

TWENTY-SIXTH DAY - FEBRUARY 12, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 12, 2015

PRAYER

The prayer was offered by Senator Brasch.

ROLL CALL

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

The roll was called and all members were present except Senator Campbell who was excused; and Senators Bolz, Craighead, Davis, B. Harr, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 23. Placed on Select File with amendment.

ER25

- 1 1. On page 1, line 8, after "change" insert "and eliminate
- 2 provisions of".
- 3 2. On page 5, line 17, strike "are".
- 4 3. On page 6, line 23, strike "are" and after "not" insert "be".
- 5 4. On page 15, line 13, strike "professions" and insert
- 6 "profession".
- 7 5. On page 16, line 26, strike "submission" and insert
- 8 "submissions".
- 9 6. On page 18, line 2, strike "practices" and insert "practice".
- 10 7. On page 33, line 19; and page 42, line 21, strike "act", show as
- 11 stricken, and insert "Engineers and Architects Regulation Act".
- 12 8. On page 37, line 13, after "Act" insert an underscored comma.

LEGISLATIVE BILL 107. Placed on Select File.

LEGISLATIVE BILL 87. Placed on Select File with amendment.

ER26

- 1 1. On page 1, line 4, strike "a reporting deadline" and insert "and
- 2 eliminate reporting requirements" and after the semicolon insert "and".
- 3 2. On page 5, line 5, strike "43-4302" and insert "section 43-4202".

LEGISLATIVE BILL 90. Placed on Select File.

LEGISLATIVE BILL 70. Placed on Select File with amendment.

ER27

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 9-1006, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 9-1006 The Compulsive Gamblers Assistance Fund is created. The fund
- 6 shall include revenue transferred from the State Lottery Operation Trust
- 7 Fund under section 9-812 and the Charitable Gaming Operations Fund under
- 8 section 9-1,101, revenue credited under section 3 of this act, and any
- 9 other revenue received by the division or commission for credit to the
- 10 fund from any other public or private source, including, but not limited
- 11 to, appropriations, grants, donations, gifts, devises, bequests, fees, or
- 12 reimbursements. The commission shall administer the fund for the
- 13 operation of the Gamblers Assistance Program. The Director of
- 14 Administrative Services shall draw warrants upon the Compulsive Gamblers
- 15 Assistance Fund upon the presentation of proper vouchers by the
- 16 commission. Money from the Compulsive Gamblers Assistance Fund shall be
- 17 used exclusively for the purpose of providing assistance to agencies,
- 18 groups, organizations, and individuals that provide education,
- 19 assistance, and counseling to individuals and families experiencing
- 20 difficulty as a result of problem gambling, to promote the awareness of
- 21 problem gamblers assistance programs, and to pay the costs and expenses
- 22 of the Gamblers Assistance Program, including travel. Any money in the
- 23 fund available for investment shall be invested by the state investment
- 24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 25 State Funds Investment Act.
- 26 Sec. 2. Section 77-3004, Reissue Revised Statutes of Nebraska, is
- 27 amended to read:
- 1 77-3004 (1) An occupation tax is hereby imposed and levied, in the
- 2 amount and in accordance with the terms and conditions hereafter stated,
- 3 upon the business of operating mechanical amusement devices within the
- 4 State of Nebraska for profit or gain either directly or indirectly
- 5 received. Every person who now or hereafter engages in the business of
- 6 operating such devices in the State of Nebraska shall pay such tax in the
- 7 amount and manner specified in this section.
- 8 (2) Any operator of a mechanical amusement device within the State
- 9 of Nebraska shall pay an occupation tax for each machine or device which
- 10 he or she operates during all of the taxable year. The tax shall be due
- 11 and payable on January 1 of each year on each machine or device in
- 12 operation on that date, except that it shall be unlawful to pay any such

13 occupation tax unless the sales or use tax has been paid on such
14 mechanical amusement devices. For every machine or device put into
15 operation on a date subsequent to January 1, and which has not been
16 included in computing the tax imposed and levied by ~~the Mechanical~~
17 ~~Amusement Device Tax Act~~ this section, the tax shall be due and payable
18 therefor prior to the time the machine or device is placed in operation.
19 All taxes collected pursuant to ~~the act~~ this section shall be remitted to
20 the State Treasurer for credit to the General Fund.

21 ~~(3) The amount of the occupation tax shall be fifty dollars for each~~
22 ~~machine or device for the period from July 1, 1998, through December 31,~~
23 ~~1999, except that for machines placed in operation after April 1, 1999,~~
24 ~~and before January 1, 2000, the occupation tax shall be twenty five~~
25 ~~dollars for each machine or device.~~

26 ~~(4)~~ (3) The amount of the occupation tax shall be thirty-five dollars
27 for each machine or device ~~for any period beginning on or after January~~
28 ~~1, 2000~~, except that for machines placed in operation after July 1; and
29 before January 1 of each year, the occupation tax shall be twenty dollars
30 for each machine or device.

31 Sec. 3. (1) Beginning sixty days after the effective date of this
1 act, in addition to the occupation tax imposed pursuant to section
2 77-3004, an additional occupation tax shall be levied upon the business
3 of operating a mechanical amusement device that:

4 (a) Accepts currency, coins, tokens, or other value in exchange for
5 play;

6 (b) Awards a monetary prize or anything redeemable for a monetary
7 prize;

8 (c) Is played by a player using a touch screen, computer mouse,
9 touch pad, light pen, laser, or device of similar function by which the
10 player competes against software running the device; and

11 (d) Has not been adjudicated by a court of competent jurisdiction
12 within the State of Nebraska to not constitute a gambling device as
13 defined in subdivision (5) of section 28-1101. Any such adjudication
14 shall be by way of a final order in which the Tax Commissioner has been
15 made a party to the action and written notice shall have been provided to
16 the Attorney General at the commencement of the action.

17 (2) Any operator of such mechanical amusement device shall pay the
18 occupation tax. If an operator believes that a mechanical amusement
19 device is not taxable under subsection (1) of this section, the burden is
20 on the operator to prove to the Tax Commissioner that such device does
21 not have one or more of the characteristics required for taxability under
22 subsection (1) of this section. Such proof may be made by, among other
23 things, a showing that the software running the game remains constant
24 with the nature of a game that had its software at issue in a judicial
25 case, not overturned by appeal, in which the State of Nebraska was a
26 party, the issue was litigated, and the final order found that the
27 particular game is more controlled by the player than not, and thus is
28 predominantly a game of skill.

29 (3) The amount of the occupation tax shall be equal to ten percent
30 of the gross revenue derived from the operation of any mechanical

31 amusement device described in subsection (1) of this section. The Tax
1 Commissioner shall collect such occupation tax concurrently with
2 collection of the state sales tax in the same manner as the state sales
3 tax is collected. All taxes collected pursuant to this section shall be
4 remitted to the State Treasurer, and the State Treasurer shall credit
5 ninety-seven percent of such taxes to the General Fund and the remaining
6 three percent of such taxes to the Compulsive Gamblers Assistance Fund.

