundred fifty dollars an~~
5 amount for each such registered feedlot having one thousand head or
6 less capacity and an equal amount for each additional one thousand
7 head capacity, or part thereof, of such registered feedlot. The
8 brand committee shall set the fee per one thousand head capacity
9 so as to correspond with the inspection fee provided under section
10 54-1,108. The registration fee shall be paid on an annual basis.

11 (2) The brand committee may adopt and promulgate rules
12 and regulations for the operation of registered feedlots to assure
13 that brand laws are complied with, that registered feedlot shipping
14 certificates are available, and that proper records are maintained.
15 Violation of sections 54-1,120 to 54-1,122 subjects the operator
16 to revocation or suspension of the feedlot registration issued.
17 Sections 54-1,120 to 54-1,122 shall not be construed as prohibiting
18 the operation of nonregistered feedlots.

19 (3) Registered feedlots are subject to inspection at any
20 reasonable time at the discretion of the brand committee and its
21 authorized agents, and the operator shall show cattle purchase
22 records or certificates of inspection to cover all cattle in his or
23 her feedlot. Cattle having originated from such registered feedlots
24 may from time to time, at the discretion of the committee, be
25 subject to a spot-check inspection and audit at destination to
26 enable the brand committee to assure satisfactory compliance with
27 the brand laws by the registered feedlot operator.

1 (4) The operator of a registered feedlot shall keep
2 cattle inventory records. A form for such purpose shall be
3 prescribed by the brand committee. The brand committee and its
4 employees may from time to time make spot checks and audits of
5 the registered feedlots and the records of cattle on feed in such
6 feedlots.

7 (5) The brand committee may rescind the registration of
8 any registered feedlot operator who fails to cooperate or violates
9 the laws or rules and regulations of the brand committee covering
10 registered feedlots.

11 Sec. 9. Section 54-1,122.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 54-1,122.01 (1) Any person who operates a dairy operation
14 located within the brand inspection area may make application
15 to the Nebraska Brand Committee for registration as a registered
16 dairy. The application form shall be prescribed by the brand
17 committee and shall be made available by the director of the brand
18 committee for this purpose upon written request. If the applicant
19 is an individual, the application shall include the applicant's
20 social security number. After the brand committee has received a
21 properly completed application, an agent of the brand committee
22 shall within thirty days make an investigation to determine if the
23 following requirements are satisfied:

24 (a) The operator's dairy must be permanently fenced; and

25 (b) The operator must identify each animal individually
26 as directed by the Nebraska Brand Committee.

27 If the application is satisfactory, and upon payment of
1 a registration fee by the applicant, the brand committee shall
2 issue a registration number and registration certificate valid
3 for one year unless rescinded for cause. If the registration is
4 rescinded for cause, any registration fee shall be forfeited by
5 the applicant. The fee for a registered dairy shall be ~~not less
6 than one hundred dollars nor more than six hundred fifty dollars an~~
7 amount for each such registered dairy having one thousand head or
8 less capacity and an equal amount for each additional one thousand
9 head capacity, or part thereof, of such registered dairy. The brand
10 committee shall set the fee per one thousand head capacity so as to
11 correspond with the inspection fee provided under section 54-1,108.
12 The registration fee shall be paid on an annual basis.

13 (2) The brand committee may adopt and promulgate rules
14 and regulations for the operation of registered dairies to assure
15 that brand laws are complied with, that registered dairy shipping
16 certificates are available, and that proper records are maintained.
17 This section shall not be construed as prohibiting the operation of
18 nonregistered dairies.

19 (3) A registered dairy is subject to inspection at any
20 reasonable time at the discretion of the brand committee and its
21 authorized agents, and the operator shall show cattle purchase
22 records or certificates of inspection to cover all cattle in his
23 or her dairy. Cattle having originated from any such registered
24 dairy may from time to time, at the discretion of the committee, be
25 subject to a spot-check inspection and audit at the destination to
26 enable the brand committee to assure satisfactory compliance with
27 the brand laws by the registered dairy operator.

1 (4) The operator of a registered dairy shall keep cattle

2 inventory records. A form for such purpose shall be prescribed by
 3 the brand committee. The brand committee and its employees may from
 4 time to time make spot checks and audits of registered dairies and
 5 the records of cattle in such registered dairies.

6 (5) The brand committee may rescind or suspend the
 7 registration of any registered dairy operator who fails to
 8 cooperate or violates the laws or rules and regulations of the
 9 brand committee covering registered dairies.

Senator Davis withdrew his motion to return.

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 LB768 with 41 ayes, 4 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 768. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-172, 54-1,110, 54-1,111, 54-1,120, 54-1,122.01, and 54-415, Reissue Revised Statutes of Nebraska, section 54-1,108, Revised Statutes Cumulative Supplement, 2012, and sections 54-170 and 54-171, Revised Statutes Supplement, 2013; to define and redefine terms; to provide for brand inspection service areas under the Livestock Brand Act; to provide and change fees under the act; to change terminology relating to purchasers; to change provisions relating to estrays; to provide operative dates; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

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.

SENATOR GLOOR PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB867 with 42 ayes, 3 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 867. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-3107, 13-3108, 14-2138, 14-2139, 66-6,102, 77-2701.11, 77-2701.35, and 77-2704.13, Reissue Revised Statutes of Nebraska, sections 77-2701, 77-2701.04, and 77-27,144, Revised Statutes Cumulative Supplement, 2012, and sections 13-2709, 76-902, and 77-2711, Revised Statutes Supplement, 2013; to change provisions relating to distributions under the Sports Arena Facility Financing Assistance Act and payments by metropolitan utilities districts for sales of natural gas; to exempt certain deeds from the documentary stamp tax; to exempt energy or fuel used in the compression of natural gas, certain postage, currency, and bullion from sales and use taxation; to exempt purchases by historic automobile museums from sales and use taxation; to change provisions relating to review of sales and use tax information by municipalities; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

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.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 867A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 867, One Hundred Third Legislature, Second Session, 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, 49:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

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 LB1087 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1087.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3501.01, 77-3506.02, 77-3506.03, 77-3509, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3513, 77-3514, 77-3516, 77-3521, 77-3522, 77-3523, 77-3529, and 77-4212, Reissue Revised Statutes of Nebraska, and section 77-3517, Revised Statutes Cumulative Supplement, 2012; to create a homestead exemption for disabled veterans and widows and widowers as prescribed; to harmonize provisions; 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, 48:

Adams	Coash	Hansen	Lathrop	Schilz
Ashford	Conrad	Harms	Lautenbaugh	Schumacher
Avery	Cook	Harr, B.	McCoy	Seiler
Bloomfield	Crawford	Howard	McGill	Smith
Bolz	Davis	Janssen	Mello	Sullivan
Brasch	Dubas	Johnson	Murante	Wallman
Campbell	Garrett	Karpisek	Nelson	Watermeier
Carlson	Gloor	Kolowski	Nordquist	Wightman
Chambers	Haar, K.	Krist	Pirsch	
Christensen	Hadley	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kintner

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 1087A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 1087, One Hundred Third Legislature, Second Session, 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:

Adams	Coash	Hansen	Larson	Scheer
Ashford	Conrad	Harms	Lathrop	Schilz
Avery	Cook	Harr, B.	Lautenbaugh	Schumacher
Bloomfield	Crawford	Howard	McCoy	Seiler
Bolz	Davis	Janssen	McGill	Smith
Brasch	Dubas	Johnson	Mello	Sullivan
Campbell	Garrett	Karpisek	Murante	Wallman
Carlson	Gloor	Kintner	Nelson	Watermeier
Chambers	Haar, K.	Kolowski	Nordquist	Wightman
Christensen	Hadley	Krist	Pirsch	

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.

WITHDRAW - Amendment to LB464

Senator Krist withdrew his amendment, AM2652, found on page 1226, to LB464.

MOTION - Return LB464 to Select File

Senator Krist moved to return LB464 to Select File for the following specific amendment:

AM2687

(Amendments to Final Reading copy)

- 1 1. Strike sections 10, 23, and 33 and insert the
- 2 following sections:
- 3 Sec. 10. Section 43-247.01, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 ~~43-247.01 (1) Pending the adjudication of any case,~~
- 6 In any juvenile case, the court may provide the parties the
- 7 opportunity to address issues involving the child's care and
- 8 placement, services to the family, restorative justice, and
- 9 other concerns through facilitated conferencing or mediation.
- 10 Facilitated conferencing may include, but is not limited to,
- 11 prehearing conferences, ~~and~~ family group conferences, expedited
- 12 family group conferences, child welfare mediation, permanency

13 prehearing conferences, termination of parental rights prehearing
 14 conferences, and juvenile victim-offender dialogue. Funding and
 15 management for such services will be part of the office of the
 16 State Court Administrator. All discussions taking place during
 17 such facilitated conferences, including plea negotiations, shall
 18 be considered confidential and privileged communications, except
 19 communications required by mandatory reporting under section 28-711
 20 for new allegations of child abuse or neglect which were not
 21 previously known or reported.

