

**THIRTY-SECOND DAY - FEBRUARY 24, 2015****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 24, 2015

**PRAYER**

The prayer was offered by Senator Kolowski.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senator Schilz who was excused; and Senators Garrett and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**ANNOUNCEMENT(S)**

Senator Bloomfield designates LB31 as his priority bill.

Senator Baker designates LB431 as his priority bill.

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 221.** Placed on General File with amendment.

AM467

- 1 1. On page 3, line 21, strike "shall" and insert "may"; and in line
- 2 27 strike "ten" and insert "twenty".
- 3 2. On page 4, line 14, strike "ten" and insert "twenty".

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

Gerard A. (Fred) Ruiz - Crime Victim's Reparations Committee  
Michelle Schindler - Crime Victim's Reparations Committee

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

(Signed) Les Seiler, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 67.** Introduced by Ebke, 32.

WHEREAS, Arne and Esther Larsen celebrated their 80th wedding anniversary on December 23, 2014; and

WHEREAS, Arne and Esther are one of the longest married couples living in Nebraska. Arne is 103 years old and Esther is 99 years old; and

WHEREAS, Arne and Esther were married in 1934 at Bethel Lutheran Church near Superior; and

WHEREAS, after being married, Arne and Esther moved into a two-bedroom home without electricity or running water on a farm near Hebron; and

WHEREAS, after several years of working side by side on the farm, Arne and Esther moved into Hebron in 1945; and

WHEREAS, Arne and Esther now live in an assisted living facility in Hebron where they share an apartment filled with photos of their two children DeLoyd and Rogene, as well as their three grandchildren and six great-grandchildren; and

WHEREAS, nearly 200 people attended their 80th anniversary open house in December; and

WHEREAS, after 80 years of marriage, Arne and Esther consider themselves "the richest people in Thayer County".

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

1. That the Legislature congratulates Arne and Esther Larsen on their 80th wedding anniversary.
2. That a copy of this resolution be sent to Arne and Esther Larsen.

Laid over.

**LEGISLATIVE RESOLUTION 68.** Introduced by Ebke, 32.

WHEREAS, the Friend High School wrestling team finished second at the 2015 Class D State Wrestling Championships; and

WHEREAS, the Friend Bulldogs showed outstanding determination, teamwork, and skill during the competition and earned a team score of 95.5 points; and

WHEREAS, the Friend Bulldogs had three state finalists including two state champions on their team; and

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

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

1. That the Legislature congratulates the Friend High School wrestling team for finishing second at the 2015 Class D State Wrestling Championships.

2. That a copy of this resolution be sent to the Friend High School wrestling team.

Laid over.

#### **UNANIMOUS CONSENT - Room Change**

Senator Johnson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, February 24, 2015, in Room 1524 instead of Room 2102. No objections. So ordered.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 430.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2013, LB530A, section 1; to appropriate and reappropriate funds; to eliminate an appropriation; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

Baker	Crawford	Hilkemann	Lindstrom	Schnoor
Bloomfield	Davis	Howard	McCollister	Schumacher
Bolz	Ebke	Hughes	McCoy	Seiler
Brasch	Friesen	Johnson	Mello	Stinner
Campbell	Gloor	Kolowski	Morfeld	Sullivan
Chambers	Haar, K.	Kolterman	Nordquist	Watermeier
Coash	Hadley	Krist	Pansing Brooks	Williams
Cook	Hansen	Kuehn	Riepe	
Craighead	Harr, B.	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 3:

Groene      Kintner      Smith

Excused and not voting, 3:

Garrett      Murante      Schilz

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB430.

#### **GENERAL FILE**

**LEGISLATIVE BILL 10.** Senator Chambers renewed his motion, MO35, found on page 601, to bracket until June 5, 2015.

**SENATOR HOWARD PRESIDING**

**PRESIDENT FOLEY PRESIDING**

Pending.