7 (4) For purposes of this section, gross revenue means the total
8 aggregate receipts received from the operation of any mechanical
9 amusement device described in subsection (1) of this section without any
10 reduction for prizes, discounts, taxes, or expenses and includes receipts
11 from admission costs, any consideration necessary for participation, and
12 the value of any free tickets, games, or plays used.

13 (5) The occupation tax imposed in this section shall not apply to
14 any device not within the definition of a gambling device as defined in
15 subdivision (5) of section 28-1101 or to any device that is specifically
16 authorized by law.

17 (6) For purposes of this section, the fact that the device is played
18 or connected via league or tournament play shall play no factor in
19 determining whether the occupation tax imposed by this section is due.

20 Sec. 4. Section 77-3005, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 77-3005 The occupation ~~tax~~ taxes levied and imposed ~~by the~~
23 ~~Mechanical Amusement Device Tax Act~~ under section 77-3004 and section 3
24 of this act shall be in addition to any and all taxes or fees, of any
25 form whatsoever, now imposed by the State of Nebraska or any of its
26 subdivisions, upon the business of operating or distributing mechanical
27 amusement devices as defined in section 77-3001, or otherwise defined by
28 the subdivisions and municipalities of the State of Nebraska, except that
29 payment of the tax imposed under section 77-3004 and license fees due and
30 owing on or before the licensing date of each year and payment of any tax
31 due and owing under section 3 of this act shall exempt any such
1 mechanical amusement device from the application of the sales tax which
2 would or could otherwise be imposed under the Nebraska Revenue Act of
3 1967. Nonpayment of the ~~taxes or tax~~ tax imposed under section 77-3004 and
4 license fees due and owing on or before the licensing date of each year
5 or nonpayment of any tax due and owing under section 3 of this act shall
6 render the exemption provided by this section inapplicable and the
7 particular machines or devices shall then be subject to all the
8 provisions of the Nebraska Revenue Act of 1967, including the penalty
9 provisions pertaining to the owner or operator of such machines or
10 devices.

11 Sec. 5. Section 77-3006, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 77-3006 The administration of the ~~provisions of sections 77-3001 to~~
14 ~~77-3011~~ Mechanical Amusement Device Tax Act is hereby vested in the Tax
15 Commissioner of the State of Nebraska subject to other provisions of law
16 relating to the Tax Commissioner. The Tax Commissioner may prescribe,
17 adopt, and enforce rules and regulations relating to the administration

18 and enforcement of the ~~provisions of sections 77-3001 to 77-3011, act~~ and
19 may delegate authority to his ~~or her~~ representatives to conduct hearings,
20 or perform any other duties imposed under the ~~provisions of sections~~
21 ~~77-3001 to 77-3011 act~~.

22 Sec. 6. Section 77-3007, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 77-3007 (1) The payment of the tax imposed ~~by the provisions of~~
25 ~~sections 77-3001 to 77-3011 under section 77-3004~~ shall be evidenced by a
26 separate decal for each device signifying payment of ~~the such~~ tax, in a
27 form prescribed by the Tax Commissioner.

28 (2) Every operator shall place such decal in a conspicuous place on
29 each device to denote payment of ~~the such~~ tax for each device for the
30 current year.

31 Sec. 7. Section 77-3008, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 77-3008 Nothing in ~~sections 77-3001 to 77-3011~~ the Mechanical
3 Amusement Device Tax Act shall be construed to limit, usurp, or repeal
4 any power to tax granted to the subdivisions and municipalities of the
5 State of Nebraska by the laws and Constitution of the State of Nebraska.

6 Sec. 8. Section 77-3009, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 77-3009 (1) Any person who places a mechanical amusement device in
9 operation in the State of Nebraska without the necessary decal being
10 placed conspicuously upon it, ~~or~~ without having obtained the necessary
11 license, ~~or without having paid any occupation tax due under section 3 of~~
12 this act shall be subject to an administrative penalty of seventy-five
13 dollars for each violation.

14 (2) ~~If a Any~~ mechanical amusement device ~~which~~ does not have the
15 necessary decal conspicuously displayed upon it ~~or if an occupation tax~~
16 under section 3 of this act has been imposed on a mechanical amusement
17 device and such tax has not been paid, the mechanical amusement device in
18 question shall be subject to being sealed by the Tax Commissioner or his
19 or her delegate. If such seal is broken prior to payment of ~~the all~~
20 occupation tax upon taxes owed on such device, the device shall be
21 subject to forfeiture and sale by the Tax Commissioner.

22 (3) Any person violating the Mechanical Amusement Device Tax Act
23 shall be guilty of a Class II misdemeanor. Each day on which any person
24 engages in or conducts the business of operating or distributing the
25 machines or devices subject to the Mechanical Amusement Device Tax Act,
26 without having paid the ~~tax~~ taxes required by section 77-3004 and section
27 3 of this act or without having obtained the required license as
28 provided, shall constitute a separate offense.

29 Sec. 9. Section 77-3010, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 77-3010 Prosecutions for any violations of ~~sections 77-3001 to~~
1 ~~77-3011~~ the Mechanical Amusement Device Tax Act shall be brought by the
2 Attorney General or county attorney in the county in which the violation
3 occurs. Any such prosecution ~~for the violation of any of the provisions~~
4 ~~of sections 77-3001 to 77-3011~~ shall be instituted within three years

5 after the commission of the offense.

6 Sec. 10. Section 77-3011, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 77-3011 Sections 77-3001 to 77-3011 and section 3 of this act shall
9 be known and may be cited as the Mechanical Amusement Device Tax Act.

10 Sec. 11. Original sections 77-3004, 77-3005, 77-3006, 77-3007,
11 77-3008, 77-3009, 77-3010, and 77-3011, Reissue Revised Statutes of
12 Nebraska, and section 9-1006, Revised Statutes Cumulative Supplement,
13 2014, are repealed.

14 Sec. 12. Since an emergency exists, this act takes effect when
15 passed and approved according to law.

16 2. On page 1, line 3, after "Nebraska" insert ", and section 9-1006,
17 Revised Statutes Cumulative Supplement, 2014"; in line 5 after the
18 semicolon insert "to change the distribution of certain occupation
19 taxes;"; in line 6 strike "and"; and in line 7 after "sections" insert "
20 and to declare an emergency".

LEGISLATIVE BILL 446. Placed on Select File.

LEGISLATIVE BILL 194. Placed on Select File.

LEGISLATIVE BILL 301. Placed on Select File with amendment.
ER28

1 1. On page 3, line 14, after "24-212" insert an underscored comma;
2 and in line 17 strike "section 24-209" and insert "this section".

LEGISLATIVE BILL 314. Placed on Select File.

LEGISLATIVE BILL 252. Placed on Select File with amendment.
ER29

1 1. On page 5, line 2, strike the comma.

LEGISLATIVE BILL 286. Placed on Select File.

LEGISLATIVE BILL 116. Placed on Select File.

LEGISLATIVE BILL 266. Placed on Select File with amendment.
ER30

1 1. On page 12, line 2, after "including" insert an underscored comma
2 and after "to" insert an underscored comma.