22 (2) For purposes of this section:

1 (a) Expedited family group conference means an expedited
 2 and limited-scope facilitated planning meeting which engages
 3 a child's or juvenile's parents, the child or juvenile when
 4 appropriate, other critical family members, services providers,
 5 and staff members from either the Department of Health and Human
 6 Services or the Office of Probation Administration to address
 7 immediate placement issues for the child or juvenile;

8 (b) Family group conference means a facilitated meeting
 9 involving a child's or juvenile's family, the child or juvenile
 10 when appropriate, available extended family members from across the
 11 United States, other significant and close persons to the family,
 12 service providers, and staff members from either the Department of
 13 Health and Human Services or the Office of Probation Administration
 14 to develop a family-centered plan for the best interests of the
 15 child and to address the essential issues of safety, permanency,
 16 and well-being of the child;

17 (c) Juvenile victim-offender dialogue means a
 18 court-connected process in which a facilitator meets with
 19 the juvenile offender and the victim in an effort to convene a
 20 dialogue in which the offender takes responsibility for his or
 21 her actions and the victim is able to address the offender and
 22 request an apology and restitution, with the goal of creating an
 23 agreed-upon written plan; and

24 ~~(a)~~ (d) Prehearing conference means a facilitated meeting
 25 prior to appearing in court and held to gain the cooperation
 26 of the parties, to offer services and treatment, and to develop
 27 a problem-solving atmosphere in the best interests of children
 1 involved in the juvenile court system. A prehearing conference may
 2 be scheduled at any time during the child welfare or juvenile court
 3 process, from initial removal through permanency, termination of
 4 parental rights, and juvenile delinquency court processes. ; and

5 ~~(b) Family group conference means a facilitated~~
 6 ~~collaborative process in which families work with extended family~~
 7 ~~members and others to make decisions and develop plans for the best~~
 8 ~~interests of children who are under the jurisdiction of the court.~~

9 Sec. 11. (1) It is the intent of the Legislature to
 10 transfer four hundred fifty thousand dollars in General Funds from
 11 the Department of Health and Human Services' 2014-15 budget to the
 12 office of the State Court Administrator's budget for the purpose

13 of making the State Court Administrator directly responsible for
14 contracting and paying for court-connected prehearing conferences,
15 family group conferences, expedited family group conferences, child
16 welfare mediation, permanency prehearing conferences, termination
17 of parental rights prehearing conferences, juvenile victim-offender
18 dialogue, and other related services. Such funds shall be
19 transferred on or before October 15, 2014.

20 (2) The Department of Health and Human Services
21 shall continue to be responsible for contracting with mediation
22 centers approved by the Office of Dispute Resolution to provide
23 family group conferences, mediation, and related services for
24 non-court-involved and voluntary child welfare or juvenile cases
25 through June 30, 2017, unless extended by the Legislature.

26 Sec. 33. Section 43-4203, Revised Statutes Supplement,
27 2013, is amended to read:

1 43-4203 (1) The Nebraska Children's Commission shall work
2 with administrators from each of the service areas designated
3 pursuant to section 81-3116, the teams created pursuant to section
4 28-728, local foster care review boards, child advocacy centers,
5 the teams created pursuant to the Supreme Court's Through the Eyes
6 of the Child Initiative, community stakeholders, and advocates for
7 child welfare programs and services to establish networks in each
8 of such service areas. Such networks shall permit collaboration
9 to strengthen the continuum of services available to child welfare
10 agencies and to provide resources for children and juveniles
11 outside the child protection system. Each service area shall
12 develop its own unique strategies to be included in the statewide
13 strategic plan. The Department of Health and Human Services shall
14 assist in identifying the needs of each service area.

15 (2)(a) The commission shall create a committee to examine
16 state policy regarding the prescription of psychotropic drugs for
17 children who are wards of the state and the administration of such
18 drugs to such children. Such committee shall review the policy and
19 procedures for prescribing and administering such drugs and make
20 recommendations to the commission for changes in such policy and
21 procedures.

22 (b) The commission shall create a committee to examine
23 the structure and responsibilities of the Office of Juvenile
24 Services as they exist on April 12, 2012. Such committee shall
25 review the role and effectiveness of the youth rehabilitation
26 and treatment centers in the juvenile justice system and make
27 recommendations to the commission on the future role of the
1 youth rehabilitation and treatment centers in the juvenile justice
2 continuum of care, including what populations they should serve
3 and what treatment services should be provided at the centers
4 in order to appropriately serve those populations. Such committee
5 shall also review how mental and behavioral health services are
6 provided to juveniles in secure residential placements and the need
7 for such services throughout Nebraska and make recommendations to

8 the commission relating to those systems of care in the juvenile
9 justice system. The committee shall collaborate with the University
10 of Nebraska at Omaha, Juvenile Justice Institute, the University of
11 Nebraska Medical Center, Center for Health Policy, the behavioral
12 health regions as established in section 71-807, and state and
13 national juvenile justice experts to develop recommendations.
14 If the committee's recommendations include maintaining the Youth
15 Rehabilitation and Treatment Center-Kearney, the recommendation
16 shall include a plan to implement a rehabilitation and treatment
17 model by upgrading the center's physical structure, staff, and
18 staff training and the incorporation of evidence-based treatments
19 and programs. The recommendations shall be delivered to the
20 commission and electronically to the Judiciary Committee of the
21 Legislature by December 1, 2013.

22 (c) The commission may organize committees as it
23 deems necessary. Members of the committees may be members of
24 the commission or may be appointed, with the approval of the
25 majority of the commission, from individuals with knowledge of
26 the committee's subject matter, professional expertise to assist
27 the committee in completing its assigned responsibilities, and the
1 ability to collaborate within the committee and with the commission
2 to carry out the powers and duties of the commission.

3 (d) The Title IV-E Demonstration Project Committee
4 created pursuant to section 43-4208 and the Foster Care
5 Reimbursement Rate Committee created pursuant to section 43-4212
6 are under the jurisdiction of the commission.

7 (3) The commission shall work with the office of the
8 State Court Administrator, as appropriate, and entities which
9 coordinate facilitated conferencing as described in section
10 ~~43-247.01-10 of this act.~~ Facilitated conferencing shall be
11 included in statewide strategic plan discussions by the commission.
12 Facilitated conferencing shall continue to be utilized and
13 maximized, as determined by the court of jurisdiction, during
14 the development of the statewide strategic plan. Funding and
15 ~~contracting of with mediation centers approved by the Office of~~
16 Dispute Resolution to provide facilitated conferencing entities
17 shall continue to be provided by the ~~Department of Health and~~
18 ~~Human Services to at least the same extent as such funding and~~
19 ~~contracting are being provided on April 12, 2012.~~ office of the
20 State Court Administrator at an amount of no less than the General
21 Fund transfer under subsection (1) of section 11 of this act.

22 (4) The commission shall gather information and
23 communicate with juvenile justice specialists of the Office of
24 Probation Administration and county officials with respect to any
25 county-operated practice model participating in the Crossover Youth
26 Program of the Center for Juvenile Justice Reform at Georgetown
27 University.

1 (5) The commission shall coordinate and gather
2 information about the progress and outcomes of the Nebraska

- 3 Juvenile Service Delivery Project established pursuant to section
4 43-4101.
- 5 2. On page 1, line 3, strike "43-295,"; and in line
6 15 after the semicolon insert "to change provisions relating to
7 juvenile facilitated conferencing and funding;".
- 8 3. On page 20, strike lines 19 through 21 and insert:
9 "(a) Beginning January 1, 2015, any juvenile who is
10 alleged to have committed an offense under subdivision (1) of
11 section 43-247 and who was sixteen years of age at the time
12 the alleged offense was committed, and beginning January 1, 2017,
13 any juvenile who is alleged to have committed an offense under
14 subdivision (1) of section 43-247 and who was sixteen years of
15 age or seventeen years of age at the time the alleged offense was
16 committed;".
- 17 4. On page 44, lines 14 and 15, reinstate the stricken
18 matter; in line 15 strike "court"; in lines 16 through 18 reinstate
19 the stricken matter; and in lines 21, 23, and 24 strike all
20 occurrences of "release" and insert "discharge".
- 21 5. On page 45, strike beginning with "discharge" in line
22 14 through the comma in line 15; in line 19 after the comma insert
23 "and"; and strike beginning with the comma in line 20 through
24 "juvenile" in line 21.
- 25 6. On page 46, strike lines 4 through 6.
- 26 7. On page 49, strike beginning with "(1)" in line 18
27 through line 21 and insert "(1) Payment of costs for juveniles
1 described in or alleged to be described in subdivision (1), (2),
2 (3)(b), or (4) of section 43-247, except as ordered by the court
3 pursuant to section 43-290, shall be paid by;".
- 4 8. On page 50, strike beginning with "the" in line 16
5 through "court" in line 17 and insert "the juvenile is discharged
6 by the Office of Juvenile Services".
- 7 9. On page 63, lines 19 through 23, strike the new matter
8 and reinstate the stricken matter.
- 9 10. On page 69, line 2, strike the new matter and
10 reinstate the stricken matter.
- 11 11. On page 83, line 7, after the underscored comma
12 insert "or".
- 13 12. On page 86, line 24, after "attending" insert "a
14 public".
- 15 13. On page 90, line 20, strike "43-295,".
- 16 14. Correct the operative date section so that the
17 sections added by this amendment become operative three calendar
18 months after the adjournment of this legislative session.
- 19 15. Renumber the remaining sections and correct the
20 internal references and repealer accordingly.

The Krist motion to return prevailed with 41 ayes, 0 nays, and 8 present and not voting.

SELECT FILE

LEGISLATIVE BILL 464. The Krist specific amendment, AM2687, found in this day's Journal, was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

SPEAKER ADAMS PRESIDING**MESSAGE FROM THE GOVERNOR**

March 31, 2014

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 661 and 661A were received in my office on March 27, 2014.

These bills were signed and delivered to the Secretary of State on March 31, 2014.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 603. Introduced by Davis, 43.

WHEREAS, the Ainsworth High School boys' basketball team advanced to the 2014 Class C-2 Boys' State Basketball Tournament; and

WHEREAS, the Ainsworth High School boys' basketball team played in the championship game and finished in second place; and

WHEREAS, the Ainsworth High School boys' basketball team set an all-time, all-class, three-point shooting record for the 2013-14 season with 389 total three-pointers; 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 Ainsworth High School boys' basketball team on advancing to the 2014 Class C-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Ainsworth High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 604. Introduced by Davis, 43.

WHEREAS, the Chadron High School girls' basketball team advanced to the 2014 Class C-1 Girls' State Basketball Tournament; 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 Chadron High School girls' basketball team on advancing to the 2014 Class C-1 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Chadron High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 605. Introduced by Davis, 43.

WHEREAS, the Crawford High School girls' basketball team advanced to the 2014 Class D-2 Girls' State Basketball Tournament; 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 Crawford High School girls' basketball team on advancing to the 2014 Class D-2 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Crawford High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 606. Introduced by Davis, 43.

