

THIRTY-THIRD DAY - FEBRUARY 25, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 2016

PRAYER

The prayer was offered by Pastor Roger Criser, Harrison Street Baptist Church, La Vista.

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 Senators Cook, Gloor, Larson, and McCoy who were excused; and Senators Campbell, K. Haar, Morfeld, Murante, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 332, line 7, after "Watermeier, 1" insert "; Krist, 10".
The Journal for the ninth day was approved as corrected.

The Journal for the thirty-second day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 24, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131, 136e, 270e, 275, 471e, 474, 474A, 665, 666, 667, 695, 699, 702, 737, 751e, 759e, 760, 761, 771, 775e, 853, and 876 were received in my office on February 18, 2016.

These bills were signed and delivered to the Secretary of State on February 24, 2016.

Sincerely,
 (Signed) Pete Ricketts
 Governor

COMMITTEE REPORT(S)
 Judiciary

LEGISLATIVE BILL 829. Placed on General File with amendment.
 AM2056

- 1 1. On page 5, line 4, after the first "disclose" insert "to a
 2 designated recipient"; in line 24 after "fiduciary" insert "or a
 3 designated recipient"; in line 25 after "fiduciary" insert "or a
 4 designated recipient"; and in line 27 after "fiduciary's" insert "or
 5 designated recipient's".
 6 2. On page 11, line 31, after "fiduciary's" insert "or designated
 7 recipient's".
 8 3. On page 12, line 5, after "(3)" insert "in the case of a
 9 fiduciary".

LEGISLATIVE BILL 835. Placed on General File with amendment.
 AM2138 is available in the Bill Room.

(Signed) Les Seiler, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 24, 2016, 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

Dwyer, Micheal
 Nebraska State Volunteer Firefighters' Association
 Klute, Anne M. N.
 Associated Builders and Contractors, Inc.
 Linehan, Katie
 Educate Nebraska
 McCabe, Lisa
 CTIA - The Wireless Association
 Meckler, Mark
 Convention of States Action
 Radcliffe, Walter H. of Radcliffe and Associates
 University of Nebraska (Withdrawn 02/24/2016)

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>

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB938:

AM2301

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

3 Section 1. Sections 1 to 31 of this act shall be known and may be
4 cited as the 911 Service System Act.

5 Sec. 2. The purpose of the 911 Service System Act is to establish
6 the Public Service Commission as the statewide implementation and
7 coordinating authority to plan, implement, coordinate, manage, maintain,
8 and provide funding assistance for a 911 service system consistent and
9 compatible with national public safety standards advanced by recognized
10 standards and development organizations.

11 Sec. 3. It is the intent of the Legislature that:

12 (1) The commission plan, implement, coordinate, manage, maintain,
13 and provide funding assistance for a cost-efficient 911 service system;

14 (2) The commission provide for the coordination of 911 service on a
15 statewide basis;

16 (3) Local governing bodies be responsible for the dispatch and
17 provision of emergency services;

18 (4) As part of the coordination of statewide 911 service, the
19 commission secure stakeholder support and provide public education,
20 training, standards enforcement, dispute resolution, and program
21 evaluation for public safety answering points;

22 (5) The jurisdictions of the state, regional, and local governing
23 bodies be clearly defined and aligned to produce the most efficient
24 provision of 911 service, including next-generation 911 service
25 capability;

26 (6) The commission adopt statewide uniform standards for technical
27 support, training efficiency, and quality assurance for public safety
1 answering points;

2 (7) The express authority granted to the commission to implement the
3 911 Service System Act not be deemed to supersede or otherwise modify
4 section 86-124 or to provide the commission with any additional authority
5 not provided by law, including, but not limited to, regulatory authority
6 over originating service providers; and

7 (8) Except as specifically provided in the 911 Service System Act,
8 nothing in the 911 Service System Act be deemed to supersede or modify
9 any commission authority provided by law or any commission order, rule,
10 or regulation.

11 Sec. 4. For purposes of the 911 Service System Act, the definitions
12 found in sections 5 to 24 of this act apply.

13 Sec. 5. Basic 911 service means an emergency telephone system which
14 automatically connects a 911 call to a designated public safety answering
15 point.

16 Sec. 6. Commission means the Public Service Commission.

17 Sec. 7. Emergency services means the provision through a public
18 safety agency of firefighting, law enforcement, ambulance, emergency,
19 medical, or other public emergency services, as determined by a local
20 governing body, to respond to and manage emergency incidents.

21 Sec. 8. Enhanced-911 service has the same meaning as in section
22 86-425.

23 Sec. 9. Enhanced wireless 911 service has the same meaning as in
24 section 86-448.

25 Sec. 10. Interconnected voice over Internet protocol service means
26 an interconnected voice over Internet protocol service as defined in 47
27 C.F.R. part 9, as such regulations existed on January 1, 2016.

28 Sec. 11. Internet protocol means the method by which data is sent
29 from one computer to another on the Internet or other networks.

30 Sec. 12. Internet protocol-enabled service means any service,
31 capability, functionality, or application provided using Internet
1 protocol, or any successor protocol, that enables a service user to send
2 or receive a communication in Internet protocol format including, but not
3 limited to, voice, data, or video.

4 Sec. 13. Local governing body means a county board, city council of
5 a city, board of trustees of a village, board of directors of any rural
6 or suburban fire protection district, or any governing body of an entity
7 created pursuant to the Interlocal Cooperation Act or the Joint Public
8 Agency Act.

9 Sec. 14. Network means (1) a legacy telecommunications network that
10 supports basic 911 service and enhanced-911 service or (2) a managed
11 Internet protocol network that is used for 911 calls, that can be shared
12 by all public safety answering points, and that provides the Internet
13 protocol transport infrastructure upon which independent application
14 platforms and core functional processes can be deployed, including, but
15 not limited to, those necessary for providing next-generation 911 service
16 capability. A network may be constructed from a mix of dedicated and
17 shared facilities and may be interconnected at local, regional, state,
18 national, and international levels.

