

FORTY-SECOND DAY - MARCH 15, 2016

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION**

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 2016

PRAYER

The prayer was offered by Father Paul Rutten, Bonacum House, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Cook who was excused; and Senators Craighead, K. Haar, Howard, Larson, and Pansing Brooks who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File.

LEGISLATIVE BILL 1109. Placed on Select File.

LEGISLATIVE BILL 794. Placed on Select File.

LEGISLATIVE BILL 867. Placed on Select File with amendment.
ER180 is available in the Bill Room.

LEGISLATIVE BILL 867A. Placed on Select File.

LEGISLATIVE BILL 894. Placed on Select File with amendment.
ER181 is available in the Bill Room.

LEGISLATIVE BILL 1092. Placed on Select File.

LEGISLATIVE BILL 803. Placed on Select File.

LEGISLATIVE BILL 1033. Placed on Select File with amendment.

ER183

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. The Legislature finds and declares that:

4 (1) In 1999 the United States Supreme Court held in the case of
5 Olmstead v. L.C., 527 U.S. 581, that unjustified segregation of persons
6 with disabilities constitutes discrimination in violation of Title II of
7 the federal Americans with Disabilities Act of 1990. The court held that
8 public entities must provide community-based services to persons with
9 disabilities when (a) such services are appropriate, (b) the affected
10 persons do not oppose community-based services, and (c) community-based
11 services can be reasonably accommodated, taking into account the
12 resources available to the public entity and the needs of others who are
13 receiving disability services from the entity. The court stated that
14 institutional placement of persons who can handle and benefit from
15 community-based services perpetuates unwarranted assumptions that persons
16 so isolated are incapable or unworthy of participating in community life,
17 and that confinement in an institution severely diminishes the everyday
18 life activities of individuals, including family relations, social
19 contacts, work options, economic independence, educational advancement,
20 and cultural enrichment;

21 (2) Many Nebraskans with disabilities live in institutional
22 placements where they are segregated and isolated with diminished
23 opportunities to participate in community life; and

24 (3) The United States Supreme Court further stated in the Olmstead
25 decision that development of (a) a comprehensive, effective working plan
26 for providing services to qualified persons with disabilities in the most
27 integrated community-based settings and (b) a waiting list that moves at
1 a reasonable pace could be important ways for a state to demonstrate its
2 commitment to achieving compliance with the federal Americans with
3 Disabilities Act of 1990.

4 Sec. 2. (1) The Department of Health and Human Services shall
5 develop a comprehensive strategic plan for providing services to
6 qualified persons with disabilities in the most integrated community-
7 based settings pursuant to the Olmstead decision.

8 (2) The department shall (a) convene a team consisting of persons
9 from each of the six divisions of the department to assess components of
10 the strategic plan which may be in development; (b) consult with other
11 state agencies that administer programs serving persons with
12 disabilities; (c) appoint and convene a stakeholder advisory committee to
13 assist in the review and development of the strategic plan, such
14 committee members to include a representative from the State Advisory
15 Committee on Mental Health Services, the Advisory Committee on
16 Developmental Disabilities, the Nebraska Statewide Independent Living
17 Council, the Nebraska Planning Council on Developmental Disabilities, the
18 Division of Rehabilitation Services in the State Department of Education,
19 a housing authority in a city of the first or second class and a housing
20 authority in a city of the primary or metropolitan class, the Assistive