#### **COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 375.** Placed on General File.

**LEGISLATIVE BILL 515.** Placed on General File with amendment.  
AM380

1 1. On page 2, line 29, before "children" insert "minor".

(Signed) Jim Scheer, Chairperson

Health and Human Services

**LEGISLATIVE BILL 80.** Placed on General File.

**LEGISLATIVE BILL 452.** Placed on General File.

**LEGISLATIVE BILL 315.** Placed on General File with amendment.  
AM458

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

2 sections:

3 Section 1. Section 68-974, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 68-974 (1) The department shall contract with one or more recovery  
6 audit contractors to promote the integrity of the medical assistance

7 program and to assist with cost-containment efforts and recovery audits.  
8 The contract or contracts shall include services for (a) cost-avoidance  
9 through identification of third-party liability, (b) cost recovery of  
10 third-party liability through postpayment reimbursement, (c) casualty  
11 recovery of payments by identifying and recovering costs for claims that  
12 were the result of an accident or neglect and payable by a casualty  
13 insurer, and (d) reviews of claims submitted by providers of services or  
14 other individuals furnishing items and services for which payment has  
15 been made to determine whether providers have been underpaid or overpaid,  
16 and to take actions to recover any overpayments identified or make  
17 payment for any underpayment identified.  
18 (2) Notwithstanding any other provision of law, all recovery audit  
19 contractors retained by the department when conducting a recovery audit  
20 shall:  
21 (a) Review claims within two years from the date of the payment;  
22 (b) Send a determination letter concluding an audit within sixty  
23 days after receipt of all requested material from a provider;  
24 (c) In any records request to a provider, furnish information  
25 sufficient for the provider to identify the patient, procedure, or  
26 location;  
27 (d) Develop and implement with the department a procedure in which  
1 an improper payment identified by an audit is permitted to be rebilled as  
2 a corrected claim;  
3 (e) Utilize a licensed health care professional from the area of  
4 practice being audited to establish relevant audit methodology consistent  
5 with established practice guidelines, standards of care, and state-issued  
6 medicaid provider handbooks;  
7 (f) Provide a written notification and explanation of an adverse  
8 determination that includes the reason for the adverse determination, the  
9 medical criteria on which the adverse determination was based, an  
10 explanation of the provider's appeal rights, and, if applicable, an  
11 explanation of the appropriate procedure to rebill in accordance with  
12 subdivision (2)(d) of this section; and  
13 (g) Schedule any onsite audits with advance notice of not less than  
14 ten business days and make a good faith effort to establish a mutually  
15 agreed upon time and date for the onsite audit.  
16 (3) The department shall exclude the following from the scope of  
17 review of recovery audit contractors: (a) Claims processed or paid  
18 through a capitated medicaid managed care program; (b) medical necessity  
19 reviews in which the provider has obtained prior authorization for the  
20 service and in which the authorized service was provided; and (c) any  
21 claims that are currently being audited or that have already been audited  
22 by the recovery audit contractor or by another entity.  
23 (4 2) The department shall contract with one or more persons to  
24 support a health insurance premium assistance payment program.  
25 (5 3) The department may enter into any other contracts deemed to  
26 increase the efforts to promote the integrity of the medical assistance  
27 program.  
28 (6 4) Contracts entered into under the authority of this section may

29 be on a contingent fee basis. Contracts entered into on a contingent fee  
30 basis shall provide that contingent fee payments are based upon amounts  
31 recovered, not amounts identified, ~~and that contingent fee payments are~~  
1 ~~not to be paid on amounts subsequently repaid due to determinations made~~  
2 ~~in appeal proceedings.~~ Whether the contract is a contingent fee contract  
3 or otherwise, the contractor shall not recover overpayments by the  
4 department until all appeals have been completed unless there is a  
5 credible allegation of fraudulent activity by the provider, the  
6 contractor has referred the claims to the department for investigation,  
7 and an investigation has commenced. In that event, the contractor may  
8 recover overpayment prior to the conclusion of the appeals process. In  
9 any contract between the department and a recovery audit contractor, the  
10 payment or fee provided for identification of overpayments shall be the  
11 same provided for identification of underpayments. Contracts shall be in  
12 compliance with federal law and regulations when pertinent, including a  
13 limit on contingent fees of no more than twelve and one-half percent of  
14 amounts recovered, and initial contracts shall be entered into as soon as  
15 practicable under such federal law and regulations.