WHEREAS, the Hyannis High School speech team placed first at their district speech meet and qualified a number of team members for the 2014 State Speech Contest; and

WHEREAS, the state qualifiers were Isabel Safarik and Brandi Bailey in Serious Interpretation of Prose Literature, Kaitlyn Ramsay in Entertainment Speaking, Brandi Bailey in Informative Public Speaking, Ashlee Nollette and Isabel Safarik in Duet Acting, and Gabe Haney, Hannah Haney, Sierra

Rediger, Kaitlyn Ramsay, and Frances Young in Oral Interpretation of Drama; 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 Hyannis High School speech team and those members advancing to the 2014 Class D-2 State Speech Contest.

2. That a copy of this resolution be sent to the Hyannis High School speech team.

Laid over.

LEGISLATIVE RESOLUTION 607. Introduced by Hadley, 37.

WHEREAS, Steve Barth and Brian Botsford are recipients of the 2014 Governor's Arts Award as emerging leaders in the Nebraska arts in recognition of their work with the Crane River Theater in Kearney, Nebraska; and

WHEREAS, Steve and Brian are childhood friends who co-founded the Crane River Theater Company in 2009; and

WHEREAS, the Crane River Theater Company's mission is to serve the community of Kearney and surrounding area to provide a home for the presentation, education, and promotion of the arts; and

WHEREAS, Steve and Brian are outstanding promoters of art and culture in Nebraska, and the Crane River Theater has become a popular destination for theater, music, and dance in central Nebraska.

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

1. That the Legislature congratulates Steve Barth and Brian Botsford on receiving the 2014 Governor's Arts Award and recognizes their artistic and cultural contributions to their community.

2. That a copy of this resolution be sent to Steve Barth and Brian Botsford.

Laid over.

AMENDMENTS - Print in Journal

Senator Mello filed the following amendment to LB559:
AM2668

(Amendments to E & R amendments, ER217)

- 1 1. On page 13, line 2, after "and" insert "electronically
- 2 to".

Senator Watermeier filed the following amendment to LB811:
AM2648

(Amendments to Standing Committee amendments, AM2400)

1 1. Insert the following new sections:

2 Sec. 4. Section 71-2433, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-2433 (1) A property owner with knowledge of a
5 clandestine drug lab on his or her property shall report such
6 knowledge and location as soon as practicable to the local
7 law enforcement agency or to the Nebraska State Patrol. A law
8 enforcement agency that discovers a clandestine drug lab in the
9 State of Nebraska shall report the location of such lab to
10 the Nebraska State Patrol within thirty days after making such
11 discovery. Such report shall include the date of discovery of such
12 lab, the county where the property containing such lab is located,
13 and a legal description of the property or other description
14 or address of such property sufficient to clearly establish
15 its location. As soon as practicable after such discovery, the
16 appropriate law enforcement agency shall provide the Nebraska
17 State Patrol with a complete list of the chemicals, including
18 methamphetamine, its precursors, solvents, and related reagents,
19 found at or removed from the location of such lab. Upon receipt,
20 the Nebraska State Patrol shall promptly forward a copy of such
21 report and list to the department, the Department of Environmental
22 Quality, the municipality or county where the lab is located,
1 the director of the local public health department serving such
2 municipality or county, and the property owner or owners.

3 (2) It shall be prima facie evidence of contamination of
4 the property if a clandestine drug lab has been reported under
5 subsection (1) of this section.

6 (3) The owner or owners or alleged owner or owners of
7 the property may request an administrative hearing pursuant to the
8 Administrative Procedure Act before the department to dispute a
9 mistake of fact. A mistake of fact is:

10 (a) An error in the report as to the ownership of the
11 property;

12 (b) An error in the determination that the property was
13 the site of a clandestine drug lab; or

14 (c) An error in the determination that the property needs
15 rehabilitation.

16 (4) The owner or owners or alleged owner or owners of
17 the property may send a written request for a hearing to the
18 department. The request must be postmarked within fifteen calendar
19 days after the mailing date of the report. If the request for a
20 hearing is not postmarked within fifteen calendar days after the
21 mailing date of the report, or the request is not based on a
22 mistake of fact, the department shall deny the request. The hearing
23 shall be held within fifteen calendar days after the date of the
24 receipt of the hearing request. The department shall notify the

25 requesting party of the hearing results within fifteen calendar
 26 days after the hearing.

27 (5) The owner or owners of contaminated property shall
 1 not permit the human habitation or use of such property until the
 2 rehabilitation of such property has been completed and the property
 3 has been released for such habitation or use under this section or
 4 section 71-2434. An owner who knowingly violates this subsection
 5 may be subject to a civil penalty not to exceed one thousand
 6 dollars.

7 Sec. 5. Section 71-2434, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 71-2434 (1) The local public health department serving
 10 the municipality or county where a clandestine drug lab has been
 11 discovered shall monitor the rehabilitation of any contaminated
 12 property at such location in accordance with standards and
 13 procedures established or approved by the department. The
 14 department shall adopt and promulgate rules and regulations to
 15 establish such standards and procedures, ~~no later than July 15,~~
 16 ~~2007.~~ Such procedures shall include deadlines for completion of
 17 the various stages of rehabilitation and proper disposal of the
 18 contaminated property.

19 (2) A local public health department may charge and
 20 collect fees from the owner or owners of contaminated property
 21 to cover the costs directly associated with monitoring the
 22 rehabilitation of such property under this section as provided
 23 in rules and regulations of the department. A local public health
 24 department may contract with other local public health departments
 25 or other appropriate entities to assist in the monitoring of such
 26 rehabilitation. Upon the completion of such rehabilitation, the
 27 local public health department shall release the property for human
 1 habitation and commercial or other use in a timely manner.

2 ~~(3) The owner or owners of contaminated property shall~~
 3 ~~not permit the human habitation or use of such property until the~~
 4 ~~rehabilitation of such property has been completed and the property~~
 5 ~~has been released for such habitation or use under this section.~~
 6 ~~An owner who knowingly violates this subsection may be subject to~~
 7 ~~a civil penalty not to exceed one thousand dollars. The department~~
 8 ~~shall enforce this subsection.~~

9 2. Renumber the remaining section and correct the
 10 repealer accordingly.

Senator Nordquist filed the following amendment to LB191A:
 AM2682

(Amendments to Final Reading copy)

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

3 Sec. 2. There is hereby appropriated (1) \$241,244 from
 4 the General Fund for FY2014-15 and (2) \$122,100 from the General
 5 Fund for FY2015-16 to the Department of Revenue, for Program 102.

6 to aid in carrying out the provisions of Legislative Bill 191, One
7 Hundred Third Legislature, Second Session, 2014.
8 Total expenditures for permanent and temporary salaries
9 and per diems from funds appropriated in this section shall not
10 exceed \$47,400 for FY2014-15 or \$85,400 for FY2015-16.

COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: LB690 and LB690A.

(Signed) John Murante, Chairperson

MOTION - Print in Journal

Senator Chambers filed the following motion to LB671:

MO161

Becomes law notwithstanding the objections of the Governor.

MESSAGE FROM THE GOVERNOR

March 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 individual is being appointed to the Nebraska Information Technology Commission:

Dr. Terry Haack, Bennington Public Schools, 11620 N. 156 Street,
Bennington, NE, 68007

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

BILL ON FIRST READING

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

LEGISLATIVE BILL 559A. Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 559, One Hundred Third Legislature, Second Session, 2014; and to provide duties.

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Monday, April 7, 2014 9:00 a.m.

LR512

(Signed) Kate Sullivan, Chairperson

MOTION - Print in Journal

Senator Chambers filed the following motion to LR463:
MO162
Withdraw resolution.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 690, 690A, 744, 744A, 768, 867, 867A, 1087, and 1087A.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 509, 511, and 513 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 509, 511, and 513.

VISITORS

Visitors to the Chamber were 40 fourth- and sixth-grade students, teachers, and sponsors from St. Wenceslaus School, Wahoo; 40 high school students and teachers from Wilbur-Clatonia; 59 fourth-grade students and teachers from Birchcrest Elementary, Bellevue; and 50 fourth-grade students and teachers from Rockwell Elementary, Omaha.

RECESS

At 12:20 p.m., on a motion by Senator Harms, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Brasch, Carlson, Conrad, Dubas, K. Haar, Harms, Johnson, Kolowski, Larson, Lautenbaugh, Nordquist, Schilz, and Smith who were excused until they arrive.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 907. Placed on Select File with amendment. ER228 is available in the Bill Room.

LEGISLATIVE BILL 999. Placed on Select File with amendment. ER225

- 1 1. On page 1, strike beginning with "criminal" in line
- 2 1 through line 16 and insert "the state correctional system; to
- 3 state findings; to provide powers and duties for the Division of
- 4 Behavioral Health of the Department of Health and Human Services;
- 5 and to require a program statement relating to the establishment
- 6 of a Hastings Correctional Behavioral Health Treatment Center as
- 7 prescribed."
- 8 2. On page 2, strike line 1.

LEGISLATIVE BILL 1092. Placed on Select File with amendment. ER224

- 1 1. In the Standing Committee amendments, AM2067:
- 2 a. On page 4, line 27; and page 8, lines 4 and 6, after
- 3 "or" insert "the"; and
- 4 b. On page 10, line 2, strike "advanced" and insert
- 5 "advance".
- 6 2. On page 1, strike lines 2 through 8 and insert
- 7 "39-2203, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2222,
- 8 39-2223, and 39-2224, Reissue Revised Statutes of Nebraska,
- 9 and sections 39-2216, 39-2704, and 66-4,100, Revised Statutes
- 10 Cumulative Supplement, 2012; to authorize issuance of highway
- 11 bonds; to change provisions of the Nebraska Highway Bond Act
- 12 and the Build Nebraska Act; to pledge revenue for the bonds; to

13 harmonize provisions; to repeal the original sections; and to
14 declare an emergency."