3 2. On page 16, line 29, strike "and".

4 3. On page 17, line 6, strike the new matter and reinstate the
5 stricken matter; and in line 9 strike "extraterritorial", show as
6 stricken, and insert "two-mile".

7 4. On page 18, line 7, strike the comma and show as stricken.

LEGISLATIVE BILL 312. Placed on Select File.

LEGISLATIVE BILL 313. Placed on Select File with amendment.

ER31

1 1. On page 1, strike beginning with "update" in line 4 through
2 "carriers" in line 5 and insert "adopt and update references to certain
3 federal provisions relating to low-speed vehicles, handicapped or
4 disabled parking permits, the International Registration Plan, operators'
5 licenses, persons handling source documents, hazardous materials, and the
6 unified carrier registration plan and agreement".

LEGISLATIVE BILL 45. Placed on Select File with amendment.

ER32

1 1. On page 1, strike lines 2 through 5 and insert "amend sections
2 60-366 and 60-3,104, Revised Statutes Cumulative Supplement, 2014; to
3 change and eliminate provisions regarding film vehicles; to harmonize
4 provisions; to repeal the original sections; and to outright repeal
5 section 60-383, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 181. Placed on Select File.

LEGISLATIVE BILL 180. Placed on Select File with amendment.

ER33

1 1. On page 9, line 13, strike "to", show as stricken, and insert
2 "through".

LEGISLATIVE BILL 298. Placed on Select File with amendment.

ER35

1 1. On page 1, line 3, after "reinsurance" insert "and acceptable
2 forms of security".
3 2. On page 8, line 9, strike the semicolon and after "or" insert an
4 underscored comma; and in line 13 strike the comma.

LEGISLATIVE BILL 352. Placed on Select File with amendment.

ER34

1 1. On page 1, line 4, strike "recordkeeping by" and insert "duties
2 of".
3 2. On page 2, lines 13 and 14, strike the semicolon, show as
4 stricken, and insert an underscored comma.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 54. Introduced by Brasch, 16.

WHEREAS, Caleb Sandall, a member of Troop 143, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Caleb is the son of Brian and Tiffany Sandall and Kristine and John Calhoun; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Caleb has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. For his Eagle Scout community service project, Caleb refurbished, hardscaped, and reinstalled a cedar wood swing set at Camp Fontenelle in Nickerson; and

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

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

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

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

Laid over.

REPORT OF REGISTERED LOBBYISTS

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

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

Baird Holm LLP
Grande Prairie Wind, LLC
Infigen Energy
Turner Park North, LLC
Bruckner, Traci
Center for Rural Affairs
Bruning, Jon
Bruning Law Group
Frohman, Ann M.
Ameritas Life Insurance Corp.
Kelley & Jerram, PC, LLO
Omaha Exposition and Racing, Inc.

Levy, David C.
 Baird Holm LLP
 Roque, Matthew
 ProRail Nebraska, Inc.

REPORTS

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

COMMITTEE REPORT(S) Agriculture

LEGISLATIVE BILL 128. Placed on General File.

LEGISLATIVE BILL 242. Placed on General File with amendment.
 AM357

1 1. Strike original section 5 and insert the following new section:
 2 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 2-3753 The commission shall have the following powers and duties:
 5 (1) To adopt and devise a dry bean program consisting of research,
 6 education, advertising, publicity, and promotion to increase total
 7 consumption of dry beans on a state, national, and international basis;
 8 (2) To prepare and approve a budget consistent with limited receipts
 9 and the scope of the dry bean program;
 10 (3) To adopt and promulgate reasonable rules and regulations
 11 necessary to carry out the dry bean program;
 12 (4) To procure and evaluate data and information necessary for the
 13 proper administration and operation of the dry bean program;
 14 (5) To employ personnel and contract for services which are
 15 necessary for the proper operation of the dry bean program;
 16 (6) To establish a means whereby the grower and processor of dry
 17 beans has the opportunity at least annually to offer his or her ideas and
 18 suggestions relative to commission policy for the coming year;
 19 (7) To authorize the expenditure of funds and contracting of
 20 expenditures to conduct proper activities of the program;
 21 (8) To bond such persons as may be necessary in order to insure
 22 adequate protection of funds;
 23 (9) To keep minutes of its meetings and other books and records
 24 which will clearly reflect all of the acts and transactions of the
 25 commission and to keep such records open to examination by any grower or
 26 processor participant during normal business hours;
 27 (10) To prohibit any funds collected by the commission from being
 1 expended directly or indirectly to promote or oppose any candidate for
 2 public office or to influence state legislation. The board shall not
 3 expend more than fifteen ~~twenty-five~~ percent of its annual budget to
 4 influence federal legislation. The purpose of such federal lobbying

5 activity shall be limited to support of the underlying objectives of the
6 dry bean program relating to market development, education, and research;
7 (11) To establish an administrative office at such place in the
8 state as may be suitable for the proper discharge of the functions of the
9 commission; and
10 (12) To adopt and promulgate rules and regulations to carry out the
11 Dry Bean Resources Act.
12 2. Renumber the remaining sections and correct the repealer
13 accordingly.

(Signed) Jerry Johnson, Chairperson

MOTION(S) - Return LB1 to Select File

Senator Chambers moved to return LB1 to Select File for the following specific amendment:

FA9

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

Senator Krist moved to return LB1 to Select File for the following specific amendment:

FA10

Strike the enacting clause.

Senator Krist withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to a transfer of property; to eliminate a provision relating to transfer of property taking place in 1994; and to outright repeal section 83-1,100.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Hughes	McCollister	Schilz
Bloomfield	Garrett	Johnson	McCoy	Schnoor
Brasch	Gloor	Kintner	Mello	Schumacher
Chambers	Groene	Kolowski	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz	Campbell	Davis	Harr, B.	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2.

A BILL FOR AN ACT relating to correctional facilities; to eliminate provisions relating to design and location of certain correctional facilities done in 1970's; and to outright repeal section 83-954, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Friesen	Hughes	McCoy	Schnoor
Bloomfield	Garrett	Johnson	Mello	Schumacher
Brasch	Gloor	Kintner	Morfeld	Seiler
Chambers	Groene	Kolowski	Murante	Smith
Coash	Haar, K.	Kolterman	Nordquist	Stinner
Cook	Hadley	Krist	Pansing Brooks	Sullivan
Craighead	Hansen	Kuehn	Riepe	Williams
Crawford	Hilkemann	Larson	Scheer	
Ebke	Howard	Lindstrom	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

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

LEGISLATIVE BILL 3.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Hughes	McCollister	Schilz
Bloomfield	Garrett	Johnson	McCoy	Schnoor
Brasch	Gloor	Kintner	Mello	Schumacher
Chambers	Groene	Kolowski	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