19 Sec. 15. Next-generation 911 means an Internet protocol-based
20 system (1) comprised of networks, functional elements, and data bases
21 that replicate basic 911 service and enhanced-911 service features and
22 functions and provide additional capabilities and (2) designed to provide
23 access to emergency services from all connected communications sources
24 and to provide multimedia data capabilities for public safety answering
25 points and other emergency services organizations.

26 Sec. 16. Next-generation 911 service means 911 service using in
27 whole or in part next-generation 911.

28 Sec. 17. 911 call means any form of communication requesting any
29 type of emergency services by contacting a public safety answering point,
30 including voice or nonvoice communications as well as transmission of any

31 analog or digital data. 911 call includes a voice call, video call, text
1 message, or data-only call.

2 Sec. 18. 911 service means the service a public safety answering
3 point uses to receive and process 911 calls over a 911 service system.

4 Sec. 19. 911 service system means a coordinated system of
5 technologies, software applications, data bases, customer-premise
6 equipment components, and operations and management procedures used to
7 provide 911 service through the operation of an efficient and effective
8 network for accepting, processing, and delivering 911 calls to a public
9 safety answering point, including, but not limited to, basic 911 service,
10 enhanced-911 service, enhanced wireless 911 service, next-generation 911
11 service, and any emerging technologies, networks, and systems that allow
12 access to 911 service.

13 Sec. 20. Originating service provider means an entity that provides
14 the capability for customers to originate 911 calls to public safety
15 answering points.

16 Sec. 21. Public safety agency means an agency which provides
17 emergency services.

18 Sec. 22. Public safety answering point means a local governmental
19 entity responsible for receiving 911 calls and processing those calls
20 according to a specific operational policy.

21 Sec. 23. Service user means any person who initiates a 911 call to
22 receive emergency services.

23 Sec. 24. Stakeholder means a public safety answering point, a
24 public safety agency, and any person, organization, agency of government,
25 originating service provider, or other organization that has a vital
26 interest in the 911 service system.

27 Sec. 25. The commission shall:

28 (1) Serve as the statewide coordinating authority for the
29 implementation of the 911 service system;

30 (2) Be responsible for statewide planning, implementation,
31 coordination, funding assistance, deployment, and management and
1 maintenance of the 911 service system to ensure that coordinated 911
2 service is provided to all residents of the state at a consistent level
3 of service in a cost-effective manner;

4 (3) Be responsible for establishing mandatory and uniform technical
5 and training standards applicable to public safety answering points and
6 adopting and promulgating rules and regulations applicable to public
7 safety answering points for quality assurance standards; and

8 (4) Be responsible for consulting with and seeking advice and
9 assistance from stakeholders, including:

10 (a) Public safety answering points;

11 (b) Public safety agencies;

12 (c) Originating service providers, including at least one
13 representative from each of the following: A wireline local exchange
14 service provider, a wireless provider, and an interconnected voice over
15 Internet protocol service provider;

16 (d) Municipal and county officials; and

17 (e) The Chief Information Officer.

18 Sec. 26. The commission shall appoint a state 911 director to
19 manage the department established within the commission for the 911
20 service system. The commission shall ensure that the department has all
21 necessary staffing and resources. The commission may retain contracted
22 experts or consultants who may be required for the administration of the
23 911 Service System Act. The commission and the state 911 director shall
24 establish an advisory committee to provide input on technical training,
25 quality assurance, funding, and operation and maintenance of the 911
26 service system. Advisory committee members shall be approved by the
27 commission.

28 Sec. 27. (1) The commission and the state 911 director shall
29 develop and prepare a plan for a 911 service system, to be approved by
30 the commission, and to be implemented by the commission and the state 911
31 director on or after July 1, 2018. The commission shall hold at least two
1 public hearings on the plan: One hearing at least ninety days prior to
2 the adoption of the plan; and one hearing at least thirty days prior to
3 the adoption of the plan. The commission shall present the adopted plan
4 to the Appropriations Committee of the Legislature and the Transportation
5 and Telecommunications Committee of the Legislature no later than
6 December 1, 2017. The state 911 director, with the approval of the
7 commission, shall prepare and provide a report to the Appropriations
8 Committee and the Transportation and Telecommunications Committee on the
9 progress of the development of the plan no later than February 1, 2017.
10 The report shall be submitted electronically.

11 (2) The plan adopted by the commission shall, at a minimum, detail
12 the following:

13 (a) The costs associated with the implementation and estimated
14 ongoing operation and maintenance of the 911 service system. The
15 discussion of costs shall detail which costs the commission determines
16 should be paid from the Enhanced Wireless 911 Fund and the 911 Service
17 System Fund, which costs would be the obligation of local governing
18 bodies, and how the proposed costs represent a cost-effective plan;

19 (b) Recommendations to the Legislature for cost recovery for the
20 implementation, operation, and maintenance of the 911 service system;
21 (c) The commission's proposal for carrying out its role as
22 coordinator of the 911 service system;

23 (d) A recommendation of the number of public safety answering points
24 that should be maintained in the state that are capable of next-
25 generation 911 service; and

26 (e) Recommendations for any additional legislation required to
27 implement the 911 service system.

28 Sec. 28. The 911 Service System Fund is created. The fund shall
29 consist of money transferred from the Enhanced Wireless 911 Fund, any
30 federal funds received for implementation and development of 911 service,
31 and any other money designated for credit to the 911 Service System Fund.
1 The fund shall be used for the costs of administering the fund and for
2 the purposes specified in the 911 Service System Act. The fund shall not
3 be subject to any fiscal-year limitation or lapse provision of unexpended
4 balance at the end of any fiscal year or biennium. Any money in the fund

5 available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 Sec. 29. The Public Service Commission, consistent with requirements
9 established by the Federal Communications Commission, shall require each
10 public safety answering point receiving funding pursuant to the Enhanced
11 Wireless 911 Services Act and the 911 Service System Act to obtain live
12 call data from any wireless carrier operating within the jurisdiction of
13 such public safety answering point. The Public Service Commission shall
14 assist the public safety answering point in determining wireless carrier
15 compliance with the wireless E-911 location accuracy requirements
16 established by the Federal Communications Commission. The Public Service
17 Commission shall, when requested by a public safety answering point,
18 assist such public safety answering point in pursuing an enforcement
19 proceeding with the Federal Communications Commission against any
20 wireless carrier not in compliance with federal requirements.