16 (7.5) All amounts recovered and savings generated as a result of  
17 this section shall be returned to the medical assistance program.

18 (8) Records requests made by a recovery audit contractor in any one-  
19 hundred-eighty-day period shall be limited to not more than five percent  
20 of the number of claims filed by the provider for the specific service  
21 being reviewed, not to exceed two hundred records. The contractor shall  
22 allow a provider no less than forty-five days to respond to and comply  
23 with a record request. If the contractor can demonstrate a significant  
24 provider error rate relative to an audit of records, the contractor may  
25 make a request to the department to initiate an additional records  
26 request regarding the subject under review for the purpose of further  
27 review and validation. The contractor shall not make the request until  
28 the time period for the appeals process has expired and the provider  
29 given the opportunity to contest to the department the second records  
30 request.

31 (9) On an annual basis, the department shall require the recovery  
1 audit contractor to compile and publish on the department's Internet web  
2 site metrics related to the performance of each recovery audit  
3 contractor. Such metrics shall include: (a) The number and type of issues  
4 reviewed; (b) the number of medical records requested; (c) the number of  
5 overpayments and the aggregate dollar amounts associated with the  
6 overpayments identified by the contractor; (d) the number of  
7 underpayments and the aggregate dollar amounts associated with the  
8 identified underpayments; (e) the duration of audits from initiation to  
9 time of completion; (f) the number of adverse determinations and the  
10 overturn rating of those determinations in the appeal process; (g) the  
11 number of appeals filed by providers and the disposition status of such  
12 appeals; (h) the contractor's compensation structure and dollar amount of  
13 compensation; and (i) a copy of the department's contract with the  
14 recovery audit contractor.

15 (10) The recovery audit contractor, in conjunction with the

16 department, shall perform educational and training programs annually for  
17 providers that encompass a summary of audit results, description of  
18 common issues, problems, and mistakes identified through audits and  
19 reviews, and a discussion of opportunities for improvement in provider  
20 performance with respect to claims, billing, and documentation.  
21 (11) Providers shall be allowed to submit records requested as a  
22 result of an audit in electronic format which shall include either  
23 compact disc or digital versatile disc or via facsimile transmission, at  
24 the request of the provider.  
25 (12)(a) A provider shall have the right to appeal a determination  
26 made by the recovery audit contractor.  
27 (b) The contractor shall establish an informal consultation process.  
28 Within thirty days after receipt of notification of an adverse  
29 determination from the contractor, the provider may request an informal  
30 consultation with the contractor and the Medicaid Program Integrity Unit  
31 of the Division of Medicaid and Long-Term Care of the department to  
1 discuss and attempt to resolve the findings or portion of such findings  
2 in the adverse determination letter. The request shall be made to the  
3 contractor. The consultation shall occur within thirty days after the  
4 provider's request for informal consultation.  
5 (c) Within thirty days after an informal consultation, or within  
6 thirty days after notification of a final decision or an adverse  
7 determination if no informal consultation is requested, a provider may  
8 request an administrative appeal of the final decision or adverse  
9 determination as set forth in the Administrative Procedure Act.  
10 (13 6) The department shall by December 1 of each year, ~~2012,~~  
11 report to the Legislature the status of the contracts, including the  
12 parties, the programs and issues addressed, the estimated cost recovery,  
13 and the savings accrued as a result of the contracts. Such report shall  
14 be filed electronically.  
15 (14 7) For purposes of this section:  
16 (a) Adverse determination means any decision rendered by the  
17 recovery audit contractor that results in a payment to a provider for a  
18 claim for service being reduced or rescinded;  
19 (b a) Person means bodies politic and corporate, societies,  
20 communities, the public generally, individuals, partnerships, limited  
21 liability companies, joint-stock companies, and associations; and  
22 (c b) Recovery audit contractor means private entities with which  
23 the department contracts to audit claims for medical assistance, identify  
24 underpayments and overpayments, and recoup overpayments.  
25 Sec. 2. Original section 68-974, Revised Statutes Cumulative  
26 Supplement, 2014, is repealed.