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

LEGISLATIVE BILL 4.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Hughes	McCollister	Schilz
Bloomfield	Garrett	Johnson	McCoy	Schnoor
Brasch	Gloor	Kintner	Mello	Schumacher
Chambers	Groene	Kolowski	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz	Campbell	Davis	Harr, B.	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 5.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Hughes	McCollister	Schilz
Bloomfield	Garrett	Johnson	McCoy	Schnoor
Brasch	Gloor	Kintner	Mello	Schumacher
Chambers	Groene	Kolowski	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz	Campbell	Davis	Harr, B.	Watermeier
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A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 6.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Hughes	McCollister	Schilz
Bloomfield	Garrett	Johnson	McCoy	Schnoor
Brasch	Gloor	Kintner	Mello	Schumacher
Chambers	Groene	Kolowski	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz	Campbell	Davis	Harr, B.	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 7.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Hughes	McCollister	Schilz
Bloomfield	Garrett	Johnson	McCoy	Schnoor
Brasch	Gloor	Kintner	Mello	Schumacher
Chambers	Groene	Kolowski	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz	Campbell	Davis	Harr, B.	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 8.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Garrett	Johnson	McCoy	Schnoor
Bloomfield	Gloor	Kintner	Mello	Schumacher
Brasch	Groene	Kolowski	Morfeld	Seiler
Chambers	Haar, K.	Kolterman	Murante	Smith
Coash	Hadley	Krist	Nordquist	Stinner
Cook	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	
Friesen	Hughes	McCollister	Schilz	

Voting in the negative, 0.

Present and not voting, 1:

Craighead

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

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

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to the Republican River Basin Water Sustainability Task Force; to repeal provisions that terminated on June 30, 2012; to repeal a fund that is no longer needed; and to outright repeal sections 46-2,140 and 46-2,141, Revised Statutes Cumulative Supplement, 2014.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Hughes	McCollister	Schilz
Bloomfield	Garrett	Johnson	McCoy	Schnoor
Brasch	Gloor	Kintner	Mello	Schumacher
Chambers	Groene	Kolowski	Morfeld	Seiler
Coash	Haar, K.	Kolterman	Murante	Smith
Cook	Hadley	Krist	Nordquist	Stinner
Craighead	Hansen	Kuehn	Pansing Brooks	Sullivan
Crawford	Hilkemann	Larson	Riepe	Williams
Ebke	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 5:

Bolz Campbell Davis Harr, B. Watermeier

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 48, 49, 50, and 51 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 48, 49, 50, and 51.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, February 23, 2015 1:30 p.m.

Richard Sawyer - Technical Advisory Committee for Statewide Assessment
Linda Poole - Technical Advisory Committee for Statewide Assessment
Glenn R. Wilson Jr. - Board of Educational Lands and Funds
Patricia M. Kircher - Nebraska Educational Telecommunications
Commission
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges
Michelle Suarez - Board of Trustees of the Nebraska State Colleges

Tuesday, February 24, 2015 1:30 p.m.

Brian Gong - Technical Advisory Committee for Statewide Assessment
LB601
LB379
LB382
LB435
LB617

Monday, March 2, 2015 1:30 p.m.

LB227
LB402
LB589
LB355
LB520
LB519

Tuesday, March 3, 2015 1:30 p.m.

LB102
LB410
LB36
LB232
LB401
LB380

Monday, March 9, 2015 1:30 p.m.

LB443
LB507
LB508
LB489

Tuesday, March 10, 2015 1:30 p.m.

LB572
LB29
LB511

Monday, March 16, 2015 1:30 p.m.

LB526
LB527
LB525

(Signed) Kate Sullivan, Chairperson

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB160:

AM254

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

2 sections:

3 Section 1. Section 9-701, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 9-701 (1) For purposes of this section:

6 (a) Financial institution means a bank, savings bank, building and
7 loan association, or savings and loan association, whether chartered by
8 the United States, the Department of Banking and Finance, or a foreign
9 state agency as defined in section 8-101; or any other similar
10 organization which is covered by federal deposit insurance;

11 (b) Gift enterprise means a contest, game of chance, savings
12 promotion raffle, or game promotion which is conducted within the state
13 or throughout the state and other states in connection with the sale of
14 consumer or trade products or services solely as business promotions and
15 in which the elements of chance and prize are present. Gift enterprise
16 does not include any scheme using the game of bingo or keno; any non-
17 telecommunication-related, player-activated electronic or
18 electromechanical facsimile of any game of chance; or any slot machine of
19 any kind. A gift enterprise shall not utilize pickle cards as defined in
20 section 9-315. Promotional game tickets may be utilized subject to the
21 following:

22 (i) The tickets utilized shall be manufactured or imprinted with the
23 name of the operator on each ticket;

24 (ii) The tickets utilized shall not be manufactured with a cost per

25 play printed on them; and

26 (iii) The tickets utilized shall not be substantially similar to any
27 type of pickle card approved by the Department of Revenue pursuant to
1 section 9-332.01;

2 (c ~~b~~) Operator means any person, firm, corporation, financial
3 institution, association, governmental entity, or agent or employee
4 thereof who promotes, operates, or conducts a gift enterprise. Operator
5 does not include any nonprofit organization or any agent or employee
6 thereof, except that operator includes any credit union chartered under
7 state or federal law or any agent or employee thereof who promotes,
8 operates, or conducts a gift enterprise; and

9 (d ~~e~~) Savings promotion raffle means a contest conducted by a
10 financial institution or credit union chartered under state or federal
11 law or any agent or employee thereof in which a chance of winning a
12 designated prize is obtained by the deposit of a specified amount of
13 money in a savings account or other savings program if each entry has an
14 equal chance of winning.

15 (2) Any operator may conduct a gift enterprise within this state in
16 accordance with this section.

17 (3) An operator shall not:

18 (a) Design, engage in, promote, or conduct a gift enterprise in
19 connection with the promotion or sale of consumer products or services in
20 which the winner may be unfairly predetermined or the game may be
21 manipulated or rigged;

22 (b) Arbitrarily remove, disqualify, disallow, or reject any entry;

23 (c) Fail to award prizes offered;

24 (d) Print, publish, or circulate literature or advertising material
25 used in connection with such gift enterprise which is false, deceptive,
26 or misleading; or

27 (e) Require an entry fee, a payment or promise of payment of any
28 valuable consideration, or any other consideration as a condition of
29 entering a gift enterprise or winning a prize from the gift enterprise,
30 except that a contest, game of chance, or business promotion may require,
31 as a condition of participation, evidence of the purchase of a product or
1 service as long as the purchase price charged for such product or service
2 is not greater than it would have been without the contest, game of
3 chance, or business promotion. For purposes of this section,
4 consideration shall not include (i) filling out an entry blank, (ii)
5 entering by mail with the purchase of postage at a cost no greater than
6 the cost of postage for a first-class letter weighing one ounce or less,
7 (iii) entering by a telephone call to the operator of or for the gift
8 enterprise at a cost no greater than the cost of postage for a first-
9 class letter weighing one ounce or less. When the only method of entry is
10 by telephone, the cost to the entrant of the telephone call shall not
11 exceed the cost of postage for a first-class letter weighing one ounce or
12 less for any reason, including (A) whether any communication occurred
13 during the call which was not related to the gift enterprise or (B) the
14 fact that the cost of the call to the operator was greater than the cost
15 to the entrant allowed under this section, or (iv) the deposit of money

16 in a savings account or other savings program, regardless of the interest
17 rate earned by such account or program.