21 Sec. 30. The express authority granted to the commission to
22 implement the 911 Service System Act shall not be deemed to supersede or
23 otherwise modify section 86-124 or to provide the commission with any
24 additional authority not provided by law, including, but not limited to,
25 regulatory authority over originating service providers.

26 Sec. 31. The 911 Service System Act terminates on June 30, 2018.

27 Sec. 32. Section 86-163, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 86-163 The commission shall file with the Clerk of the Legislature
30 an annual report on or before September 30 of each year on the status of
31 the Nebraska telecommunications industry. The report shall be submitted
1 in electronic format. The report shall:

- 2 (1) Describe the quality of telecommunications service being
3 provided to the citizens of Nebraska;
- 4 (2) Describe the availability of diverse and affordable
5 telecommunications service to all of the people of Nebraska;
- 6 (3) Describe the level of telecommunications service rates;
- 7 (4) Describe the use and continued need for the Nebraska
8 Telecommunications Universal Service Fund;
- 9 (5) Describe the availability and location of 911 service and E-911
10 service as required by section 86-437;
- 11 (6) Describe the availability and location of wireless 911 service
12 or enhanced wireless 911 service as required by section 86-460;
- 13 (7) Address the need for further legislation to achieve the purposes
14 of the Nebraska Telecommunications Regulation Act; ~~and~~
- 15 (8) Address the funding level of the Nebraska Competitive Telephone
16 Marketplace Fund and an accounting of commission expenses related to its
17 duties under section 86-127; ~~and~~ -
- 18 (9) Assess the level of wireless location accuracy compliance for
19 wireless carriers.

20 Sec. 33. Section 86-458, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 86-458 The commission shall hold a public hearing annually to

23 determine the amount of revenue necessary to carry out the Enhanced
 24 Wireless 911 Services Act and the 911 Service System Act. After the
 25 hearing, the commission shall determine the amount of money to be
 26 deposited in the Enhanced Wireless 911 Fund for the following year and
 27 shall set the surcharge subject to the limitation in section 86-457.

28 Sec. 34. Section 86-463, Reissue Revised Statutes of Nebraska, is
 29 amended to read:

30 86-463 The Enhanced Wireless 911 Fund is created. The fund shall
 31 consist of the surcharges credited to the fund, any money appropriated by
 1 the Legislature, any federal funds received for wireless emergency
 2 communication except as otherwise provided in section 28 of this act, and
 3 any other funds designated for credit to the fund. Money in the fund
 4 shall be used for the costs of administering the fund and the purposes
 5 specified in section 86-465 unless otherwise directed by federal law with
 6 respect to any federal funds. Money shall be transferred from the fund to
 7 the 911 Service System Fund at the direction of the Legislature. The
 8 costs of administering the Enhanced Wireless 911 Fund ~~fund~~ shall be kept
 9 to a minimum. The money in the Enhanced Wireless 911 Fund ~~fund~~ shall not
 10 be subject to any fiscal-year limitation or lapse provision of unexpended
 11 balance at the end of any fiscal year or biennium. ~~Interest accruing to~~
 12 ~~the fund from invested fund balances may be transferred to the General~~
 13 ~~Fund at the direction of the Legislature through June 30, 2010.~~ Any money
 14 in the Enhanced Wireless 911 Fund available for investment shall be
 15 invested by the state investment officer pursuant to the Nebraska Capital
 16 Expansion Act and the Nebraska State Funds Investment Act.
 17 Sec. 35. Original sections 86-163, 86-458, and 86-463, Reissue
 18 Revised Statutes of Nebraska, are repealed.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 772. Placed on Select File.

LEGISLATIVE BILL 1059. Placed on Select File with amendment.

ER170

1 1. On page 1, strike beginning with "municipalities" in line 1
 2 through line 5 and insert "municipalities; to amend sections 18-2119,
 3 18-2701, 18-2703, and 18-2714, Reissue Revised Statutes of Nebraska, and
 4 section 18-2705, Revised Statutes Supplement, 2015; to require certain
 5 disclosures under the Community Development Law and the Local Option
 6 Municipal Economic Development Act; to provide for redeveloper duties; to
 7 define and redefine terms; to provide for workforce housing plan and
 8 economic development program disclosures; to harmonize provisions; to
 9 provide severability; and to repeal the original sections."

LEGISLATIVE BILL 730. Placed on Select File.

LEGISLATIVE BILL 830. Placed on Select File with amendment.

ER171

1 1. On page 1, strike beginning with "state" in line 1 through line 3
2 and insert "employment law; to amend section 81-1328, Reissue Revised
3 Statutes of Nebraska, and section 48-604, Revised Statutes Cumulative
4 Supplement, 2014; to redefine employment under the Employment
Security
5 Law; to change provisions relating to vacation leave and to authorize
6 payment for unused vacation leave for state employees as prescribed; and
7 to repeal the original sections."

LEGISLATIVE BILL 704. Placed on Select File.

(Signed) Matt Hansen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 451. Introduced by Stinner, 48.

WHEREAS, Quentin Munoz, a member of Troop 17 of Gering, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; 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, Quentin 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

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

Laid over.

LEGISLATIVE RESOLUTION 452. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to establish a study group to examine issues surrounding the potential need to provide financial assistance for home accessibility modifications for people with disabilities, including the elderly. The issues addressed by this study group shall include, but not be limited to, the following:

(1) The feasibility of the State of Nebraska providing some form of financial assistance for home accessibility modifications for people with disabilities, including the elderly;

(2) A comparison of possible methods for providing such financial assistance, including home accessibility modification tax credits, grant programs, or low-interest or zero-interest loans;

(3) A comparison of other states' programs that provide financial assistance for home accessibility modifications;

(4) Recommendations regarding individuals' eligibility for such financial assistance;

(5) Recommendations regarding the types of modifications which could be eligible for such financial assistance;

(6) An analysis and comparison of the potential costs, to both the State of Nebraska and individuals, of financial assistance for home accessibility modifications versus institutional care; and

(7) An analysis of the potential implications of providing financial assistance for home accessibility modifications, such as implications for health, safety, personal independence, employment, and the state budget and economy.