LEGISLATIVE BILL 526. Placed on Select File with amendment.
ER226

- 1 1. On page 1, strike lines 2 and 3 and insert "38-2601,
- 2 38-2604, 38-2610, 38-2614, 38-2615, and 38-2616, Reissue Revised
- 3 Statutes of Nebraska, and sections 38-2605 and 38-2617, Revised".

LEGISLATIVE BILL 923A. Placed on Select File.

(Signed) John Murante, Chairperson

MOTION - Print in Journal

Senator McCoy filed the following motion to LB485:
MO163
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator McCoy filed the following amendments to LB485:
FA291
Strike Section 5.

FA292
Strike Section 6.

FA293
Strike Section 7.

FA294
Strike Section 8.

FA295
Strike Section 1.

FA296
Strike Section 2.

FA297
Strike Section 3.

FA298
Strike Section 4.

FA299
Strike Section 9.

FA300

Strike Section 10.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 2014, at 12:23 p.m. were the following: LBs 690, 690A, 744e, 744A, 768e, 867e, 867Ae, 1087, and 1087A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Haack, Terry - Nebraska Information Technology Commission -
Transportation and Telecommunications

(Signed) John Wightman, Chairperson
Executive Board

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LBs 96, 986e, and 987.

(Signed) Charlie Janssen

SELECT FILE

LEGISLATIVE BILL 998. ER185, found on page 1045, was adopted.

Senator B. Harr offered his amendment, AM2277, found on page 1054.

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

The B. Harr amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator McGill offered the following motion:

MO159

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2460.

Senator McGill moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator McGill requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 29:

Adams	Christensen	Gloor	Lathrop	Schumacher
Ashford	Coash	Hadley	Lautenbaugh	Seiler
Avery	Cook	Harr, B.	McGill	Sullivan
Bloomfield	Crawford	Howard	Murante	Wallman
Campbell	Davis	Karpisek	Pirsch	Watermeier
Chambers	Garrett	Krist	Scheer	

Voting in the negative, 1:

Hansen

Present and not voting, 2:

Janssen McCoy

Excused and not voting, 17:

Bolz	Dubas	Kintner	Nelson	Wightman
Brasch	Haar, K.	Kolowski	Nordquist	
Carlson	Harms	Larson	Schilz	
Conrad	Johnson	Mello	Smith	

The McGill motion to suspend the rules failed with 29 ayes, 1 nay, 2 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Senator Janssen offered the following motion:

MO165

Reconsider the vote taken to suspend the germaneness rule to consider AM2460.

PRESIDENT HEIDEMANN PRESIDING

The Janssen motion to reconsider prevailed with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Senator McGill reconsidered her motion, MO159, found in this day's Journal, to suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2460.

The McGill motion to suspend the rules prevailed with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Senator McGill offered her amendment, AM2460, found on page 1106.

The McGill amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator McGill offered the following motion:

MO160

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2459.

The McGill motion to suspend the rules prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator McGill offered her amendment, AM2459, found on page 1110.

The McGill amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Seiler offered the following motion:

MO164

Suspend the rules, Rule 7, Sec. 3(d) to permit consideration of AM2656.

The Seiler motion to suspend the rules prevailed with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Senator Seiler offered the following amendment:

AM2656 is available in the Bill Room.

The Seiler 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 800. ER187, found on page 1046, was adopted.

Senator Mello offered his amendment, AM2584, found on page 1040.

The Mello amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1067. ER186, found on page 1046, was adopted.

Senator Hadley offered his amendment, AM2540, found on page 1157.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1115. ER184, found on page 1046, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1115A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 908. ER181, found on page 1077, was adopted.

Senator Coash offered his amendment, AM2571, found on page 1011.

SENATOR KRIST PRESIDING

The Coash amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 798. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 989. ER202, found on page 1141, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 792. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 816. ER200, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 750. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 876. ER199, found on page 1142, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1039. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 701. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 765. Senator Conrad offered her amendment, AM2272, found on page 1074.

The Conrad amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 780. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 693. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 828. ER207, found on page 1160, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 937. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 735. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1050. ER210, found on page 1161, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1072. ER211, found on page 1161, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 930. ER212, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 737. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1008. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 997. ER213, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 964. Senator Brasch offered the following amendment:

AM2636

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 40-105, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 40-105 When an execution for the enforcement of a
- 5 judgment obtained in a case not within the classes enumerated
- 6 in section 40-103 is levied upon the lands or tenements of a ~~head~~
- 7 ~~of a family or an unmarried person age sixty five or older, such~~
- 8 ~~person-claimant, the claimant~~ may at any time prior to confirmation
- 9 of sale apply to the district court in the county in which the
- 10 homestead is situated for an order to determine whether or not such
- 11 lands or tenements, or any part thereof, are exempt as a homestead
- 12 and, if so, the value thereof.
- 13 Sec. 4. The following section is outright repealed:
- 14 Section 40-115, Reissue Revised Statutes of Nebraska.
- 15 2. Renumber the remaining section accordingly.

The Brasch amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1089. ER204, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 558. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1044. ER205, found on page 1162, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1042. Title read. Considered.

Committee AM2132, found on page 748, was offered.

Senator Nordquist offered his amendment, AM2596, found on page 1142, to the committee amendment.

The Nordquist amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays,

16 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1042A. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

Monday, April 7, 2014 1:00 p.m.

Terry Haack - Nebraska Information Technology Commission

(Signed) Annette Dubas, Chairperson

Health and Human Services

Room 1510

Wednesday, April 9, 2014 12:45 p.m.

LR487

(Signed) Kathy Campbell, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 907A. Placed on Select File with amendment.
ER230

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "transfer" insert "of funds; and to declare an emergency".

LEGISLATIVE BILL 999A. Placed on Select File.

LEGISLATIVE BILL 464A. Placed on Select File.

(Signed) John Murante, Chairperson

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 683. Placed on Final Reading.

LEGISLATIVE BILL 697. Placed on Final Reading.

LEGISLATIVE BILL 698. Placed on Final Reading.
LEGISLATIVE BILL 702. Placed on Final Reading.
LEGISLATIVE BILL 736. Placed on Final Reading.
LEGISLATIVE BILL 753. Placed on Final Reading.

LEGISLATIVE BILL 774. Placed on Final Reading.
 ST76

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

1. On page 8, the matter beginning with "A" in line 11 through line 13 has been struck and shown as stricken.

LEGISLATIVE BILL 781. Placed on Final Reading.

(Signed) John Murante, Chairperson

AMENDMENTS - Print in Journal

Senator Dubas filed the following amendment to LB1092:
 AM2678

1 1. Strike section 14 and insert the following new
 2 sections:
 3 Sec. 4. (1) The Build Nebraska Bond Fund is created.
 4 The fund shall consist of money credited to the fund pursuant to
 5 section 2 of this act and any other money as determined by the
 6 Legislature.
 7 (2) The fund shall be used as follows:
 8 (a) At least twenty-five percent of the proceeds of the
 9 bonds shall be used, as determined by the Department of Roads, for
 10 construction of the expressway system and federally designated high
 11 priority corridors; and
 12 (b) The remaining proceeds shall be used to pay for
 13 surface transportation projects of the highest priority as
 14 determined by the department.
 15 (3) Any money in the fund available for investment
 16 shall be invested by the state investment officer pursuant to
 17 the Nebraska Capital Expansion Act and the Nebraska State Funds
 18 Investment Act. Investment earnings from investment of money in the
 19 fund shall be credited to the fund.
 20 Sec. 15. Section 39-2704, Revised Statutes Cumulative
 21 Supplement, 2012, is amended to read:
 22 39-2704 The fund shall be used as follows:
 23 (1) If directed by the State Highway Commission, money in
 1 the fund shall be used for repayment of bonds issued pursuant to
 2 subsection (3) of section 39-2223;
 3 ~~(2)~~ (2) At least twenty-five percent of the money
 4 credited to the fund pursuant to section 77-27,132 each fiscal year
 5 shall be used, as determined by the department, for construction
 6 of the expressway system and federally designated high priority

- 7 corridors; and
 8 ~~(2)-(3)~~ The remaining money ~~credited to in~~ the fund
 9 ~~pursuant to section 77-27,132 each fiscal year~~ shall be used to
 10 pay for surface transportation projects of the highest priority as
 11 determined by the department.
 12 2. On page 1, strike beginning with the comma in line 14
 13 through "Act" in line 16.
 14 3. On page 2, strike beginning with "No" in line 3
 15 through the period in line 5 and insert "No bonds shall be issued
 16 with a fixed interest rate exceeding five percent or with a
 17 variable interest rate."; in line 7 after the period insert "The
 18 Highway Cash Fund may be pledged for repayment of such bonds."; and
 19 strike beginning with line 10 through "Act" in line 11 and insert
 20 "Build Nebraska Bond Fund for use as provided under the Build
 21 Nebraska Act".
 22 4. On page 3, line 10, strike the new matter and insert
 23 "Build Nebraska Bond Fund".
 24 5. On page 5, line 3; and page 6, line 11, after the
 25 first comma insert "the Build Nebraska Bond Fund".
 26 6. On page 8, line 11, strike "3" and insert "4".
 27 7. On page 10, strike beginning with "No" in line 2
 1 through the period in line 4 and all amendments thereto and insert
 2 "No advance refunding bonds shall be issued with a fixed interest
 3 rate exceeding five percent or with a variable interest rate."; and
 4 strike beginning with "State" in line 25 through "Fund" in line 26
 5 and insert "Build Nebraska Bond Fund".
 6 8. On page 12, line 26, after "bonds" insert ", in
 7 addition to annual principal and interest paid from the State
 8 Highway Capital Improvement Fund".
 9 9. Renumber the remaining sections accordingly.