18 (4) An operator shall disclose to participants all terms and
19 conditions of a gift enterprise.

20 (5)(a) The Department of Revenue may adopt and promulgate rules and
21 regulations necessary to carry out the operation of gift enterprises.

22 (b) Whenever the department has reason to believe that a gift
23 enterprise is being operated in violation of this section or the
24 department's rules and regulations, it may bring an action in the
25 district court of Lancaster County in the name of and on behalf of the
26 people of the State of Nebraska against the operator of the gift
27 enterprise to enjoin the continued operation of such gift enterprise
28 anywhere in the state.

29 (6)(a) Any person, firm, corporation, association, or agent or
30 employee thereof who engages in any unlawful acts or practices pursuant
31 to this section or violates any of the rules and regulations promulgated
1 pursuant to this section shall be guilty of a Class II misdemeanor.

2 (b) Any person, firm, corporation, association, or agent or employee
3 thereof who violates any provision of this section or any of the rules
4 and regulations promulgated pursuant to this section shall be liable to
5 pay a civil penalty of not more than one thousand dollars imposed by the
6 district court of Lancaster County for each such violation which shall be
7 remitted to the State Treasurer for distribution in accordance with
8 Article VII, section 5, of the Constitution of Nebraska. Each day of
9 continued violation shall constitute a separate offense or violation for
10 purposes of this section.

11 (7) A financial institution or credit union may limit the number of
12 chances that a participant in a savings promotion raffle may obtain for
13 making the required deposits but shall not limit the number of deposits.

14 (8) In all proceedings initiated in any court or otherwise under
15 this section, the Attorney General or appropriate county attorney shall
16 prosecute and defend all such proceedings.

17 (9) This section shall not apply to any activity authorized and
18 regulated under the Nebraska Bingo Act, the Nebraska County and City
19 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
20 Card Lottery Act, ~~or~~ the Nebraska Small Lottery and Raffle Act, or the
21 State Lottery Act.

22 Sec. 2. Original section 9-701, Reissue Revised Statutes of
23 Nebraska, is repealed.

Senator Nordquist filed the following amendment to LB446:
AM339

1 1. Insert the following new section:

2 Sec. 2. Section 79-904.01, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 79-904.01 (1) If the board determines that the retirement system has
5 previously received contributions or distributed benefits which for any
6 reason are not in accordance with the statutory provisions of the School
7 Employees Retirement Act, the board may refund contributions, require

8 additional contributions, adjust benefits, or require repayment of
9 benefits paid. In the event of an overpayment of a benefit, the board
10 may, in addition to other remedies, offset future benefit payments by the
11 amount of the prior overpayment, together with regular interest thereon.
12 In the event of a material underpayment of a benefit, the board shall
13 immediately make payment equal to the deficit amount plus regular
14 interest.

15 (2) If the board determines that termination of employment has not
16 occurred and a retirement benefit has been paid to a member of the
17 retirement system pursuant to section 79-933, such member shall repay the
18 benefit to the retirement system.

19 (3) The board shall adopt and promulgate rules and regulations
20 implementing this section, which shall include, but not be limited to,
21 the following: (a) The procedures for refunding contributions, adjusting
22 future contributions or benefit payments, and requiring additional
23 contributions or repayment of benefits; (b) the process for a member,
24 member's beneficiary, employee, or employer to dispute an adjustment of
25 contributions or benefits; and (c) notice provided to all affected
26 persons. All notices shall be sent at the time of or prior to an
27 adjustment and shall describe the process for disputing an adjustment of
1 contributions or benefits.

2 (4) The board shall not refund contributions made on compensation in
3 excess of the limitations imposed by subdivision (35) of section 79-902
4 or subsection (7) of section 79-934.

5 2. On page 24, line 27, after the first comma insert "79-904.01,".

6 3. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 55. Introduced by Ebke, 32.

WHEREAS, McBattas Packaging and Printing in Fairbury purchased the former Swingster Company sewing factory in 2000; and

WHEREAS, Fairbury native and owner, Fred Arnold, purchased the closed sewing factory to house his growing printing and packaging business; and

WHEREAS, MSA Brand Products, also owned by Fred Arnold, began manufacturing American flags in the former sewing factory building in 2014; and

WHEREAS, the flags sewn at the Fairbury factory are 100% American-made, including the raw materials purchased from suppliers in the United States; and

WHEREAS, Fred Arnold now employs a total of approximately 85 workers and hopes to increase the number of workers in the sewing division from 9 to 25 by the end of 2015; and

WHEREAS, MSA Brand Products joins a small but mighty group of American flag manufacturers located in the United States; and

WHEREAS, Fred Arnold has helped revive manufacturing in his hometown of Fairbury, hired back former Swingster factory sewers and

created local jobs, and provided American retailers and consumers with quality American flags made in Nebraska.

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

1. That the Legislature recognizes Fred Arnold for his local economic development success in the Fairbury community.
2. That the Legislature commends MSA Brand Products for producing and selling American flags made in Nebraska.
3. That a copy of this resolution be sent to Fred Arnold and MSA Brand Products.

Laid over.

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene renewed his amendment, AM301, found on page 467.

Senator Howard moved the previous question. The question is, "Shall the debate now close?"

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

Senator Howard requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Baker	Hadley	Krist	Nordquist	Smith
Coash	Hansen	Kuehn	Pansing Brooks	Sullivan
Cook	Harr, B.	Lindstrom	Riepe	Williams
Crawford	Hilkemann	McCollister	Scheer	
Davis	Howard	Mello	Schilz	
Gloor	Johnson	Morfeld	Schumacher	
Haar, K.	Kolowski	Murante	Seiler	

Voting in the negative, 15:

Bloomfield	Craighead	Garrett	Kintner	McCoy
Brasch	Ebke	Groene	Kolterman	Schnoor
Chambers	Friesen	Hughes	Larson	Stinner

Excused and not voting, 3:

Bolz	Campbell	Watermeier
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The motion to cease debate prevailed with 31 ayes, 15 nays, and 3 excused and not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baker	Ebke	Hughes	Lindstrom	Schnoor
Bloomfield	Friesen	Kintner	McCoy	Stinner
Brasch	Garrett	Kolterman	Murante	Watermeier
Craighead	Groene	Larson	Schilz	

Voting in the negative, 28:

Chambers	Haar, K.	Johnson	Morfeld	Seiler
Coash	Hadley	Kolowski	Nordquist	Smith
Cook	Hansen	Krist	Pansing Brooks	Sullivan
Crawford	Harr, B.	Kuehn	Riepe	Williams
Davis	Hilkemann	McCollister	Scheer	
Gloor	Howard	Mello	Schumacher	

Excused and not voting, 2:

Bolz Campbell

The Groene amendment lost with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

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

Frank J. Reida - Nebraska Power Review Board

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 138. Placed on General File.

LEGISLATIVE BILL 55. Placed on General File with amendment.

AM78

1 1. On page 4, line 31, after the period insert "Such expenditures

2 shall be used for the purposes as provided in subsection (5) of this
 3 section.".