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

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

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 1, 2017.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 188. Senator Chambers renewed his motion, MO191, found on page 710, to recommit to the Judiciary Committee.

Senator Chambers offered the following motion:

MO192

Bracket until April 20, 2016.

Senator Watermeier offered the following motion:

MO193

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Senator Watermeier requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 31:

Baker	Fox	Hughes	Murante	Sullivan
Bloomfield	Friesen	Johnson	Riepe	Watermeier
Brasch	Garrett	Kintner	Scheer	Williams
Coash	Groene	Kolterman	Schilz	
Craighead	Hadley	Kuehn	Schnoor	
Crawford	Harr, B.	Lindstrom	Smith	
Ebke	Hilkemann	Mello	Stinner	

Voting in the negative, 9:

Campbell	Haar, K.	Krist	Pansing Brooks Seiler
Chambers	Kolowski	Morfeld	Schumacher

Present and not voting, 4:

Bolz	Davis	Hansen	McCollister
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Excused and not voting, 5:

Cook	Gloor	Howard	Larson	McCoy
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The Watermeier motion to invoke cloture failed with 31 ayes, 9 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Education

The Education 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.

Charles Ward - Board of Educational Lands and Funds

Aye: 8 Baker, Groene, Kolowski, Krist, 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.

Colleen Adam - Coordinating Commission for Postsecondary Education

Aye: 8 Baker, Groene, Kolowski, Krist, 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.

Ronald Hunter - Coordinating Commission for Postsecondary Education

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

(Signed) Kate Sullivan, Chairperson

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 987. Placed on General File with amendment.

AM2161

1 1. On page 3, line 10, strike "and" and insert "or"; in line 11
2 strike the first "and" and insert "or"; and in line 13 after the period
3 insert "The executive board shall appoint a chairperson and vice-
4 chairperson of the committee.".

(Signed) Bob Krist, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 453. Introduced by Stinner, 48.

WHEREAS, Grady Sherrell, a member of Troop 17 of Gering, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; 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, Grady 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, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

1. That the Legislature congratulates Grady Sherrell on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Grady Sherrell.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Mello filed the following amendment to LB188:

AM2312

1 1. In the Standing Committee amendments, AM374, on page 1, lines 7
2 and 8, strike "amounting to, a" and insert "constituting, a Class I,
3 Class II, or Class III".

4 2. On page 4, line 1; and page 6, line 3, after "personnel" insert
5 "for conduct chargeable as, or constituting, a Class I, Class II, or
6 Class III felony".

Senator Coash filed the following amendment to LB934:

AM2276

(Amendments to Standing Committee amendments, AM2190)

1 1. Insert the following new sections:

2 Section 1. Section 28-101, Revised Statutes Supplement, 2015, is
3 amended to read:

4 28-101 Sections 28-101 to ~~28-468, 28-470~~ to 28-1357, 28-1418.01, and
5 28-1429.03 and sections 5 and 6 of this act shall be known and may be
6 cited as the Nebraska Criminal Code.

7 Sec. 2. Section 28-348, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 28-348 Sections 28-348 to 28-387 and sections 5 and 6 of this act
10 shall be known and may be cited as the Adult Protective Services Act.

11 Sec. 3. Section 28-350, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 28-350 For purposes of the Adult Protective Services Act, unless the
14 context otherwise requires, the definitions found in sections 28-351 to
15 28-371 and sections 5 and 6 of this act shall be used.

16 Sec. 4. Section 28-358, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 28-358 Exploitation means the wrongful or unauthorized taking,

19 withholding, appropriation, conversion, control, or use of money, funds,
 20 securities, assets, or any other ~~of~~ property of a vulnerable adult or
 21 senior adult by any person by means of undue influence, breach of a
 22 fiduciary relationship, deception, ~~or~~ extortion, intimidation, force or
 23 threat of force, isolation, or ~~by~~ any unlawful means or by the breach of
 24 a fiduciary duty by the guardian, conservator, agent under a power of
 25 attorney, trustee, or any other fiduciary of a vulnerable adult or senior
 26 adult.

1 Sec. 5. Isolation means intentional acts (1) committed for the
 2 purpose of preventing, and which do prevent, a vulnerable adult or senior
 3 adult from having contact with family, friends, or concerned persons; (2)
 4 committed to prevent a vulnerable adult or senior adult from receiving
 5 his or her mail or telephone calls; (3) of physical or chemical restraint
 6 of a vulnerable adult or senior adult committed for the purpose of
 7 preventing contact with visitors, family, friends, or other concerned
 8 persons; or (4) which restrict, place, or confine a vulnerable adult or
 9 senior adult in a restricted area for the purposes of social deprivation
 10 or preventing contact with family, friends, visitors, or other concerned
 11 persons, but not including medical isolation prescribed by a licensed
 12 physician caring for the vulnerable adult or senior adult. Isolation does
 13 not include (1) medical isolation prescribed by a licensed physician
 14 caring for the vulnerable adult or senior adult; (2) action taken in
 15 compliance with a harassment protection order issued pursuant to section
 16 28-311.09, a valid foreign harassment protection order recognized under
 17 section 28-311.10, an order issued pursuant to section 42-924, an ex
 18 parte order issued pursuant to section 42-925, an order excluding a
 19 person from certain premises issued pursuant to section 42-357, a valid
 20 foreign protection order recognized pursuant to section 42-931; or (3)
 21 action authorized by an administrator of a nursing home pursuant to
 22 section 71-6021.

23 Sec. 6. Senior adult means any person sixty-five years of age or
 24 older.

25 Sec. 7. Section 28-371, Reissue Revised Statutes of Nebraska, is
 26 amended to read:

27 28-371 Vulnerable adult ~~means shall mean~~ any person eighteen years
 28 of age or older who has a substantial mental or functional impairment or
 29 for whom a guardian or conservator has been appointed under the Nebraska
 30 Probate Code.