(Signed) Kathy Campbell, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 621.** Placed on General File.

**LEGISLATIVE BILL 539.** Placed on General File with amendment.  
AM487 is available in the Bill Room.

(Signed) John Murante, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 69.** Introduced by Pansing Brooks, 28;  
Campbell, 25.

WHEREAS, Thomas R. Buecker was born on November 14, 1948, in Lincoln, Nebraska; and

WHEREAS, Tom graduated from Sidney High School in 1966 and went on to earn a bachelor's degree from Kearney State College. Tom received a master's degree from Chadron State College in 1992; and

WHEREAS, in 1974, Tom married Colleen Kay Blakeman and together they raised their two children, Michael and Anne; and

WHEREAS, in 1977, Tom was named the curator of the Neligh Flour Mill, and in 1985, he transferred to the Fort Robinson Museum near Crawford; and

WHEREAS, Tom spent 26 years researching and telling the story of Fort Robinson, including writing his master's degree thesis on the early history of Fort Robinson and his book "Fort Robinson and the American West 1874-1899"; and

WHEREAS, in 2011, Tom moved to Lincoln and worked at the Thomas Kennard House and the Nebraska Museum of History where he continued his research and writing; and

WHEREAS, in 2009, Tom was awarded the Distinguished Alumni Award from the University of Nebraska at Kearney; and

WHEREAS, Tom passed away on February 2, 2015.

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

1. That the Legislature recognizes the contributions of Thomas R. Buecker and extends its sympathy to his family.
2. That a copy of this resolution be sent to the family of Thomas R. Buecker.

Laid over.

**LEGISLATIVE RESOLUTION 70.** Introduced by Ebke, 32.

WHEREAS, Zemua Baptista, a junior at Friend High School, won the 2015 Class D State Wrestling Championship in the 152-pound division; and

WHEREAS, Zemua's win helped lead the Friend Bulldogs to a second-place team finish; and

WHEREAS, this is Zemua's second state wrestling championship, having also won as a sophomore; and

WHEREAS, Zemua finished the year with a 39-1 record.

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

1. That the Legislature congratulates Zemua Baptista on his state wrestling championship and his career achievements.
2. That a copy of this resolution be sent to Zemua Baptista.

Laid over.

**LEGISLATIVE RESOLUTION 71.** Introduced by Ebke, 32.

WHEREAS, Patrick Dempsey, a senior at Friend High School, won the 2015 Class D State Wrestling Championship in the 170-pound division; and

WHEREAS, Patrick's win helped lead the Friend Bulldogs to a second-place team finish; and

WHEREAS, this is Patrick's first state wrestling championship; and

WHEREAS, Patrick finished the year with a 45-1 record, and a career record of 161-19.

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

1. That the Legislature congratulates Patrick Dempsey on his state wrestling championship and his career achievements.
2. That a copy of this resolution be sent to Patrick Dempsey.

Laid over.