Senator Campbell filed the following amendment to LB1076:
 AM2680

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 71-8503, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 71-8503 For purposes of the Nebraska Telehealth Act:
 6 (1) Department means the Department of Health and Human
 7 Services;
 8 (2) Health care practitioner means a Nebraska
 9 medicaid-enrolled provider who is licensed, registered, or
 10 certified to practice in this state by the department;
 11 (3) Telehealth means the use of ~~telecommunications~~
 12 ~~technology by a health care practitioner to deliver health care~~
 13 ~~services within his or her scope of practice at a site other than~~
 14 ~~the site where the patient is located; and medical information~~
 15 electronically exchanged from one site to another, whether

16 synchronously or asynchronously, to aid a health care practitioner
17 in the diagnosis or treatment of a patient. Telehealth includes
18 services originating from a patient's home or any other location
19 where such patient is located, asynchronous services involving the
20 acquisition and storage of medical information at one site that is
21 then forwarded to or retrieved by a health care practitioner at
22 another site for medical evaluation, and telemonitoring:

1 (4) Telehealth consultation means any contact between a
2 patient and a health care practitioner relating to the health care
3 diagnosis or treatment of such patient through telehealth; ~~and but~~
4 ~~does not include a telephone conversation, electronic mail message,~~
5 ~~or facsimile transmission between a health care practitioner and a~~
6 ~~patient or a consultation between two health care practitioners.~~

7 (5) Telemonitoring means the remote monitoring of a
8 patient's vital signs, biometric data, or subjective data by a
9 monitoring device which transmits such data electronically to a
10 health care practitioner for analysis and storage.

11 Sec. 2. Section 71-8506, Revised Statutes Supplement,
12 2013, is amended to read:

13 71-8506 (1) In-person contact between a health care
14 practitioner and a patient shall not be required under the
15 medical assistance program established pursuant to the Medical
16 Assistance Act and Title XXI of the federal Social Security Act,
17 as amended, for health care services delivered through telehealth
18 that are otherwise eligible for reimbursement under such program
19 and federal act. Such services shall be subject to reimbursement
20 policies developed pursuant to such program and federal act. This
21 section also applies to managed care plans which contract with
22 the department pursuant to the Medical Assistance Act only to the
23 extent that:

24 (a) Health care services delivered through telehealth
25 are covered by and reimbursed under the medicaid fee-for-service
26 program; and

27 (b) Managed care contracts with managed care plans are
1 amended to add coverage of health care services delivered through
2 telehealth and any appropriate capitation rate adjustments are
3 incorporated.

4 (2) The reimbursement rate for a telehealth consultation
5 shall, as a minimum, be set at the same rate as the medical
6 assistance program rate for a comparable in-person consultation,
7 and the rate shall not depend on the distance between the health
8 care practitioner and the patient.

9 (3) The department shall establish rates for transmission
10 cost reimbursement for telehealth consultations, considering, to
11 the extent applicable, reductions in travel costs by health care
12 practitioners and patients to deliver or to access health care
13 services and such other factors as the department deems relevant.
14 Such rates shall include reimbursement for all two-way, real-time,
15 interactive communications, unless provided by an Internet service

16 provider, between the patient and the physician or health care
 17 practitioner at the distant site which comply with the federal
 18 Health Insurance Portability and Accountability Act of 1996 and
 19 rules and regulations adopted thereunder and with regulations
 20 relating to encryption adopted by the federal Centers for Medicare
 21 and Medicaid Services and which satisfy federal requirements
 22 relating to efficiency, economy, and quality of care.

23 Sec. 3. Section 71-8508, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 71-8508 ~~By July 1, 2000, the~~ The department shall
 26 adopt and promulgate rules and regulations to carry out the
 27 Nebraska Telehealth Act, including, but not limited to, rules and
 1 regulations to: (1) Ensure the provision of appropriate care to
 2 patients; (2) prevent fraud and abuse; and (3) establish necessary
 3 ~~methods and procedures, necessary to safeguard against unnecessary~~
 4 ~~utilization of telehealth consultations.~~

5 Sec. 4. Original sections 71-8503 and 71-8508, Reissue
 6 Revised Statutes of Nebraska, and section 71-8506, Revised Statutes
 7 Supplement, 2013, are repealed.

8 2. On page 1, strike lines 2 through 10 and insert
 9 "71-8503 and 71-8508, Reissue Revised Statutes of Nebraska, and
 10 section 71-8506, Revised Statutes Supplement, 2013; to change
 11 provisions relating to the Nebraska Telehealth Act; to define and
 12 redefine terms; to change provisions relating to reimbursement
 13 rates and rules and regulations; and to repeal the original
 14 sections."

Senator Murante filed the following amendment to LB923:
 AM2679

(Amendments to E & R amendments, ER221)

1 1. On page 2, line 11, strike "and"; and in line 13 after
 2 "act" insert "and
 3 (8) Establishing tornado preparedness standards which
 4 shall include, but not be limited to, ensuring that every school
 5 conduct at least two tornado drills per year".

Senator Wightman filed the following amendment to LB810:
 AM2577

(Amendments to E & R amendments, ER180)

1 1. Insert the following new sections:
 2 Section 1. Section 76-238.01, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 76-238.01 (1) Any interest in real property capable
 5 of being transferred may be mortgaged to secure (a) existing
 6 ~~debts or obligations, to secure (b) debts or obligations created~~
 7 ~~simultaneously with the execution of the mortgage, to secure (c)~~
 8 ~~future advances necessary to protect the security, and to secure~~
 9 even though such future advances cause the total indebtedness to
 10 exceed the maximum amount stated in the mortgage, or (d) any future

11 advances to be made at the option of the parties in any amount
12 unless, except as otherwise provided under subsection (2) or (3)
13 of this section, a maximum amount of total indebtedness to be
14 secured is stated in the mortgage. At no time shall the secured
15 principal future advances, not including sums advanced to protect
16 the security, exceed a total amount or percentage of a total
17 amount stated in the mortgage. If the mortgage authorizes advances
18 by a percentage of the mortgage amount, such advances shall not
19 exceed that authorized percentage. All such debts, obligations, and
20 future advances shall, from the time the mortgage is filed for
21 record as provided by law, be secured by such mortgage equally
22 with and have the same priority over the rights of all persons
1 who subsequent to the recording of such mortgage acquire any
2 rights in or liens upon the mortgaged real estate as the debts
3 and obligations secured thereby at the time of the filing of the
4 mortgage for record, except that (a) the mortgagor or his or her
5 successor in title is hereby authorized to file for record, and the
6 same shall be recorded, a notice limiting the amount of optional
7 future advances secured by such mortgage to not less than the
8 amount advanced actually at the time of such filing, and a copy
9 of such filing shall be filed with the mortgagee, and (b) if any
10 optional future advance shall be made by the mortgagee to the
11 mortgagor or his or her successor in title after written notice
12 of any mortgage, lien, or claim against such real property, or
13 after written notice of labor commenced or material furnished or
14 contracted to be commenced or furnished on such real property which
15 is junior to such mortgage, then the amount of such advance shall
16 be junior to such mortgage, lien, or claim, including a claim for
17 materials delivered or labor performed which is ultimately filed as
18 a construction lien and of which such written notice was given.

19 (2) Future advances necessary to protect the security
20 shall include, but not be limited to, advances for payment of
21 real property taxes, special assessments, prior liens, hazard
22 insurance premiums, maintenance charges imposed under a condominium
23 declaration or other covenant, and costs of repair, maintenance,
24 or improvements. Future advances necessary to protect the security
25 are secured by the mortgage and have the priority specified in
26 subsection (3) of this section.

27 (3)(a) Except as provided in subdivision (b) of this
1 subsection, all items identified in subsection (1) of this section
2 are equally secured by the mortgage from the time of filing the
3 mortgage as provided by law and have the same priority as the
4 mortgage over the rights of all other persons who acquire any
5 rights in or liens upon the mortgaged real property subsequent to
6 the time the mortgage was filed.

7 (b)(i) The mortgagor or his or her successor in title
8 may limit the amount of optional future advances secured by the
9 mortgage under subdivision (1)(d) of this section by filing a
10 notice for record in the office of the register of deeds of each

11 county in which the mortgaged real property or some part thereof
 12 is situated. A copy of such notice shall be sent by certified mail
 13 to the mortgagee at the address of the mortgagee set forth in the
 14 mortgage or, if the mortgage has been assigned, to the address of
 15 the most recent assignee reflected in a recorded assignment of the
 16 mortgage. The amount of such secured optional future advances shall
 17 be limited to not less than the amount actually advanced at the
 18 time of receipt of such notice by the mortgagee.

19 (ii) If any optional future advance is made by the
 20 mortgagee to the mortgagor or his or her successor in title
 21 after receiving written notice of the filing for record of any
 22 trust deed, mortgage, lien, or claim against such mortgaged real
 23 property, then the amount of such optional future advance shall be
 24 junior to such trust deed, mortgage, lien, or claim. The notice
 25 under this subdivision shall be sent by certified mail to the
 26 mortgagee at the address of the mortgagee set forth in the mortgage
 27 or, if the mortgage has been assigned, to the address of the most
 1 recent assignee reflected in a recorded assignment of the mortgage.

2 (iii) Subdivisions (b)(i) and (ii) of this subsection
 3 shall not limit or determine the priority of optional future
 4 advances as against construction liens governed by section 52-139.

5 ~~(2)-(4)~~ The reduction to zero or elimination of the debt
 6 evidenced by the instruments authorized in this section shall not
 7 invalidate the operation of this section as to any future advances
 8 unless a notice or release to the contrary is filed for record as
 9 provided by law.

10 Sec. 2. Section 76-1002, Revised Statutes Cumulative
 11 Supplement, 2012, is amended to read:

12 76-1002 (1) Transfers in trust of real property may be
 13 made to secure (a) existing debts or obligations, (b) debts or
 14 obligations created simultaneously with the execution of the trust
 15 deed, ~~(b)-(c)~~ future advances necessary to protect the security,
 16 ~~(e)-even though such future advances cause the total indebtedness~~
 17 to exceed the maximum amount stated in the trust deed, (d) any
 18 future advances to be made at the option of the parties; in any
 19 amount unless, except as otherwise provided under subsection (2) or
 20 (3) of this section, a maximum amount of total indebtedness to be
 21 secured is stated in the trust deed, or ~~(d)-(e)~~ the performance
 22 of an obligation of any other person named in the trust deed to a
 23 beneficiary.