31 Sec. 8. Section 28-374, Revised Statutes Cumulative Supplement,
 1 2014, is amended to read:

2 28-374 (1) The department shall investigate each case of alleged
 3 abuse, neglect, or exploitation of a vulnerable adult and shall provide
 4 such adult protective services as are necessary and appropriate under the
 5 circumstances.

6 (2) In each case of alleged abuse, neglect, or exploitation, the
 7 department may make a request for further assistance from the appropriate
 8 law enforcement agency or initiate such action as may be appropriate
 9 under the circumstances.

10 (3) The department shall make a written report or case summary to

11 the appropriate law enforcement agency and to the registry of all
12 reported cases of abuse, neglect, or exploitation and action taken.
13 (4) The department shall deliver a written report or case summary to
14 the appropriate county attorney if the investigation indicates a
15 reasonable cause to believe that a violation of section 28-386 has
16 occurred.

17 Sec. 9. Section 28-386, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 28-386 (1) A person commits knowing and intentional abuse, neglect,
20 or exploitation of a vulnerable adult or senior adult if he or she
21 through a knowing and intentional act causes or permits a vulnerable
22 adult or senior adult to be:

- 23 (a) Physically injured;
- 24 (b) Unreasonably confined;
- 25 (c) Sexually abused;
- 26 (d) Exploited;
- 27 (e) Cruelly punished;
- 28 (f) Neglected; or
- 29 (g) Sexually exploited.

30 (2) Knowing and intentional abuse, neglect, or exploitation of a
31 vulnerable adult or senior adult is a Class IIIA felony.

1 Sec. 10. Section 29-110, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 29-110 (1) Except as otherwise provided by law, no person shall be
4 prosecuted for any felony unless the indictment is found by a grand jury
5 within three years next after the offense has been done or committed or
6 unless a complaint for the same is filed before the magistrate within
7 three years next after the offense has been done or committed and a
8 warrant for the arrest of the defendant has been issued.

9 (2) Except as otherwise provided by law, no person shall be
10 prosecuted, tried, or punished for any misdemeanor or other indictable
11 offense below the grade of felony or for any fine or forfeiture under any
12 penal statute unless the suit, information, or indictment for such
13 offense is instituted or found within one year and six months from the
14 time of committing the offense or incurring the fine or forfeiture or
15 within one year for any offense the punishment of which is restricted by
16 a fine not exceeding one hundred dollars and to imprisonment not
17 exceeding three months.

18 (3) Except as otherwise provided by law, no person shall be
19 prosecuted for kidnapping under section 28-313, false imprisonment under
20 section 28-314 or 28-315, child abuse under section 28-707, pandering
21 under section 28-802, debauching a minor under section 28-805, or an
22 offense under section 28-813, 28-813.01, or 28-1463.03 when the victim is
23 under sixteen years of age at the time of the offense (a) unless the
24 indictment for such offense is found by a grand jury within seven years
25 next after the offense has been committed or within seven years next
26 after the victim's sixteenth birthday, whichever is later, or (b) unless
27 a complaint for such offense is filed before the magistrate within seven
28 years next after the offense has been committed or within seven years

29 next after the victim's sixteenth birthday, whichever is later, and a
30 warrant for the arrest of the defendant has been issued.

31 (4) No person shall be prosecuted for a violation of the Securities
1 Act of Nebraska under section 8-1117 unless the indictment for such
2 offense is found by a grand jury within five years next after the offense
3 has been done or committed or unless a complaint for such offense is
4 filed before the magistrate within five years next after the offense has
5 been done or committed and a warrant for the arrest of the defendant has
6 been issued.

7 (5) No person shall be prosecuted for criminal impersonation under
8 section 28-638, identity theft under section 28-639, or identity fraud
9 under section 28-640 unless the indictment for such offense is found by a
10 grand jury within five years next after the offense has been done or
11 committed or unless a complaint for such offense is filed before the
12 magistrate within five years next after the offense has been done or
13 committed and a warrant for the arrest of the defendant has been issued.

14 (6) No person shall be prosecuted for a violation of section 68-1017
15 if the aggregate value of all funds and other benefits obtained or
16 attempted to be obtained is five hundred dollars or more unless the
17 indictment for such offense is found by a grand jury within five years
18 next after the offense has been done or committed or unless a complaint
19 for such offense is filed before the magistrate within five years next
20 after the offense has been done or committed and a warrant for the arrest
21 of the defendant has been issued.

22 (7) No person shall be prosecuted for knowing and intentional abuse,
23 neglect, or exploitation of a vulnerable adult or senior adult under
24 section 28-386 unless the indictment for such offense is found by a grand
25 jury within six years next after the offense has been done or committed
26 or unless a complaint for such offense is filed before the magistrate
27 within six years next after the offense has been done or committed and a
28 warrant for the arrest of the defendant has been issued.

29 (8 ~~7~~) There shall not be any time limitations for prosecution or
30 punishment for treason, murder, arson, forgery, sexual assault in the
31 first or second degree under section 28-319 or 28-320, sexual assault of
1 a child in the second or third degree under section 28-320.01, incest
2 under section 28-703, or sexual assault of a child in the first degree
3 under section 28-319.01; nor shall there be any time limitations for
4 prosecution or punishment for sexual assault in the third degree under
5 section 28-320 when the victim is under sixteen years of age at the time
6 of the offense.

7 (9 ~~8~~) The time limitations prescribed in this section shall include
8 all inchoate offenses pursuant to the Nebraska Criminal Code and
9 compounding a felony pursuant to section 28-301.

10 (10 ~~9~~) The time limitations prescribed in this section shall not
11 extend to any person fleeing from justice.

12 (11 ~~10~~) When any suit, information, or indictment for any crime or
13 misdemeanor is limited by any statute to be brought or exhibited within
14 any other time than is limited by this section, then the suit,
15 information, or indictment shall be brought or exhibited within the time

16 limited by such statute.

17 (~~12 44~~) If any suit, information, or indictment is quashed or the
18 proceedings set aside or reversed on writ of error, the time during the
19 pendency of such suit, information, or indictment so quashed, set aside,
20 or reversed shall not be reckoned within this statute so as to bar any
21 new suit, information, or indictment for the same offense.