(Signed) John Murante, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 34. Reported to the Legislature for further consideration with the following amendment:

AM290

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

3 WHEREAS, the Department of Correctional Services Special
 4 Investigative Committee of the Legislature was created in LR424, One
 5 Hundred Third Legislature, Second Session; and

6 WHEREAS, the committee, having completed its work and issued its
 7 report on December 15, 2014, discovered additional problems within the
 8 Department of Correctional Services during the course of its LR424 study;
 9 and

10 WHEREAS, the Legislature believes that further study and oversight
 11 of the department is necessary in order to prevent additional mistakes
 12 and to correct inadequate department procedures and policies.

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

15 1. That the Legislature hereby calls for the Executive Board of the
 16 Legislative Council to meet forthwith and reappoint the Department of
 17 Correctional Services Special Investigative Committee of the Legislature.
 18 The committee shall consist of up to eleven members of the Legislature
 19 appointed by the Executive Board. The Executive Board shall appoint the
 20 chairperson and vice-chairperson of the committee. The Executive Board is
 21 hereby authorized to provide the committee with a legal counsel,
 22 committee clerk, and other staff as required by the committee from
 23 existing legislative staff. The Executive Board is also authorized to
 24 hire outside legal counsel, consultants, and investigators as required by
 25 the committee. The committee shall be an investigative committee and is
 26 hereby authorized to hold hearings and issue subpoenas as deemed
 27 necessary by the committee.

1 2. That the Department of Correctional Services Special
 2 Investigative Committee of the Legislature is hereby authorized to study
 3 the following with respect to the Department of Correctional Services:

4 (a) The adequacy of programs designed to rehabilitate inmates;

5 (b) The funding history of programs designed to rehabilitate
 6 inmates;

7 (c) The availability of mental health care and the policies and
 8 procedures in place to ensure that inmates receive appropriate mental
 9 health care or confinement through the civil commitment process;

10 (d) The policies relating to the solitary confinement, segregation,
 11 or other isolation of inmates;

12 (e) The transition of inmates from incarceration to the community at

13 large;
 14 (f) The administration of good time laws; and
 15 (g) Any evaluation or study made of the department's policies and
 16 practices, whether or not any recommendations were adopted as a result of
 17 the evaluation or study, and the reasons if any recommendations were not
 18 adopted.
 19 3. That the Department of Correctional Services Special
 20 Investigative Committee shall brief the Judiciary Committee of the
 21 Legislature by December 15, 2015, and December 15, 2016, and issue a
 22 report with its findings and recommendations to the Legislature as
 23 circumstances warrant.
 24 4. That the Department of Correctional Services Special
 25 Investigative Committee is hereby authorized to continue its work until
 26 the beginning of the One Hundred Fifth Legislature, First Session.

(Signed) Bob Krist, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 2015, at 9:55 a.m. were the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

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

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Baack, Dennis - Nebraska Educational Telecommunications Commission -
 Education
 Hart, Timothy - Nebraska Arts Council - General Affairs
 Hinrichs, Jon - Nebraska Arts Council - General Affairs
 Huenergardt, Darrel J. - Nebraska Arts Council - General Affairs
 Jacobson, Julie - Nebraska Arts Council - General Affairs
 Kircher, Patricia M. - Nebraska Educational Telecommunications
 Commission - Education
 Price, Pamela - Nebraska Arts Council - General Affairs
 Roush, Sue - Nebraska Arts Council - General Affairs
 Starman, Darlene - Nebraska Educational Telecommunications Commission
 - Education

(Signed) Bob Krist, Chairperson
 Executive Board

SELECT FILE

LEGISLATIVE BILL 18. Senator Groene offered his amendment, AM300, found on page 477.

Senator Groene asked unanimous consent to withdraw his amendment, AM300, found on page 477 and considered in this day's Journal, and replace it with his substitute amendment, AM143, found on page 477. No objections. So ordered.

Senator Chambers offered the following amendment to the Groene amendment:

FA11

Amend AM143

In line 15, strike and show as stricken "recognized".

Senator Krist offered the following motion:

MO29

Unanimous consent to bracket until June 5, 2015.

No objections. So ordered.

LEGISLATIVE BILL 109. ER17, found on page 416, was adopted.

Senator Crawford offered her amendment, AM287, found on page 443.

The Crawford amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 198. ER18, found on page 416, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 118. ER14, found on page 416, was adopted.

Senator Larson withdrew his amendment, AM76, found on page 318.

Senator Schumacher offered his amendment, AM343, found on page 479.

The Schumacher amendment was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 167. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 1, 2, 3, 4, 5, 6, 7, 8, and 9.

(Signed) Al Davis

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 270. Placed on General File.

LEGISLATIVE BILL 334. Placed on General File with amendment.
AM283

- 1 1. Insert the following new section:
- 2 Sec. 4. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

(Signed) Burke Harr, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 257. Placed on General File.

LEGISLATIVE BILL 342. Placed on General File.

LEGISLATIVE BILL 456. Placed on General File.

LEGISLATIVE BILL 464. Placed on General File.

LEGISLATIVE BILL 139. Placed on General File with amendment.
AM119

- 1 1. Strike original sections 10, 21, 36, and 44 and insert the
- 2 following new section:
- 3 Sec. 41. Section 76-2221, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 76-2221 The Real Property Appraiser Act shall not apply to:
- 6 (1) Any real property appraiser who is a salaried employee of (a)
- 7 the federal government, (b) any agency of the state government or a
- 8 political subdivision which appraises real estate, (c) any insurance
- 9 company authorized to do business in this state, or (d) any bank, savings
- 10 bank, savings and loan association, building and loan association, credit
- 11 union, or small loan company licensed by ~~this~~ the state or supervised or
- 12 regulated by or through federal enactments covering financial
- 13 institutions, except that any employee of the entities listed in

14 subdivisions (a) through (d) of this subdivision who signs a ~~an appraisal~~
15 report as a credentialed real property appraiser shall be subject to the
16 act and the Uniform Standards of Professional Appraisal Practice. Any
17 salaried employee of the entities listed in subdivisions (a) through (d)
18 of this subdivision who does not sign a ~~an appraisal~~ report as a
19 credentialed real property appraiser shall include the following
20 disclosure prominently with such report: This opinion of value may not
21 meet the minimum standards contained in the Uniform Standards of
22 Professional Appraisal Practice and is not governed by the Real Property
23 Appraiser Act;

24 (2) A person referred to in subsection (1) of section 81-885.16;

25 (3) Any person who provides assistance (a) in obtaining the data
26 upon which an appraisal is based, (b) in the physical preparation of a ~~an~~
27 ~~appraisal~~ report, such as taking photographs, preparing charts, maps, or
1 graphs, or typing or printing the report, or (c) that does not directly
2 involve the exercise of judgment in arriving at the analyses, opinions,
3 or conclusions concerning real estate or real property set forth in the
4 ~~appraisal~~ report;

