

TWENTY-FOURTH DAY - FEBRUARY 10, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 10, 2015

PRAYER

The prayer was offered by Pastor Fred Landsberg, St. Timothy's Lutheran Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Cook, Hilkemann, and Stinner who were excused; and Senators Ebke, Garrett, Mello, and Scheer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 9, 2015

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

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

Please withdraw the following individual from consideration for confirmation of appointment to the State Emergency Response Commission:

Keith Hansen, 10700 Dawn Avenue, Lincoln, NE 68516

Keith Hansen has resigned from the State Emergency Response Commission.

Thank you.

Sincerely,
(Signed) Pete Ricketts
Governor

February 9, 2015

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

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

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Dr. Jon Hinrichs, 6503 Lone Tree Drive, Lincoln, NE 68512
Pamela Price, 2020 West Charles Street, Grand Island, NE 68803
Timothy Hart, 17315 P Street, Omaha, NE 68133

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Julie Jacobson, 3020 West Leota Street, North Platte, NE 69101
Sue Roush, 525 N. Ohio Avenue, York, NE 68467
Darrel J. Huenergardt, 3000 Ridgegate Drive, Lincoln, NE 68516

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

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Kolterman has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 34. Placed on General File.

LEGISLATIVE BILL 46. Placed on General File.

LEGISLATIVE BILL 129. Placed on General File.

LEGISLATIVE BILL 37. Placed on General File with amendment.
AM140

1 1. On page 5, line 6, after the last comma insert "or"; and in line
2 7 strike ", or a veterinarian".

3 2. On page 6, line 7, strike "45" and insert "44".

4 3. On page 7, line 8, after "by" insert "the pharmacy or"; and in
5 line 10 after "The" insert "pharmacy or".

6 4. On page 14, line 15, after the period insert "A pharmacy shall
7 not be open for the practice of pharmacy unless a pharmacist is
8 physically present.".

9 5. On page 15, lines 26 and 27, strike "as provided in the Pharmacy
10 Practice Act".

LEGISLATIVE BILL 77. Placed on General File with amendment.
AM109

1 1. On page 4, line 24, strike "preventive health and family planning
2 services.".

LEGISLATIVE BILL 146. Placed on General File with amendment.
AM142

1 1. On page 4, line 13, before "or" insert ", 501(c)(4).".

2 2. On page 8, line 3, strike "gross" and "willful".

(Signed) Kathy Campbell, Chairperson

General Affairs

LEGISLATIVE RESOLUTION 10CA. Placed on General File.

(Signed) Tyson Larson, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, February 25, 2015 1:30 p.m.

LB650

LB472

Thursday, February 26, 2015 1:30 p.m.

LB81
LB370
LB547

Thursday, February 26, 2015 12:30 p.m.

Child Welfare Privatization in Nebraska Final Report Briefing
Open to the Public, Invited Testimony Only

Friday, February 27, 2015 1:30 p.m.

LB28
LB346
LB557

Wednesday, March 4, 2015 1:30 p.m.

LB500
LB21
LB499
LB240

Thursday, March 5, 2015 1:30 p.m.

LB258
LB264
LB369

Friday, March 6, 2015 1:30 p.m.

LB287
LB211
LB235

Wednesday, March 11, 2015 1:30 p.m.

LB333
LB516
LB411

Wednesday, March 18, 2015 1:30 p.m.

LB631
LB518
LB548

(Signed) Kathy Campbell, Chairperson

MOTION - Print in Journal

Senator Bloomfield offered the following motion to LB604:
MO26
Withdraw bill.

MOTION - Withdraw LB262

Senator Johnson offered his motion, MO25, found on page 421, to withdraw LB262.

The Johnson motion to withdraw the bill prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 70. Considered.

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

Advanced to Enrollment and Review Initial with 29 ayes, 11 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 446. Title read. Considered.

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

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 301. Title read. Considered.