22 (~~13 42~~) The changes made to this section by Laws 2004, LB 943, shall
23 apply to offenses committed prior to April 16, 2004, for which the
24 statute of limitations has not expired as of such date and to offenses
25 committed on or after such date.

26 (~~14 43~~) The changes made to this section by Laws 2005, LB 713, shall
27 apply to offenses committed prior to September 4, 2005, for which the
28 statute of limitations has not expired as of such date and to offenses
29 committed on or after such date.

30 (~~15 44~~) The changes made to this section by Laws 2009, LB 97, and
31 Laws 2006, LB 1199, shall apply to offenses committed prior to May 21,
1 2009, for which the statute of limitations has not expired as of such
2 date and to offenses committed on or after such date.

3 (~~16 45~~) The changes made to this section by Laws 2010, LB809, shall
4 apply to offenses committed prior to July 15, 2010, for which the statute
5 of limitations has not expired as of such date and to offenses committed
6 on or after such date.

7 (17) The changes made to this section by this legislative bill shall
8 apply to offenses committed prior to the effective date of this act for
9 which the statute of limitations has not expired as of such date and to
10 offenses committed on or after such date.

11 2. On page 1, lines 19 and 20; page 2, lines 2 and 3 and 11 and 12;
12 and page 3, lines 9 and 10, strike "section 30-2222, 30-2619, or 30-2636"
13 and insert "the Nebraska Probate Code".

14 3. Renumber the remaining sections and correct internal references
15 and the repealer accordingly.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 994. Placed on General File.

LEGISLATIVE BILL 716. Placed on General File with amendment.

AM2134

1 1. On page 3, line 11, strike "signal" and insert "device".
2 2. On page 4, line 28, after "highway" insert "when indicated by a
3 traffic control device"; and strike beginning with "A" in line 30 through
4 the period in line 31.

LEGISLATIVE BILL 973. Placed on General File with amendment.

AM2001

1 1. On page 2, line 17, after "(2)" insert "(a)"; and after line 31
2 insert the following new subdivision:
3 "(b) Any person, firm, or corporation, or any employee thereof

4 violating any provisions of this subsection shall be guilty of a Class II
5 misdemeanor."
6 2. On page 3, strike lines 1 through 3; and in line 6 strike
7 "subsection (3)" and insert "subdivision (2)(b)".

LEGISLATIVE BILL 900. Placed on General File with amendment.
AM1957 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

PRESIDENT FOLEY PRESIDING

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 437 and 438 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 437 and 438.

GENERAL FILE

LEGISLATIVE BILL 447. Title read. Considered.

Committee AM1979, found on page 644, was offered.

Senator Kolterman offered his amendment, AM2282, found on page 712, to the committee amendment.

The Kolterman amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Mello withdrew his amendment, AM1815, found on page 172.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 447A. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 897. Title read. Considered.

Committee AM1968, found on page 636, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

COMMITTEE REPORT(S)
Natural Resources

LEGISLATIVE BILL 712. Placed on General File.

LEGISLATIVE BILL 902. Placed on General File with amendment.
AM2287

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 66-202, Revised Statutes Supplement, 2015, is
4 amended to read:
5 66-202 For purposes of the Nebraska Clean-burning Motor Fuel
6 Development Act:
7 (1) Flex-fuel dispenser means a fuel dispenser that is certified by
8 the manufacturer for use with ethanol blended fuels containing at least
9 fifteen percent by volume ethanol;
10 (2) Motor vehicle means a motor vehicle originally designed by the
11 manufacturer to operate lawfully and principally on highways, roads, and
12 streets;
13 (3) Qualified clean-burning motor vehicle fuel means a hydrogen fuel
14 cell, compressed natural gas, liquefied natural gas, liquefied petroleum
15 gas, or gasoline containing at least fifteen percent by volume ethanol;
16 and
17 (4) Qualified clean-burning motor vehicle fuel property means:
18 (a) New equipment that:
19 (i) Is installed:
20 (A) By a certified installer;
21 (B) On a motor vehicle registered pursuant to the Motor Vehicle
22 Registration Act; and
23 (C) To convert a motor vehicle propelled by gasoline or diesel fuel
24 to be propelled by a qualified clean-burning motor vehicle fuel as part
25 of a dedicated, bi-fuel, or dual-fuel system;
26 (ii) Is approved by the United States Environmental Protection
27 Agency under 40 C.F.R. part 85, subpart F, and 40 C.F.R. part 86, subpart
1 S, as such subparts existed on January 1, 2015; and
2 (iii) Has not been used to modify or retrofit any other motor
3 vehicle propelled by gasoline or diesel fuel;
4 (b) With respect to the portion of the basis of a motor vehicle that
5 was originally equipped to be propelled by a qualified clean-burning
6 motor vehicle fuel other than ethanol, the portion of the basis that is
7 attributable to the:

- 8 (i) Storage of the qualified clean-burning motor vehicle fuel;
9 (ii) Delivery of the qualified clean-burning motor vehicle fuel to
10 the motor vehicle's engine; and
11 (iii) Exhaust of gases from the combustion of the qualified clean-
12 burning motor vehicle fuel; or
13 (c) New property that:
14 (i) Is directly related to the dispensing of ethanol-blended fuels
15 containing at least fifteen percent by volume ethanol or the compression
16 and delivery of natural gas from a private home or residence for
17 noncommercial purposes into the fuel tank of a motor vehicle propelled by
18 compressed natural gas; and
19 (ii) Has not been previously installed or used at another location
20 to refuel motor vehicles powered by natural gas.