5 (4) Any owner of real estate, employee of the owner, or attorney
6 licensed to practice law in this state ~~the State of Nebraska~~ representing
7 the owner who renders an estimate or opinion of value of the real estate
8 or any interest in the real estate when such estimate or opinion is for
9 the purpose of real estate taxation, or any other person who renders such
10 an estimate or opinion of value when that estimate or opinion requires a
11 specialized knowledge that a real property appraiser would not have,
12 except that a real property appraiser or a person licensed under the
13 Nebraska Real Estate License Act is not exempt under this subdivision;

14 (5) Any owner of real estate, employee of the owner, or attorney
15 licensed to practice law in this state ~~the State of Nebraska~~ representing
16 the owner who renders an estimate or opinion of value of real estate or
17 any interest in real estate or damages thereto when such estimate or
18 opinion is offered as testimony in any condemnation proceeding, or any
19 other person who renders such an estimate or opinion when that estimate
20 or opinion requires a specialized knowledge that a real property
21 appraiser would not have, except that a real property appraiser or a
22 person licensed under the Nebraska Real Estate License Act is not exempt
23 under this subdivision;

24 (6) Any owner of real estate, employee of the owner, or attorney
25 licensed to practice law in this state ~~the State of Nebraska~~ representing
26 the owner who renders an estimate or opinion of value of the real estate
27 or any interest in the real estate when such estimate or opinion is
28 offered in connection with a legal matter involving real property; or

29 (7) Any person appointed by a county board of equalization to act as
30 a referee pursuant to section 77-1502.01, except that any person who also
31 practices as an independent real property appraiser or real property
1 associate for others shall be subject to the Real Property Appraiser Act
2 and shall be credentialed prior to engaging in such other appraising. Any
3 real property appraiser appointed to act as a referee pursuant to section
4 77-1502.01 and who prepares a ~~an appraisal~~ report for the county board of

5 equalization shall not sign such ~~appraisal~~ report as a credentialed real
 6 property appraiser and shall include the following disclosure prominently
 7 with such report: This opinion of value may not meet the minimum
 8 standards contained in the Uniform Standards of Professional Appraisal
 9 Practice and is not governed by the Real Property Appraiser Act.
 10 2. Renumber the remaining sections and correct internal references
 11 accordingly.

LEGISLATIVE BILL 458. Placed on General File with amendment.
 AM245

- 1 1. On page 5, line 3, after "of" insert "an individual or".
- 2 2. On page 6, line 8, strike "prelicensure educational" and insert
- 3 "prelicensing education".

(Signed) Jim Scheer, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 41. Placed on Final Reading.
LEGISLATIVE BILL 42. Placed on Final Reading.
LEGISLATIVE BILL 65. Placed on Final Reading.
LEGISLATIVE BILL 91. Placed on Final Reading.
LEGISLATIVE BILL 92. Placed on Final Reading.
LEGISLATIVE BILL 93. Placed on Final Reading.
LEGISLATIVE BILL 95. Placed on Final Reading.
LEGISLATIVE BILL 99. Placed on Final Reading.
LEGISLATIVE BILL 100. Placed on Final Reading.
LEGISLATIVE BILL 126. Placed on Final Reading.
LEGISLATIVE BILL 150. Placed on Final Reading.
LEGISLATIVE BILL 151. Placed on Final Reading.
LEGISLATIVE BILL 170. Placed on Final Reading.
LEGISLATIVE BILL 171. Placed on Final Reading.
LEGISLATIVE BILL 177. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Nebraska Retirement Systems

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

Michael W. Walden-Newman, State Investment Officer - Nebraska Investment Council

Aye: 6 Davis, Groene, Kolowski, Kolterman, Mello, Nordquist. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jeremy Nordquist, Chairperson

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB10:
AM366

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

3 Section 1. Section 32-710, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 32-710 (1) Each political party shall hold a state postprimary
6 convention biennially on a date to be fixed by the state central
7 committee but not later than September 1. Candidates for elective offices
8 may be nominated at such conventions pursuant to section 32-627 or
9 32-721. Such nominations shall be certified to the Secretary of State by
10 the chairperson and secretary of the convention. The certificates shall
11 have the same force and effect as nominations in primary elections. A
12 political party may not nominate a candidate at the convention for an
13 office for which the party did not nominate a candidate at the primary
14 election except as provided for new political parties in section 32-621.
15 The convention shall formulate and promulgate a state platform, select a
16 state central committee, select electors for President and Vice President
17 of the United States, and transact the business which is properly before
18 it. ~~Five One presidential elector shall be chosen from each congressional~~
19 ~~district, and two~~ presidential electors shall be chosen by district as
20 provided in subsection (2) of this section at large. The officers of the
21 convention shall certify the names of the electors to the Governor and
22 Secretary of State.

23 (2) The Secretary of State shall divide the state into five
24 presidential elector districts, and one presidential elector shall be
25 chosen from each district. The districts shall be compact and contiguous
26 and substantially equal in population. The basis of apportionment shall
27 be the population as determined by the most recent federal decennial
1 census. The Secretary of State shall redistrict the state after each
2 federal decennial census. In any such redistricting, county lines shall
3 be followed whenever practicable, and other established lines may be
4 followed at the discretion of the Secretary of State.

5 Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 32-713 (1) The certificates of appointment for presidential electors
8 shall be served by the Governor on each person appointed. The Governor
9 shall notify the presidential electors to be at the State Capitol at noon
10 on the first Monday after the second Wednesday in December after
11 appointment and report to the Governor at his or her office in the
12 capitol as being in attendance. The Governor shall serve the certificates
13 of appointment by registered or certified mail. In submitting this
14 state's certificate of ascertainment as required by 3 U.S.C. 6, the
15 Governor shall certify this state's presidential electors and state in

16 the certificate that:

17 (a) The presidential electors will serve as presidential electors
18 unless a vacancy occurs in the office of presidential elector before the
19 end of the meeting at which the presidential electors cast their votes,
20 in which case a substitute presidential elector will fill the vacancy;
21 and

22 (b) If a substitute presidential elector is appointed to fill a
23 vacancy, the Governor will submit an amended certificate of ascertainment
24 stating the names on the final list of this state's presidential
25 electors.

26 (2) The presidential electors shall convene at 2 p.m. of such Monday
27 at the Governor's office in the capitol. Each presidential elector shall
28 execute the following pledge: As a presidential elector duly selected (or
29 appointed) for this position, I agree to serve and to mark my ballots for
30 President and Vice President for the presidential and vice-presidential
31 candidates who received the highest number of votes in the state if I am
1 an at large presidential elector or the highest number of votes in my
2 congressional district if I am a congressional district presidential
3 elector district which I represent.

4 Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 32-714 (1) The Governor shall provide each presidential elector with
7 a list of all the presidential electors. If any presidential elector is
8 absent or if there is a deficiency in the proper number of presidential
9 electors, those present shall elect from the citizens of the state so
10 many persons as will supply the deficiency and immediately issue a
11 certificate of election, signed by those present or a majority of them,
12 to the person or persons so chosen. In case of failure to elect as
13 required in this subsection by 3 p.m. of such day or in case of a vacancy
14 created under subsection (4) of this section, the Governor shall fill the
15 vacancies by appointment. Each appointee shall execute the pledge in
16 section 32-713. After all vacancies are filled, the presidential electors
17 shall proceed with the election of a President of the United States and a
18 Vice President of the United States and certify their votes in conformity
19 with the Constitution and laws of the United States.