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

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 245. Placed on General File with amendment.
AM197

- 1 1. Insert the following new section:
- 2 Section 1. Section 29-2103, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:

4 29-2103 (1) A motion for new trial shall be made by written
 5 application and may be filed either during or after the term of the court
 6 at which the verdict was rendered.
 7 (2) A motion for a new trial shall state the grounds under section
 8 29-2101 which are the basis for the motion and shall be supported by
 9 evidence as provided in section 29-2102.
 10 (3) A motion for new trial based on the grounds set forth in
 11 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed
 12 within ten days after the verdict was rendered unless such filing is
 13 unavoidably prevented, and the grounds for such motion may be stated by
 14 directly incorporating the appropriate language of section 29-2101
 15 without further particularity.
 16 (4) A motion for new trial based on the grounds set forth in
 17 subdivision (5) of section 29-2101 shall be filed within a reasonable
 18 time after the discovery of the new evidence ~~and cannot be filed more~~
 19 ~~than three years after the date of the verdict.~~
 20 (5) A motion for new trial based on the grounds set forth in
 21 subdivision (6) of section 29-2101 shall be filed within ninety days
 22 after a final order is issued under section 29-4123 or within ninety days
 23 after the hearing if no final order is entered, whichever occurs first.
 24 2. Renumber the remaining sections and correct the repealer
 25 accordingly.

LEGISLATIVE BILL 215. Indefinitely postponed.
LEGISLATIVE BILL 299. Indefinitely postponed.
LEGISLATIVE BILL 651. Indefinitely postponed.

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Randall L. Rehmeier - Board of Parole

Aye: 8 Chambers, Coash, Ebke, Krist, Morfeld, Pansing, Brooks, Seiler, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Les Seiler, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 52. Introduced by Campbell, 25.

PURPOSE: The purpose of this resolution is to study the Child and Maternal Death Review Act. This study shall include, but not be limited to, an examination of the following:

- (1) The history of the State Child and Maternal Death Review Team;
- (2) The timeliness of the review of maternal and child deaths;

(3) The resources needed by the Department of Health and Human Services to carry out the purposes of the Child and Maternal Death Review Act; and

(4) The practices in other states reviewing child and maternal deaths that could be adopted in Nebraska to identify trends, reduce the number of preventable deaths, and provide usable information to the public.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING(S)
Executive Board

Room 2102

Tuesday, February 17, 2015 12:00 p.m.

LB56
LB376

Thursday, February 19, 2015 12:00 p.m.

LB349
LB501

Monday, February 23, 2015 12:00 p.m.

LR7CA
LR31CA

Friday, February 27, 2015 12:00 p.m.

LB580

(Signed) Bob Krist, Chairperson

GENERAL FILE

LEGISLATIVE BILL 314. Title read. Considered.

Committee AM126, found on page 376, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 252. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 286. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Committee AM192, found on page 387, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

SENATOR KRIST PRESIDING

LEGISLATIVE BILL 266. Title read. Considered.

Committee AM122, found on page 391, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 312. Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 313. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 45. Title read. Considered.

Committee AM65, found on page 404, was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 181. Title read. Considered.

Committee AM204, found on page 406, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 180. Title read. Considered.

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

LEGISLATIVE BILL 298. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 272. Placed on Select File with amendment.

ER22

1 1. On page 2, line 2, after "means" insert "a" and after both commas
2 insert "a"; in line 3 before "association" insert "an" and before
3 "limited" insert "a"; and in line 15 before "or" insert an underscored
4 comma.

LEGISLATIVE BILL 305. Placed on Select File with amendment.

ER21

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

(Signed) Matt Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Kolterman - LB599

VISITORS

Visitors to the Chamber were 20 members of the Nebraska Bankers Association Leadership Program class from across the state.

The Doctor of the Day was Dr. Amy McGaha from Omaha.

ADJOURNMENT

At 11:46 a.m., on a motion by Senator Campbell, the Legislature adjourned until 9:00 a.m., Wednesday, February 11, 2015.

Patrick J. O'Donnell
Clerk of the Legislature