21 Sec. 2. Section 66-203, Revised Statutes Supplement, 2015, is
22 amended to read:

- 23 66-203 (1) The State Energy Office shall offer a rebate for
24 qualified clean-burning motor vehicle fuel property.
25 (2)(a) The rebate for qualified clean-burning motor vehicle fuel
26 property as defined in subdivisions (4)(a) and (b) of section 66-202 is
27 the lesser of fifty percent of the cost of the qualified clean-burning
28 motor vehicle fuel property or four thousand five hundred dollars for
29 each motor vehicle.
30 (b) A qualified clean-burning motor vehicle fuel property is not
31 eligible for a rebate under this section if the person or entity applying
1 for the rebate has claimed another rebate or grant for the same motor
2 vehicle under any other state rebate or grant program.
3 (3) The rebate for qualified clean-burning motor vehicle fuel
4 property as defined in subdivision (4)(c) of section 66-202 is the lesser
5 of fifty percent of the cost of the qualified clean-burning motor vehicle
6 fuel property or two thousand five hundred dollars for each qualified
7 clean-burning motor vehicle fuel property.
8 (4) No qualified clean-burning motor vehicle fuel property shall
9 qualify for more than one rebate under this section.

10 Sec. 3. Section 66-204, Revised Statutes Supplement, 2015, is
11 amended to read:

- 12 66-204 (1) The Clean-burning Motor Fuel Development Fund is created.
13 The fund shall consist of grants, private contributions, and all other
14 sources.
15 (2) The fund shall be used by the State Energy Office to provide
16 rebates under the Nebraska Clean-burning Motor Fuel Development Act up to
17 the amount transferred under subsection (3) of this section. Up to ten
18 percent of the money in the fund may be used by the State Energy Office
19 for administrative costs. No more than thirty-five percent of the money
20 in the fund annually shall be used as rebates for flex-fuel dispensers
21 and conversions of motor vehicles to allow the use of gasoline containing
22 at least fifteen percent by volume ethanol.
23 (3) Within five days after August 30, 2015, the State Treasurer
24 shall transfer five hundred thousand dollars from the General Fund to the
25 Clean-burning Motor Fuel Development Fund to carry out the Nebraska

26 Clean-burning Motor Fuel Development Act.
27 (4) Any money in the fund available for investment shall be invested
28 by the state investment officer pursuant to the Nebraska Capital
29 Expansion Act and the Nebraska State Funds Investment Act.
30 Sec. 4. Original sections 66-202, 66-203, and 66-204, Revised
31 Statutes Supplement, 2015, are repealed.

LEGISLATIVE BILL 1070. Indefinitely postponed.

LEGISLATIVE BILL 1100. Indefinitely postponed.

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 698. Placed on Select File with amendment.

ER172

1 1. In the Campbell amendment, AM2255:

2 a. On page 9, line 24, strike "21" and insert "22"; and

3 b. On page 13, line 25, strike "1 to 14, 17 to 27" and insert "1, 2,
4 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, 17, 18, 19, 20, 21, 22, 23,
5 24, 25, 26, and 27".

6 2. On page 1, line 1, after the semicolon insert "to amend sections
7 71-516.01, 71-516.02, and 71-516.03, Reissue Revised Statutes of
8 Nebraska, section 71-516.04, Revised Statutes Cumulative Supplement,
9 2014, and sections 68-901, 71-401, and 71-403, Revised Statutes
10 Supplement, 2015;" in line 2 strike "and" and after "penalty" insert "
11 to adopt the Assisting Caregiver Transitions Act; to require that certain
12 providers be subject to a national criminal history record information
13 check as prescribed; to define and redefine terms; to provide for a
14 memory care endorsement under the Health Care Facility Licensure Act; to
15 change provisions of the Alzheimer's Special Care Disclosure Act as
16 prescribed; to harmonize provisions; to provide an operative date; to
17 repeal the original sections; and to declare an emergency".

LEGISLATIVE BILL 1022. Placed on Select File.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 954. Placed on Final Reading.

ST61

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

1. On page 1, line 2; and page 11, line 24, "43-2,108.05," has been
inserted after "43-2,108,".

LEGISLATIVE BILL 1016. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LB828:
AM1864 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 454. Introduced by Campbell, 25.

WHEREAS, My'Kah Knowlin, a freshman at Lincoln High School, has achieved national recognition for exemplary volunteer service by receiving a 2016 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, My'Kah earned this honor by creating a network of student role models and mentors at nine schools throughout Nebraska to help stop bullying and support victims; and

WHEREAS, this is the third year that My'Kah has been nationally recognized by Prudential for her dedication to helping others; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like My'Kah who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates My'Kah Knowlin for receiving a 2016 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to My'Kah Knowlin.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 371. Title read. Considered.

Committee AM1268, found on page 1244, First Session, 2015, was offered.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 914A. Introduced by Schilz, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 914, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 455. Introduced by Haar, K., 21; Mello, 5.

WHEREAS, climate change presents serious, diverse, and ongoing issues for Nebraska. Many sectors are impacted, including water resources, agriculture, health care, energy generation and use, ecosystems, forestry, rural and urban communities, and insurance. Nebraska's life-giving water and soil resources will be subject to new stresses and risks. The impacts of climate change are projected to become far more serious for future generations; and

WHEREAS, the 2014 report by the University of Nebraska-Lincoln (UNL) entitled "Understanding and Assessing Climate Change: Implications for Nebraska" provides a compilation of the scientific basis for understanding the impacts of climate change for our state; and

WHEREAS, stakeholder roundtables on the impacts of climate change representing the various sectors impacted by climate change were conducted in 2015 as a followup to the UNL report; and

WHEREAS, both the UNL report and the report from the stakeholder roundtables recommended the creation of a climate action plan. As the UNL report stated, "Action now is preferable and more cost effective than reaction later"; and

WHEREAS, the 2015 Nebraska Rural Poll found that 61 percent of rural Nebraskans agree or strongly agree that the state should develop a plan to address the impacts of climate change; and

WHEREAS, an effective plan is needed both to reduce the potential negative impacts of climate change and to enable the state and its communities to take advantage of opportunities from adaptation and mitigation strategies, including attracting new businesses and investment to Nebraska.

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

1. The Legislature calls for the Executive Board of the Legislative Council to appoint a special committee to examine issues related to the impacts of climate change on the State of Nebraska and its residents, including assessments of vulnerability, risks, and economic impacts. The committee shall also examine opportunities, including methods of producing

food, generating power, or protecting land and water that can be used to adapt and mitigate the impacts of climate change and that will provide jobs and economic benefits to Nebraskans. The committee shall consist of the following members:

(a) The chairperson of the Agriculture Committee of the Legislature or his or her designee;

(b) The chairperson of the Appropriations Committee of the Legislature or his or her designee;

(c) The chairperson of the Health and Human Services Committee of the Legislature or his or her designee;

(d) The chairperson of the Education Committee of the Legislature or his or her designee;

(e) The chairperson of the Natural Resources Committee of the Legislature or his or her designee; and

(f) Two at-large members of the Legislature appointed by the Executive Board of the Legislative Council.