20 (2) The Secretary of State shall provide each presidential elector
21 with a presidential and vice-presidential ballot. Each ~~at large~~
22 presidential elector shall mark his or her ballot for the presidential
23 and vice-presidential candidates who received the highest number of votes
24 ~~in the state and consistent with his or her pledge. Each congressional~~
25 ~~district presidential elector shall mark his or her ballot for the~~
26 ~~presidential and vice-presidential candidates who received the highest~~
27 ~~number of votes in his or her presidential elector congressional district~~
28 and consistent with his or her pledge.

29 (3) Each presidential elector shall present the completed ballot to
30 the Secretary of State. The Secretary of State shall examine each ballot
31 and accept as cast each ballot marked by a presidential elector
1 consistent with his or her pledge. The Secretary of State shall not
2 accept and shall not count the ballot if the presidential elector has not

3 marked the ballot or has marked the ballot in violation of his or her
4 pledge.

5 (4) A presidential elector who refuses to present a ballot, who
6 attempts to present an unmarked ballot, or who attempts to present a
7 ballot marked in violation of his or her pledge vacates the office of
8 presidential elector.

9 Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-1038 (1) The board of state canvassers shall authorize the
12 Secretary of State to open the abstracts of votes from the various
13 counties and prepare an abstract stating the number of ballots cast for
14 each office, the names of all the persons voted for, for what office they
15 respectively received the votes, and the number of votes each received.
16 The abstract shall be signed by the members of the board and shall have
17 the seal of the state affixed by the Secretary of State. The canvass of
18 the votes for candidates for President and Vice President of the United
19 States and the return thereof shall be a canvass and return of the votes
20 cast for the presidential electors of the same party or group of
21 petitioners respectively, and the certificate of such election made by
22 the Governor shall be in accord with such return. ~~Receipt by the~~
23 ~~presidential electors of a party or a group of petitioners of the highest~~
24 ~~number of votes statewide shall constitute election of the two at large~~
25 ~~presidential electors of that party or group of petitioners.~~ Receipt by
26 the presidential electors of a party or a group of petitioners of the
27 highest number of votes in a presidential elector congressional district
28 shall constitute election of the ~~congressional~~ district presidential
29 elector of that party or group of petitioners.

30 (2) The board of state canvassers shall determine from the completed
31 abstract the names of those candidates who have been nominated or
1 elected. If any two or more persons are returned with an equal and the
2 highest number of votes, the board of state canvassers shall decide by
3 lot which of such persons is elected except for officers elected to the
4 executive branch. The board of state canvassers shall also declare those
5 measures carried which have received the required percentage of votes as
6 provided by law.

7 Sec. 5. Original section 32-1038, Reissue Revised Statutes of
8 Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes
9 Cumulative Supplement, 2014, are repealed.

Senator K. Haar filed the following amendment to LB111:
AM247

(Amendments to Standing Committee amendments, AM233)

1 1. Insert the following new amendments:

2 1. Insert the following new section:

3 Sec. 2. Section 32-202, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-202 In addition to any other duties prescribed by law, the
6 Secretary of State shall:

7 (1) Supervise the conduct of primary and general elections in this

- 8 state;
- 9 (2) Provide training for election commissioners, county clerks, and
 10 other election officials in providing for registration of voters and the
 11 conduct of elections;
- 12 (3) Enforce the Election Act;
- 13 (4) With the assistance and advice of the Attorney General, make
 14 uniform interpretations of the act;
- 15 (5) Provide periodic training for the agencies and their agents and
 16 contractors in carrying out their duties under sections 32-308 to 32-310;
- 17 (6) Develop and print forms for use as required by sections 32-308,
 18 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;
- 19 (7) Contract with the Department of Administrative Services for
 20 storage and distribution of the forms;
- 21 (8) Require reporting to ensure compliance with sections 32-308 to
 22 32-310;
- 23 (9) Prepare and transmit reports as required by the National Voter
 24 Registration Act of 1993, 42 U.S.C. 1973gg et seq.;
- 25 (10) Develop and print a manual describing the requirements of the
 26 initiative and referendum process and distribute the manual to election
 1 commissioners and county clerks for distribution to the public upon
 2 request;
- 3 (11) Develop and print pamphlets described in section 32-1405.01;
- 4 (12) Adopt and promulgate rules and regulations for elections
 5 conducted under sections 32-952 to 32-959; ~~and~~
- 6 (13) Establish a free access system, such as a toll-free telephone
 7 number or an Internet web site, that any voter who casts a provisional
 8 ballot may access to discover whether the vote of that voter was counted
 9 and, if the vote was not counted, the reason that the vote was not
 10 counted. The Secretary of State shall establish and maintain reasonable
 11 procedures necessary to protect the security, confidentiality, and
 12 integrity of personal information collected, stored, or otherwise used by
 13 the free access system. Access to information about an individual
 14 provisional ballot shall be restricted to the individual who cast the
 15 ballot; ~~and -~~
- 16 (14) Develop informational material to assist voters with
 17 requirements to present government-issued photographic identification in
 18 order to vote and make such informational material available on the
 19 Internet web site of the Secretary of State and, within sixty days after
 20 the effective date of this act, mail such informational material to every
 21 registered voter in this state.
- 22 2. Renumber the remaining amendments accordingly.
- 23 6. On page 26, line 6, after the first comma insert "32-202,".
- 24 7. Renumber the remaining sections accordingly.

Senator Schilz filed the following amendment to LB142:
 AM255

- 1 1. Insert the following new section:
 2 Sec. 7. Section 37-1273, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 37-1273 All fees as provided by the State Boat Act shall be remitted
 5 to the State Treasurer for credit to the State Game Fund to be used
 6 primarily for (1) administration and enforcement of the State Boat Act,
 7 (2) boating safety educational programs, (3) the construction and
 8 maintenance of boating and docking facilities, navigation aids, and
 9 access to boating areas and such other uses as will promote the safety
 10 and convenience of the boating public in Nebraska, (4) the Aquatic
 11 Invasive Species Program, and (5 4) publishing costs subject to the
 12 restrictions and limitations in section 37-324. Secondary uses for the
 13 fees shall be for the propagation, importation, protection, preservation,
 14 and distribution of game and fish and necessary equipment therefor and
 15 all things pertaining thereto.
 16 2. On page 4, line 8, strike "section 37-1220" and insert "sections
 17 37-1220 and 37-1273".
 18 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Coash - LB210

VISITORS

Visitors to the Chamber were Robin Rauner from Lincoln; and 12 members of Boy Scout Troop 282 from Millard.

The Doctor of the Day was Dr. Ferdinando Andrade from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Nordquist, the Legislature adjourned until 10:00 a.m., Tuesday, February 17, 2015.

Patrick J. O'Donnell
 Clerk of the Legislature