24 (2) Future advances necessary to protect the security
 25 shall include, but not be limited to, advances for payment of
 26 real property taxes, special assessments, prior liens, hazard
 27 insurance premiums, maintenance charges imposed under a condominium
 1 declaration or other covenant, and costs of repair, maintenance, or
 2 improvements. Future advances necessary to protect the security are
 3 secured by the trust deed and shall have the priority specified in
 4 subsection (3) of this section.

5 (3)(a) Except as provided in subdivision (b) of this

6 subsection, all items identified in subsection (1) of this section
7 are equally secured by the trust deed from the time of filing the
8 trust deed as provided by law and have the same priority as the
9 trust deed over the rights of all other persons who acquire any
10 rights in or liens upon the trust property subsequent to the time
11 the trust deed was filed.

12 (b)(i) The trustor or his or her successor in title may
13 limit the amount of optional future advances secured by the trust
14 deed under subdivision ~~(4)(e)~~(1)(d) of this section by filing
15 a notice for record in the office of the register of deeds of
16 each county in which the trust property or some part thereof is
17 situated. A copy of such notice shall be sent by certified mail to
18 the beneficiary at the address of the beneficiary set forth in the
19 trust deed or, if the trust deed has been assigned, to the address
20 of the most recent assignee reflected in a recorded assignment of
21 the trust deed. The amount of such secured optional future advances
22 shall be limited to not less than the amount actually advanced at
23 the time of receipt of such notice by the beneficiary.

24 (ii) If any optional future advance is made by the
25 beneficiary to the trustor or his or her successor in title after
26 receiving written notice of the filing for record of any trust
27 deed, mortgage, lien, or claim against such trust property, then
1 the amount of such optional future advance shall be junior to
2 such trust deed, mortgage, lien, or claim. The notice under this
3 subdivision shall be sent by certified mail to the beneficiary at
4 the address of the beneficiary set forth in the trust deed or, if
5 the trust deed has been assigned, to the address of the most recent
6 assignee reflected in a recorded assignment of the trust deed.

7 (iii) Subdivisions (b)(i) and (ii) of this subsection
8 shall not limit or determine the priority of optional future
9 advances as against construction liens governed by section 52-139.

10 (4) The reduction to zero or elimination of the
11 obligation evidenced by any of the transfers in trust authorized by
12 this section shall not invalidate the operation of this section as
13 to any future advances unless a notice or release to the contrary
14 is filed for record as provided by law. All right, title, interest,
15 and claim in and to the trust property acquired by the trustor
16 or his or her successors in interest subsequent to the execution
17 of the trust deed shall inure to the trustee as security for the
18 obligation or obligations for which the trust property is conveyed
19 in like manner as if acquired before execution of the trust deed.

20 Sec. 4. Original section 76-238.01, Reissue Revised
21 Statutes of Nebraska, and section 76-1002, Revised Statutes
22 Cumulative Supplement, 2012, are repealed.

23 2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 961. Title read. Considered.

Committee AM2626, found on page 1175, was offered.

Senator Lathrop offered the following amendment to the committee amendment:

AM2692

(Amendments to Standing Committee amendments, AM2626)

- 1 1. On page 7, line 24, after the period insert "It shall
- 2 be conclusively presumed that a fee is nominal if the fee does
- 3 not exceed twenty percent of the amount that otherwise would be
- 4 required to hire a permanent employee for the same services.".
- 5 2. On page 11, line 16, strike "those claims set forth"
- 6 and insert "all rights waived"; in line 23 strike "such release
- 7 (i)" and insert "such release"; and in line 27 strike "(ii) shall
- 8 be considered" and insert "the court shall enter".
- 9 3. On page 12, strike lines 1 through 3, and insert "to
- 10 all rights waived in the release.".

The Lathrop amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, 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 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 565. Senator B. Harr withdrew his amendment, FA287, found on page 1225.

Committee AM810, found on page 875, First Session, 2013, considered on page 1223, and corrected on page 1233, was renewed.

Senator Nelson offered the following amendment to the committee amendment:

AM2671

(Amendments to Standing Committee amendments, AM810)

- 1 1. Strike sections 1 and 2 and insert the following new
- 2 sections:
- 3 Section 1. Section 32-942, Revised Statutes Supplement,
- 4 2013, is amended to read:
- 5 32-942 ~~Any~~ (1) Except as otherwise provided in subsection
- 6 (2) of this section, a registered voter of this state who
- 7 anticipates being absent from the county of his or her residence on
- 8 the day of any election may appear in person before the election
- 9 commissioner or county clerk not more than thirty days prior to the

10 day of election and obtain his or her ballot. The registered voter
 11 shall vote in the office of the election commissioner or county
 12 clerk or shall return the ballot to the office not later than
 13 the closing of the polls on the day of the election. A registered
 14 voter who is present in the county on the day of the election and
 15 who chooses to vote on the day of the election shall vote at the
 16 polling place assigned to the precinct in which he or she resides
 17 unless he or she is returning a ballot for early voting or voting
 18 pursuant to section 32-943.

19 (2) If a person registers to vote and requests a ballot
 20 at the same time, he or she shall vote a ballot which is placed in
 21 an envelope with the voters name and address and other necessary
 22 identifying information and kept securely for counting as provided
 1 in this subsection. This subsection does not extend the deadline
 2 for voter registration specified in section 32-302. A ballot
 3 cast pursuant to this subsection shall be rejected and shall
 4 not be counted if the acknowledgment of registration sent to the
 5 registrant pursuant to section 32-322 is returned as undeliverable
 6 for a reason other than clerical error within ten days after it is
 7 mailed, otherwise after such ten-day period, the ballot shall be
 8 counted.

9 Sec. 2. Original section 32-942, Revised Statutes
 10 Supplement, 2013, is repealed.

The Nelson amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 935. Title read. Considered.

SENATOR WATERMEIER PRESIDING

Committee AM2182, found on page 746, was offered.

Senator Bloomfield offered the following motion:

MO167

Bracket until April 17, 2014.

Senator Bloomfield moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Bloomfield requested a roll call vote on his motion to bracket.

Voting in the affirmative, 18:

Adams	Conrad	Hansen	Lathrop	Smith
Bloomfield	Davis	Harms	McCoy	Watermeier
Brasch	Garrett	Johnson	Murante	
Coash	Hadley	Kintner	Schilz	

Voting in the negative, 12:

Bolz	Cook	Karpisek	Nordquist
Campbell	Dubas	Kolowski	Sullivan
Chambers	Gloor	Larson	Wallman

Present and not voting, 12:

Avery	Crawford	Krist	Pirsch
Carlson	Haar, K.	McGill	Schumacher
Christensen	Harr, B.	Nelson	Wightman

Absent and not voting, 2:

Lautenbaugh Scheer

Excused and not voting, 5:

Ashford	Howard	Janssen	Mello	Seiler
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The Bloomfield motion to bracket failed with 18 ayes, 12 nays, 12 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 30 ayes, 3 nays, 8 present and not voting, 2 absent and not voting, and 6 excused and not voting.

Senator Bloomfield offered the following amendment:

AM2704

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

Senator Bloomfield withdrew his amendment.

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

Senator Gloor requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 13:

Bolz	Dubas	Johnson	Nelson	Wallman
Campbell	Gloor	Karpisek	Nordquist	
Chambers	Harr, B.	Kolowski	Sullivan	

Voting in the negative, 17:

Adams	Coash	Hadley	McCoy	Wightman
Bloomfield	Conrad	Hansen	Murante	
Brasch	Davis	Harms	Schilz	
Christensen	Garrett	Kintner	Watermeier	

Present and not voting, 10:

Avery	Crawford	Krist	McGill	Schumacher
Cook	Haar, K.	Lathrop	Pirsch	Smith

Excused and not voting, 9:

Ashford	Howard	Larson	Mello	Seiler
Carlson	Janssen	Lautenbaugh	Scheer	

Failed to advance to Enrollment and Review Initial with 13 ayes, 17 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Davis filed the following amendment to LB1115A:
AM2675

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated \$200,000 from the
- 3 General Fund FY2014-15 to the Nebraska Power Review Board, for
- 4 Program 72, to aid in carrying out the provisions of Legislative
- 5 Bill 1115, One Hundred Third Legislature, Second Session, 2014.
- 6 Total expenditures for permanent and temporary salaries
- 7 and per diems from funds appropriated in this section shall not
- 8 exceed \$2,000 for FY2014-15.

Senator Christensen filed the following amendments to LB485:
FA301

Amend AM2111
On page 14, strike Section 6.

FA302
Amend AM2111
On page 15, strike Section 7.

FA303
Amend AM2111
On page 16, strike Section 8.

FA304
Amend AM2111
On page 16, strike Section 9.

FA305
Amend AM2111
On page 17, strike Section 10.

FA306
Amend AM2111
On page 17, strike Section 11.

FA307
Amend AM2111
On page 1, strike Section 1.

FA308
Amend AM2111
On page 6, strike Section 2.

FA309
Amend AM2111
On page 8, strike Section 3.

FA310
Amend AM2111
On page 13, strike Section 4.

FA311
Amend AM2111
On page 13, strike Section 5.

COMMITTEE REPORT

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.