2. The committee members shall select a chairperson and vice-chairperson from the membership of the committee.

3. The committee shall gather, share, examine, and analyze data and information related to the impacts of climate change on the State of Nebraska and its resources and people.

4. The committee shall examine laws, policies, and planning efforts related to climate change in other states, and current laws, programs, and policies in the State of Nebraska that are related to climate change.

5. The committee shall examine funding opportunities including grant programs and opportunities to work with state agencies, political subdivisions, and educational institutions.

6. The committee shall establish a framework for a plan for the State of Nebraska related to the impacts of climate change on Nebraskans that includes:

(a) Measurable goals for addressing the negative impacts of climate change and opportunities to benefit Nebraskans, including strategies for adaptation and mitigation; and

(b) Recommendations for new policies and changes to policies and programs that support such goals based on the information and data collected and generated, as well as funding needs and recommendations for legislation.

7. The committee shall seek information and encourage participation from state agencies, political subdivisions, educational institutions, academic experts, advocacy organizations, and members of the public in exploring methods to address issues of climate change as well as opportunities to adapt, mitigate, and create resiliency related to climate change. The committee may conduct one or more public hearings to gather such information.

8. The committee shall submit a framework for a climate plan together with its findings and recommendations to the Legislature on or before December 31, 2016.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR455 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB975:
AM2308

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

3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Child Placement Services Preservation Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) The State of Nebraska has a critical need to find and retain
7 safe, loving, and supportive homes for children, especially because the
8 number of children needing foster care and adoption placement outnumber
9 the homes available for placement;

10 (2) In order to serve the best interests of the children of this
11 state, the State of Nebraska has a longstanding public-private
12 partnership with a diverse group of faith-based and non-faith-based
13 organizations that work side by side to find and retain safe, loving, and
14 supportive homes for children. Significantly, faith-based organizations
15 have a lengthy history of providing child placement services which
16 predates government involvement;

17 (3) Having as many qualified child-placing agencies in Nebraska as
18 possible is a substantial benefit to the children of Nebraska who are in
19 need of these placement services and to all of the citizens of Nebraska
20 because the more qualified agencies taking part in this process there
21 are, the greater the likelihood that permanent placement can be achieved
22 for each child; and

23 (4) In order to preserve the support that child-placing agencies
24 offer children and families, the government should not take adverse
25 action against child-placing agencies based on their sincerely held
26 religious beliefs.

27 Sec. 3. For purposes of the Child Placement Services Preservation
1 Act:

2 (1) Adverse action includes, but is not limited to, denying a child-
3 placing agency's application for funding, refusing to renew an agency's
4 funding, canceling an agency's funding, declining to enter into a
5 contract with an agency, refusing to renew a contract with an agency,
6 canceling a contract with an agency, denying issuance of a license to an
7 agency, refusing to renew an agency's license, canceling an agency's
8 license, taking an enforcement action against an agency, treating an
9 agency less favorably than similarly situated agencies in regard to
10 participation in a government program, or taking any other action that
11 materially alters the terms or conditions of an agency's funding,
12 contract, or license;

13 (2) Child placement service means arranging the placement of
14 children with foster care and adoptive parents, including placement,
15 promoting foster care and adoption, and recruiting, screening, and
16 training the foster care and adoptive parents;
17 (3) Child-placing agency or agency has the same meaning as in
18 section 71-1926;
19 (4) Department means the Department of Health and Human Services;
20 and
21 (5) State includes the state, its agencies, and its political
22 subdivisions.
23 Sec. 4. (1) To the fullest extent permitted by state and federal
24 law, a child-placing agency shall not be required to provide or
25 facilitate any child placement service if the service conflicts with, or
26 provide or facilitate any child placement service under circumstances
27 that conflict with, the child-placing agency's sincerely held religious
28 beliefs.
29 (2) If a child-placing agency declines to provide or facilitate any
30 child placement service under subsection (1) of this section, the child-
31 placing agency shall promptly provide the person seeking such service
1 with at least one of the following:
2 (a) Contact information for another child-placing agency that is
3 capable of providing the declined service;
4 (b) A list of other child-placing agencies capable of providing the
5 declined service which includes contact information for such agencies; or
6 (c) A link to a web page on the department's web site that includes
7 a list of other child-placing agencies capable of providing the declined
8 service and contact information for the agencies.
9 Sec. 5. To the fullest extent permitted by state and federal law,
10 the state shall not take an adverse action against a child-placing agency
11 because the agency declines to provide or facilitate a child placement
12 service that conflicts with the child-placing agency's sincerely held
13 religious beliefs.
14 Sec. 6. A child-placing agency aggrieved by a violation of section
15 5 of this act may assert that violation as a defense in any
16 administrative or judicial proceeding.
17 Sec. 7. The Child Placement Services Preservation Act shall be
18 construed liberally so as to effectuate its purposes.
19 Sec. 8. If any section in this act or any part of any section is
20 declared invalid or unconstitutional, the declaration shall not affect
21 the validity or constitutionality of the remaining portions.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Garrett - LB947

Smith- LB884

Baker, Campbell, Kolowski, Kolterman, McCollister, Schilz - LB1109

VISITOR(S)

Visitors to the Chamber were 15 members of the Nebraska Utility Contractors Association; members of Scottsbluff/Gering United Chamber, Leadership Scotts Bluff, and Box Butte Leadership; 40 fourth-grade students from David City; 15 members of the American Association of University Women from Omaha and Lincoln; and 60 fourth-grade students, teachers, and sponsors from Ashland-Greenwood Elementary.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Murante, the Legislature adjourned until 10:00 a.m., Monday, February 29, 2016.

Patrick J. O'Donnell
Clerk of the Legislature