**LEGISLATIVE RESOLUTION 72.** Introduced by Krist, 10.

WHEREAS, Sister Mary Evangeline Randolph was born on September 25, 1919; and

WHEREAS, in 1960, Sister Evangeline recognized a need in Omaha for a school to educate children with special needs where they could learn, grow, and belong; and

WHEREAS, at the time, Sister Evangeline was teaching three students at St. James Orphanage who had cognitive disabilities that prevented them from enrolling in the public school system; and

WHEREAS, Sister Evangeline founded the Madonna School to help teach children with special needs; and

WHEREAS, by 1970, there were 38 children attending classes at the growing Madonna School; and

WHEREAS, through the help of volunteers and donors, Sister Evangeline was able to purchase a church in the Benson area and remodel it to accommodate the growing number of students; and

WHEREAS, today, there are 58 children and young adults attending the Madonna School from ages 5 to 21; and

WHEREAS, Sister Evangeline passed away on February 9, 2015.

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

1. That the Legislature recognizes the contributions of Sister Mary Evangeline Randolph and extends its sympathy to her family.
2. That a copy of this resolution be sent to the family of Sister Mary Evangeline Randolph and the Madonna School.

Laid over.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 12A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 12, One Hundred Fourth Legislature, First Session, 2015.

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Hogue, John - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Bob Krist, Chairperson  
Executive Board

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 24, 2015, at 9:56 a.m. was the following: LB430e.

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

#### **GENERAL FILE**

**LEGISLATIVE BILL 10.** The Chambers motion, MO35, found on page 601 and considered in this day's Journal, to bracket until June 5, 2015, was renewed.

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

Senator Chambers requested a roll call vote on the motion to bracket.

Voting in the affirmative, 12:

Bolz	Crawford	Howard	Nordquist
Campbell	Haar, K.	Kolowski	Pansing Brooks
Cook	Hansen	Morfeld	Sullivan

Voting in the negative, 30:

Bloomfield	Friesen	Hilkemann	Lindstrom	Schnoor
Brasch	Garrett	Hughes	McCollister	Seiler
Coash	Gloor	Johnson	McCoy	Smith
Craighead	Groene	Kintner	Murante	Stinner
Davis	Hadley	Kolterman	Riepe	Watermeier
Ebke	Harr, B.	Kuehn	Scheer	Williams

Present and not voting, 4:

Baker	Chambers	Krist	Schumacher
-------	----------	-------	------------

Excused and not voting, 3:

Larson	Mello	Schilz
--------	-------	--------

The Chambers motion to bracket failed with 12 ayes, 30 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO36

Reconsider the vote to bracket.

### **SPEAKER HADLEY PRESIDING**

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

Senator Chambers requested a roll call vote, in reverse order, on the motion to reconsider.

Voting in the affirmative, 15:

Bolz	Cook	Hansen	Kolowski	Pansing Brooks
Campbell	Crawford	Harr, B.	Morfeld	Schumacher
Chambers	Haar, K.	Howard	Nordquist	Sullivan

Voting in the negative, 29:

Bloomfield	Friesen	Hughes	McCollister	Seiler
Brasch	Garrett	Johnson	McCoy	Smith
Coash	Gloor	Kintner	Murante	Stinner
Craighead	Groene	Kolterman	Riepe	Watermeier
Davis	Hadley	Kuehn	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schnoor	

Present and not voting, 1:

Baker

Excused and not voting, 4:

Krist	Larson	Mello	Schilz
-------	--------	-------	--------

The Chambers motion to reconsider failed with 15 ayes, 29 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Cook renewed her amendment, AM344, found on page 478 and considered on page 595.

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

Senator Cook requested a roll call vote, in reverse order, on the amendment.