Michael L. Kenney - Director, Department of Corrections

Aye: 7 Ashford, Christensen, Coash, Davis, Lathrop, McGill, Seiler. Nay: 0.
Absent: 1 Chambers. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

MOTION - Print in Journal

The Appropriations Committee filed the following motion to LB905:
MO168

To override the Governor's line-item vetoes contained in the following sections of LB 905:

Section 7 Agency 03, Legislative Council, Program 501, Intergovernmental Cooperation,

Section 8 Agency 03, Legislative Council, Program 504, Office of Public Counsel,

Section 9 Agency 05, Supreme Court, Program 67, Probation Services

Section 10 Agency 05, Supreme Court, Program 420, State Specialized Court Operations,

Section 11 Agency 05, Supreme Court, Program 435, Probation Community Corrections,

Section 12 Agency 05, Supreme Court, Program 436, Juvenile Services Project Contingency,

Section 13 Agency 05, Supreme Court, Program 570, Court Automation,

Section 16, Agency 10, Auditor of Public Accounts, Program 506, State Agency and County Post Audits,

Section 25, Agency 24, Department of Motor Vehicles, Program 70, Enforcement of Standards,

Section 30, Agency 25 Department of Health and Human Services, Program 514, Health Aid,

Section 35, Agency 33, Game and Parks Commission, Program 549, Parks Administration and Operations,

Section 36, Agency 33, Game and Parks Commission, Program 901, State Parks Facilities Deferred Maintenance,

Section 44, Agency 65, Department of Administrative Services, Program 917, Capitol Courtyard Fountains,

Section 45, Agency 65, Department of Administrative Services, Program 922 Capitol Heating, Ventilation and Air Conditioning System,

Section 48, Agency 72, Department of Economic Development, Program 603, Industrial Recruitment,

Section 50, Agency 05, Supreme Court, Program 52, Operations,

Section 51, Agency 13, State Department of Education, Program 25, Education Administration and Support,

Section 55, Agency 17 Department of Aeronautics, Program 26, Administration and Services,

Section 58, Agency 25, Department of Health and Human Services, Program 38, Behavioral Health Aid,

Section 60, Agency 25, Department of Health and Human Services, Program 348, Medical Assistance, of only the Federal Fund vetoes.

Section 63, Agency 25, Department of Health and Human Services, Program 424, Developmental Disability Aid,

Section 66, Agency 48, Coordinating Commission for Postsecondary Education, Program 640, Postsecondary Education Coordination,

Section 78, Agency 16, Department of Revenue, Program 164, Compulsive Gamblers Assistance,

Section 81, Fund Lapses and Transfers, for the transfer of \$10 million from the General Fund to the Job Training Cash Fund.

MOTION - Print in Journal

The Appropriations Committee filed the following motion to LB906:
MO169
Becomes law notwithstanding the objections of the Governor.

MOTION - Print in Journal

The Appropriations Committee filed the following motion to LB130:
MO170
Becomes law notwithstanding the objections of the Governor.

GENERAL FILE

LEGISLATIVE BILL 943. Title read. Considered.

Committee AM1922, found on page 602, was offered.

Senator Nordquist offered his amendment, AM2200, found on page 1126, to the committee amendment.

SENATOR KRIST PRESIDING

Senator Nordquist moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Nordquist requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Adams	Conrad	Harms	McGill	Wallman
Avery	Cook	Harr, B.	Mello	
Bolz	Crawford	Karpisek	Nordquist	
Campbell	Dubas	Kolowski	Schumacher	
Chambers	Haar, K.	Lathrop	Sullivan	

Voting in the negative, 16:

Brasch	Davis	Hansen	Murante
Carlson	Garrett	Kintner	Pirsch
Christensen	Gloor	Larson	Schilz
Coash	Hadley	McCoy	Smith

Present and not voting, 4:

Bloomfield	Krist	Nelson	Wightman
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Excused and not voting, 8:

Ashford	Janssen	Lautenbaugh	Seiler
Howard	Johnson	Scheer	Watermeier

The Nordquist amendment lost with 21 ayes, 16 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Schumacher offered the following amendment to the committee amendment:

FA312

Amend AM1922

Insert after the word "employer" in line 6, page 1 the following: "with gross income in excess of ten million dollars per year"; and in line 7, page 1 after the word "employee" insert the following: "who has been in the employ of the employer for at least 24 consecutive months".

Senator Schumacher moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Schumacher requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Adams	Coash	Haar, K.	Krist	Schumacher
Ashford	Conrad	Harms	Lathrop	Sullivan
Avery	Cook	Harr, B.	McGill	Wallman
Campbell	Crawford	Karpisek	Mello	Wightman
Chambers	Dubas	Kolowski	Nordquist	

Voting in the negative, 8:

Brasch	Kintner	McCoy	Schilz
Hansen	Larson	Nelson	Smith

Present and not voting, 11:

Bloomfield	Christensen	Gloor	Murante
Bolz	Davis	Hadley	Pirsch
Carlson	Garrett	Lautenbaugh	

Excused and not voting, 6:

Howard	Johnson	Seiler
Janssen	Scheer	Watermeier

The Schumacher amendment lost with 24 ayes, 8 nays, 11 present and not voting, and 6 excused and not voting.

Senator Lathrop requested a roll call vote on the committee amendment.

Voting in the affirmative, 24:

Adams	Chambers	Haar, K.	Krist	Schumacher
Ashford	Conrad	Harms	Lathrop	Sullivan
Avery	Cook	Harr, B.	McGill	Wallman
Bolz	Crawford	Karpisek	Mello	Wightman
Campbell	Dubas	Kolowski	Nordquist	

Voting in the negative, 11:

Brasch	Kintner	Murante	Schilz
Carlson	Larson	Nelson	Smith
Gloor	McCoy	Pirsch	

Present and not voting, 8:

Bloomfield	Coash	Garrett	Hansen
Christensen	Davis	Hadley	Lautenbaugh

Excused and not voting, 6:

Howard	Johnson	Seiler
Janssen	Scheer	Watermeier

The committee amendment lost with 24 ayes, 11 nays, 8 present and not voting, and 6 excused and not voting.

Senator Nordquist requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 20:

Ashford	Chambers	Dubas	Karpisek	Mello
Avery	Conrad	Haar, K.	Kolowski	Nordquist
Bolz	Cook	Harms	Lathrop	Sullivan
Campbell	Crawford	Harr, B.	McGill	Wallman

Voting in the negative, 20:

Bloomfield	Coash	Hadley	Lautenbaugh	Pirsch
Brasch	Davis	Hansen	McCoy	Schilz
Carlson	Garrett	Kintner	Murante	Schumacher
Christensen	Gloor	Larson	Nelson	Smith

Present and not voting, 3:

Adams	Krist	Wightman
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Excused and not voting, 6:

Howard	Johnson	Seiler
Janssen	Scheer	Watermeier

Failed to advance to Enrollment and Review Initial with 20 ayes, 20 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 485. Placed on General File with amendment.
AM2111 is available in the Bill Room.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB383:
AM2661

(Amendments to Standing Committee amendments, AM1169)

- 1 1. On page 12, lines 25 and 27, after "emblem" insert " official seal, or other official image".
- 2
- 3 2. On page 13, line 23, strike "2015" and insert "2016".
- 4 3. On page 14, line 23; and page 15, line 2, strike
- 5 "Each" and insert "In addition to all other fees required for
- 6 registration under the Motor Vehicle Registration Act, each".

Senator Davis filed the following amendment to LB390:
AM2663

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 81-829.42, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-829.42 (1) The Legislature recognizes that, while
- 5 appropriations are adequate to meet the normal needs, the necessity
- 6 exists for anticipating and making advance provision to care for
- 7 the unusual and extraordinary burdens imposed on the state and
- 8 its political subdivisions by disasters, emergencies, or civil
- 9 defense emergencies. To meet such situations, it is the intention
- 10 of the Legislature to confer emergency powers on the Governor,
- 11 acting through the Adjutant General and the Nebraska Emergency
- 12 Management Agency, and to vest him or her with adequate power and
- 13 authority within the limitation of available funds appropriated to
- 14 the Governor's Emergency Program to meet any disaster, emergency,
- 15 or civil defense emergency.
- 16 (2) There is hereby established the Governor's Emergency
- 17 Program. Funds appropriated to the program shall be expended, upon
- 18 direction of the Governor, for any state of emergency. The state
- 19 of emergency proclamation shall set forth the emergency and shall
- 20 state that it requires the expenditure of public funds to furnish
- 21 immediate aid and relief. The Adjutant General shall administer the
- 22 funds appropriated to the program.
- 23 (3) It is the intent of the Legislature that the first
- 1 recourse shall be to funds regularly appropriated to state and
- 2 local agencies. If the Governor finds that the demands placed
- 3 upon these funds are unreasonably great, he or she may make funds
- 4 available from the Governor's Emergency Program. Expenditures may
- 5 be made upon the direction of the Governor for any or all emergency
- 6 management functions or to meet the intent of the state emergency
- 7 operations plans as outlined in section 81-829.41. Expenditures may
- 8 also be made to state and federal agencies to meet the matching
- 9 requirement of any applicable assistance programs.
- 10 (4) Assistance shall be provided from the funds
- 11 appropriated to the Governor's Emergency Program to political
- 12 subdivisions of this state which have suffered from a disaster,

13 emergency, or civil defense emergency to such an extent as to
14 impose a severe financial burden exceeding the ordinary capacity of
15 the subdivision affected. Applications for aid under this section
16 shall be made to the Nebraska Emergency Management Agency on such
17 forms as shall be prescribed and furnished by the agency. The
18 forms shall require the furnishing of sufficient information to
19 determine eligibility for aid and the extent of the financial
20 burden incurred. The agency may call upon other agencies of the
21 state in evaluating such applications. The Adjutant General shall
22 review each application for aid under this section and recommend
23 its approval or disapproval, in whole or in part, to the Governor.
24 If the Governor approves, he or she shall determine and certify
25 to the Adjutant General the amount of aid to be furnished. The
26 Adjutant General shall thereupon issue his or her voucher to the
27 Director of Administrative Services who shall issue his or her
1 warrants therefor to the applicant.

2 (5) When a state of emergency has been proclaimed by the
3 Governor, the Adjutant General, upon order of the Governor, shall
4 have authority to expend funds for purposes including, but not
5 limited to:

6 (a) The purposes of the Emergency Management Act,
7 including emergency management functions and the responsibilities
8 of the Governor as outlined in the act;

9 (b) Employing for the duration of the state of emergency
10 additional personnel and contracting or otherwise procuring all
11 necessary appliances, supplies, and equipment;

12 (c) Performing services for and furnishing materials and
13 supplies to state government agencies and local governments with
14 respect to performance of any duties enjoined by law upon such
15 agencies and local governments which they are unable to perform
16 because of extreme climatic phenomena and receiving reimbursement
17 in whole or in part from such agencies and local governments
18 able to pay therefor under such terms and conditions as may be
19 agreed upon by the Adjutant General and any such agency or local
20 government;

21 (d) Performing services for and furnishing materials
22 to any individual in connection with alleviating hardship and
23 distress growing out of extreme climatic phenomena and receiving
24 reimbursement in whole or in part from such individual under such
25 terms as may be agreed upon by the Adjutant General and such
26 individual;

27 (e) Opening up, repairing, and restoring roads and
1 highways;

2 (f) Repairing and restoring bridges;

3 (g) Furnishing transportation for supplies to alleviate
4 suffering and distress;

5 (h) Restoring means of communication;

6 (i) Furnishing medical services and supplies to prevent
7 the spread of disease and epidemics;

8 (j) Quelling riots and civil disturbances;

9 (k) Training individuals or governmental agencies for
10 the purpose of perfecting the performance of emergency management
11 duties as provided in the Nebraska emergency operations plans;

12 (l) Procurement and storage of special emergency supplies
13 or equipment, determined by the Adjutant General to be required
14 to provide rapid response by state government to assist local
15 governments in impending or actual disasters, emergencies, or civil
16 defense emergencies;

17 (m) Clearing or removing debris and wreckage which may
18 threaten public health or safety from publicly owned or privately
19 owned land or water; and

20 (n) Such other measures as are customarily necessary to
21 furnish adequate relief in cases of disaster, emergency, or civil
22 defense emergency.

23 (6) If aerial fire suppression or hazardous material
24 response is immediately required, the Adjutant General may make
25 expenditures of up to ~~ten~~ ~~twenty-five~~ thousand dollars per event
26 without a state of emergency proclamation issued by the Governor.

27 (7) The Governor may receive such voluntary contributions
1 as may be made from any nonfederal source to aid in carrying out
2 the purposes of this section and shall credit the same to the
3 Governor's Emergency Cash Fund.

4 (8) All obligations and expenses incurred by the Governor
5 in the exercise of the powers and duties vested in the Governor by
6 this section shall be paid by the State Treasurer out of available
7 funds appropriated to the Governor's Emergency Program, and the
8 Director of Administrative Services shall draw his or her warrants
9 upon the State Treasurer for the payment of such sum, or so much
10 thereof as may be required, upon receipt by him or her of proper
11 vouchers duly approved by the Adjutant General.

12 (9) This section shall be liberally construed in order
13 to accomplish the purposes of the Emergency Management Act and
14 to permit the Governor to adequately cope with any disaster,
15 emergency, or civil defense emergency which may arise, and the
16 powers vested in the Governor by this section shall be construed as
17 being in addition to all other powers presently vested in him or
18 her and not in derogation of any existing powers.

19 (10) Such funds as may be made available by the
20 government of the United States for the purpose of alleviating
21 distress from disasters, emergencies, and civil defense emergencies
22 may be accepted by the State Treasurer and shall be credited to a
23 separate and distinct fund unless otherwise specifically provided
24 in the act of Congress making such funds available or as otherwise
25 allowed and provided by state law.

26 2. Renumber the remaining sections and correct the
27 repealer accordingly.

Senator Schumacher filed the following amendment to LB810:
AM2667

(Amendments to E & R amendments, ER180)

1 1. Insert the following new sections:

2 Section 1. Section 30-2201, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,
5 and 30-4001 to 30-4045 and section 2 of this act shall be known and
6 may be cited as the Nebraska Probate Code.

7 Sec. 2. (1) For purposes of this section:

8 (a) Custodian means a bank, savings and loan association,
9 credit union, or other institution acting as a lessor of a safe
10 deposit box; and

11 (b) Representative of a custodian means an authorized
12 officer or employee of a custodian.

13 (2)(a) If a decedent at the time of his or her death
14 was a sole or last surviving joint lessee of a safe deposit box,
15 the custodian shall, prior to notice that a personal representative
16 or special administrator has been appointed for such decedent's
17 estate, allow access to the safe deposit box to determine whether
18 the safe deposit box contains an instrument that appears to be an
19 original will of the decedent, a deed to a burial plot, or burial
20 instructions. The following persons may have such access:

21 (i) A person who presents an affidavit described in
22 subsection (4) of this section that affiant reasonably believes
1 that he or she is either (A) an heir at law of the decedent,
2 (B) a devisee of the decedent or a person nominated as a personal
3 representative as shown in a photocopy of a will which is attached
4 to such affidavit, or (C) the agent or attorney specifically
5 authorized in writing by a person described in subdivision
6 (2)(a)(i)(A) or (B) of this section; or

7 (ii) A person who, under the terms of the safe deposit
8 box lease or a power of attorney at the time of the decedent's
9 death, was legally permitted to enter the safe deposit box, unless
10 otherwise provided by the lease or the power of attorney.

11 (b) If a person described in subdivision (2)(a) of this
12 section desires access to a safe deposit box but does not possess
13 a key to the box, the custodian may open the safe deposit box
14 by any means necessary at the person's request and expense or the
15 custodian may require the person to obtain a court order for the
16 custodian to open the safe deposit box at the requesting person's
17 expense. The custodian shall retain, in a secure location at such
18 person's expense, the contents of the box other than a purported
19 will, deed to a burial plot, and burial instructions. A custodian
20 shall deliver a purported will as described in subdivision (5)(b)
21 of this section. A person described in subdivision (2)(a)(i) of
22 this section may remove a deed to a burial plot and burial
23 instructions that are not part of a purported will pursuant to
24 subdivision (5)(d) of this section, and the custodian shall not

25 prevent the removal. Expenses incurred by a custodian or by the
26 person seeking the documents pursuant to this section shall be
27 considered an estate administration expense.

1 (3) A representative of the custodian shall be present
2 during the entry of a safe deposit box pursuant to this section.

3 (4) The affidavit referred to in subdivision (2)(a)(i) of
4 this section shall state:

5 (a) That the sole or last surviving lessor of a safe
6 deposit box has died and the date of his or her death, and a copy
7 of the death certificate shall be attached;

8 (b) If the person submitting the affidavit is an attorney
9 or agent of the affiant, that such appointment is for the purpose
10 of accompanying the opening of the safe deposit box. In lieu of
11 this statement, the appointment shall accompany the affidavit; and

12 (c) That the affiant:

13 (i)(A) Is an heir at law of the deceased lessor and a
14 description of such person's relationship to the deceased lessor;

15 (B) Is reasonably thought to be a devisee of the decedent
16 based on the provisions of a will, a photocopy of which is
17 submitted with the affidavit; or

18 (C) Is reasonably thought to be nominated as personal
19 representative pursuant to the terms of a will, a photocopy of
20 which is submitted with the affidavit;

21 (ii) Swears or affirms that all statements in the
22 affidavit are true and material and further acknowledges that
23 any false statement may subject the person to penalties relating to
24 perjury under section 28-915; and

25 (iii) Has no knowledge of an application or petition for
26 the appointment of a personal representative pending or granted in
27 any jurisdiction.

1 (5)(a) If an instrument purporting to be a will is found
2 in a safe deposit box as the result of an entry pursuant to
3 subsection (2) of this section, the representative of the custodian
4 shall remove the purported will.

5 (b) The custodian shall mail the purported will by
6 registered or certified mail or deliver the purported will in
7 person to the clerk of the county court of the county in which the
8 decedent was a resident. If the custodian is unable to determine
9 the county of residence of the decedent, the custodian shall mail
10 the purported will by registered or certified mail or deliver the
11 purported will in person to the office of the clerk of the county
12 court of the county in which the safe deposit box is located.

13 (c) At the request of the person or persons authorized
14 to have access to the safe deposit box under subsection (2) of
15 this section, the representative of the custodian shall copy each
16 purported will of the decedent, at the expense of the requesting
17 person, and shall deliver the copy of each purported will to the
18 person, or if directed by the person, to the person's agent or
19 attorney. In copying any purported will, the representative of the

20 custodian shall not remove any staples or other fastening devices
 21 or disassemble the purported will in any way.
 22 (d) If the safe deposit box contains a deed to a burial
 23 plot or burial instructions that are not a part of a purported
 24 will, the person or persons authorized to have access to the safe
 25 deposit box under subsection (2) of this section may remove these
 26 instruments or request that the representative of the custodian
 27 copy the deed to the burial plot or burial instructions at the
 1 expense of the requesting person.

2 (6) This section does not limit the right of a personal
 3 representative or a special administrator for the decedent, or a
 4 successor of the decedent pursuant to section 30-24,125, to have
 5 access to the safe deposit box as otherwise provided by law.

6 (7) Unless limited by the safe deposit box lease, a
 7 surviving co-lessee of the safe deposit box may continue to enter
 8 the safe deposit box notwithstanding the death of the decedent.

9 (8) A custodian shall not be liable to a person for an
 10 action taken pursuant to this section or for a failure to act in
 11 accordance with the requirements of this section unless the action
 12 or failure to act is shown to have resulted from the custodian's
 13 bad faith, gross negligence, or intentional misconduct.

14 Sec. 4. The Revisor of Statutes shall assign section 2 of
 15 this act within Chapter 30, article 24, part 1.

16 Sec. 5. Original section 30-2201, Revised Statutes
 17 Cumulative Supplement, 2012, is repealed.

18 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Howard asked unanimous consent to add her name as cointroducer to LR482. No objections. So ordered.

Senator Nordquist asked unanimous consent to add his name as cointroducer to LB485. No objections. So ordered.

VISITORS

Visitors to the Chamber were 56 fourth-grade students and teachers from Grant Elementary, Norfolk; 5 high school students and teacher from Kimball; and 40 fourth-grade students and teachers from Johnson County Central, Cook.

ADJOURNMENT

At 8:45 p.m., on a motion by Senator Coash, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 2014.

Patrick J. O'Donnell
 Clerk of the Legislature