Voting in the affirmative, 34:

Baker	Crawford	Hansen	Kolterman	Riepe
Bolz	Friesen	Harr, B.	Kuehn	Scheer
Brasch	Garrett	Hilkemann	Lindstrom	Seiler
Campbell	Gloor	Howard	McCoy	Smith
Chambers	Groene	Hughes	Murante	Sullivan
Cook	Haar, K.	Johnson	Nordquist	Williams
Craighead	Hadley	Kolowski	Pansing Brooks	

Voting in the negative, 4:

Davis	Kintner	Schumacher	Watermeier
-------	---------	------------	------------

Present and not voting, 2:

Bloomfield Schnoor

Absent and not voting, 1:

McCollister

Excused and not voting, 8:

Coash	Krist	Mello	Schilz
Ebke	Larson	Morfeld	Stinner

The Cook amendment was adopted with 34 ayes, 4 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

Transportation and Telecommunications

**LEGISLATIVE BILL 570.** Placed on General File with amendment.  
AM398

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

2 sections:

3 Section 1. Section 60-6,381, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 60-6,381 (1)(a) A city or village may adopt an ordinance authorizing  
6 the operation of golf car vehicles within the corporate limits of the  
7 city or village if the operation is on streets adjacent and contiguous to  
8 a golf course.

9 ~~(b 2)~~ A county board may adopt an ordinance pursuant to section  
10 23-187 a resolution authorizing the operation of golf car vehicles within  
11 the county if the operation is on roads adjacent and contiguous to a golf  
12 course.

13 ~~(c 3)~~ Any person operating a golf car vehicle as authorized under  
14 this subsection ~~section~~ shall have a valid Class O operator's license,  
15 and the owner of the golf car vehicle shall have liability insurance  
16 coverage for the golf car vehicle. The person operating the golf car  
17 vehicle shall provide proof of such insurance coverage to any peace  
18 officer requesting such proof within five days after such a request ~~The~~  
19 ~~Department of Roads may prohibit the operation of golf car vehicles on~~  
20 ~~any highway under its jurisdiction if it determines that the prohibition~~  
21 ~~is necessary in the interest of public safety.~~

22 (d) The restrictions of subsection (2) of this section do not apply  
23 to ordinances adopted under this subsection.

24 (2)(a) A city or village may adopt an ordinance authorizing the  
25 operation of golf car vehicles on streets within the corporate limits of  
26 the city or village if the operation is (i) between sunrise and sunset  
27 and (ii) on streets with a posted speed limit of thirty-five miles per  
1 hour or less. When operating a golf car vehicle as authorized under this  
2 subsection, the operator shall not operate such vehicle at a speed in  
3 excess of twenty miles per hour. A golf car vehicle shall not be operated  
4 at any time on any state or federal highway but may be operated upon such

5 a highway in order to cross a portion of the highway system which  
6 intersects a street as directed in subsection (3) of this section. A city  
7 or village may, as part of such ordinance, implement standards for  
8 operation of golf car vehicles that are more stringent than the  
9 restrictions of this subsection for the safety of the operator and the  
10 public.

11 (b) A county board may adopt an ordinance pursuant to section 23-187  
12 authorizing the operation of golf car vehicles on roads within the county  
13 if the operation is (i) between sunrise and sunset and (ii) on roads with  
14 a posted speed limit of thirty-five miles per hour or less. When  
15 operating a golf car vehicle as authorized under this subsection, the  
16 operator shall not operate such vehicle at a speed in excess of twenty  
17 miles per hour. A golf car vehicle shall not be operated at any time on  
18 any state or federal highway but may be operated upon such highway in  
19 order to cross a portion of the highway system which intersects a road as  
20 directed in subsection (3) of this section. A county may, as part of such  
21 ordinance, implement standards for operation of golf car vehicles that  
22 are more stringent than the restrictions of this subsection for the  
23 safety of the operator and the public.

24 (c) Any person operating a golf car vehicle as authorized under this  
25 subsection shall have a valid Class O operator's license, and the owner  
26 of the golf car vehicle shall have liability insurance coverage for the  
27 golf car vehicle. The person operating the golf car vehicle shall provide  
28 proof of such insurance coverage to any peace officer requesting such  
29 proof within five days after such a request. The liability insurance  
30 coverage shall be subject to limits, exclusive of interest and costs, as  
31 follows: Twenty-five thousand dollars because of bodily injury to or  
1 death of one person in any one accident and, subject to such limit for  
2 one person, fifty thousand dollars because of bodily injury to or death  
3 of two or more persons in any one accident, and twenty-five thousand  
4 dollars because of injury to or destruction of property of others in any  
5 one accident.

6 (3) The crossing of a highway shall be permitted by a golf car  
7 vehicle only if:

8 (a) The crossing is made at an angle of approximately ninety degrees  
9 to the direction of the highway and at a place where no obstruction  
10 prevents a quick and safe crossing;

11 (b) The golf car vehicle is brought to a complete stop before  
12 crossing the shoulder or roadway of the highway;

13 (c) The operator yields the right-of-way to all oncoming traffic  
14 that constitutes an immediate potential hazard; and

15 (d) In crossing a divided highway, the crossing is made only at an  
16 intersection of such highway with a street or road, as applicable.

17 (4) For purposes of this section:

18 (a) Road means a public way for the purposes of vehicular travel,  
19 including the entire area within the right-of-way; and

20 (b) Street means a public way for the purposes of vehicular travel  
21 in a city or village and includes the entire area within the right-of-  
22 way.

23 Sec. 2. Original section 60-6,381, Revised Statutes Cumulative  
24 Supplement, 2014, is repealed.

(Signed) Jim Smith, Chairperson

**COMMITTEE REPORT(S)**

Education

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

Michelle Suarez - Board of Trustees of the Nebraska State Colleges  
Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,  
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

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

Linda Poole - Technical Advisory Committee for Statewide Assessment  
Richard Sawyer - Technical Advisory Committee for Statewide Assessment

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,  
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

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

Glenn R. Wilson Jr. - Board of Educational Lands and Funds

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,  
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

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

Patricia M. Kircher - Nebraska Educational Telecommunications  
Commission

Aye: 8 Baker, Cook, Groene, Kolowski, Morfeld, Pansing Brooks, Schnoor,  
Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kate Sullivan, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 73.** Introduced by Ebke, 32; Chambers, 11.

WHEREAS, the President and Vice President of the United States are elected by the Electoral College which consists of 538 presidential electors from the fifty states and the District of Columbia; and

WHEREAS, a candidate must currently receive a majority of 270 electoral votes to win the office of President or Vice President; and

WHEREAS, Article II, Section 1, Clause 2, of the United States Constitution requires each state legislature to determine how presidential electors for each state are chosen; and

WHEREAS, in every state except Maine and Nebraska, presidential electors are chosen by a "winner-take-all" method which awards all presidential electors to the candidate who receives the most votes in those states; and

WHEREAS, Maine and Nebraska use a proportional method whereby presidential electors are allocated based on the popular vote winner within each state's congressional districts and the statewide popular vote winner receives two additional presidential electors; and

WHEREAS, advocates of the proportional method for allocating presidential electors believe it encourages grassroots organizing within each congressional district and incentivizes presidential candidates to broaden their campaigns in otherwise noncompetitive states; and

WHEREAS, in the interest of fairness, all states should have the same method for allocating presidential electors and the proportional method is most democratic method while still maintaining the Electoral College.

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

1. That the Legislature urges each state to adopt or continue the proportional method for allocating presidential electors.
2. That a copy of this resolution be sent to each state legislature.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 366A.** Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 366, One Hundred Fourth Legislature, First Session, 2015.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Kolterman - LB373

Coash - LB485

**VISITORS**

Visitors to the Chamber were 27 members of Leadership Hastings; 7 seventh- and eighth-grade students, teacher, and sponsors from Platte Valley Christian School; Katie Fischer Ziegler, NCSL Liaison from Denver, CO; and 20 members of Leadership Lincoln County.

The Doctor of the Day was Dr. John A. Craig from Omaha.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Wednesday, February 25, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