21 Technology Partnership, the protection and advocacy system for Nebraska,
 22 an assisted-living organization, the behavioral health regions, mental
 23 health practitioners, developmental disability service providers, an
 24 organization that advocates for persons with developmental disabilities,
 25 an organization that advocates for persons with mental illness, an
 26 organization that advocates for persons with brain injuries, and an area
 27 agency on aging, and including two persons with disabilities representing
 28 self-advocacy organizations, and, at the department's discretion, other
 29 persons with expertise in programs serving persons with disabilities; (d)
 30 determine the need for a consultant to assist with the development of the
 31 strategic plan; (e) provide a preliminary progress report to the
 1 Legislature and the Governor by December 15, 2016, which includes, but is
 2 not limited to, (i) the components of the strategic plan which may be in
 3 development and (ii) the department's recommendation on hiring a
 4 consultant; (f) provide a second progress report to the Legislature and
 5 the Governor by December 15, 2017; and (g) provide the completed
 6 strategic plan to the Legislature and the Governor by December 15, 2018.
 7 The reports and completed plan shall be submitted electronically to the
 8 Legislature.
 9 Sec. 3. Since an emergency exists, this act takes effect when
 10 passed and approved according to law.

LEGISLATIVE BILL 467. Placed on Select File with amendment.
 ER187

1 1. On page 1, strike lines 2 through 7 and insert "to amend sections
 2 81-2014, 81-2014.01, 81-2017, 81-2026, 81-2027.08, and 81-2041, Reissue
 3 Revised Statutes of Nebraska; to define and redefine terms; to change
 4 provisions relating to contributions, benefit calculations, benefit
 5 adjustments, and DROP participation; to provide for cost-of-living
 6 payments as prescribed; to harmonize provisions; to provide severability;
 7 to repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 910. Placed on Select File with amendment.
 ER182

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 47-901, Revised Statutes Supplement, 2015, is
 4 amended to read:
 5 47-901 Sections 47-901 to 47-918 and section 4 of this act shall be
 6 known and may be cited as the Office of Inspector General of the Nebraska
 7 Correctional System Act.
 8 Sec. 2. Section 47-903, Revised Statutes Supplement, 2015, is
 9 amended to read:
 10 47-903 For purposes of the Office of Inspector General of the
 11 Nebraska Correctional System Act, the following definitions apply:
 12 (1) Administrator means a person charged with administration of a
 13 program, an office, or a division of the department or administration of
 14 a private agency;
 15 (2) Department means the Department of Correctional Services;

16 (3) Director means the Director of Correctional Services;
17 (4) Inspector General means the Inspector General of the Nebraska
18 Correctional System appointed under section 47-904;
19 (5) Malfeasance means a wrongful act that the actor has no legal
20 right to do or any wrongful conduct that affects, interrupts, or
21 interferes with performance of an official duty;
22 (6) Management means supervision of subordinate employees;
23 (7) Misfeasance means the improper performance of some act that a
24 person may lawfully do;
25 (8) Obstruction means hindering an investigation, preventing an
26 investigation from progressing, stopping or delaying the progress of an
27 investigation, or making the progress of an investigation difficult or
1 slow;
2 (9) Office means the office of Inspector General of the Nebraska
3 Correctional System and includes the Inspector General and other
4 employees of the office;
5 (10) Office of Parole Administration means the office created
6 pursuant to section 83-1,100.
7 ~~(11) (10)~~ Private agency means an entity that contracts with the
8 department or contracts to provide services to another entity that
9 contracts with the department; and
10 ~~(12) (11)~~ Record means any recording in written, audio, electronic
11 transmission, or computer storage form, including, but not limited to, a
12 draft, memorandum, note, report, computer printout, notation, or message,
13 and includes, but is not limited to, medical records, mental health
14 records, case files, clinical records, financial records, and
15 administrative records.
16 Sec. 3. Section 47-908, Revised Statutes Supplement, 2015, is
17 amended to read:
18 47-908 All employees of the department, all employees of the Office
19 of Parole Administration, and all owners, operators, managers,
20 supervisors, and employees of private agencies shall cooperate with the
21 office. Cooperation includes, but is not limited to, the following:
22 (1) Provision of full access to and production of records and
23 information. Providing access to and producing records and information
24 for the office is not a violation of confidentiality provisions under any
25 statute, rule, or regulation if done in good faith for purposes of an
26 investigation under the Office of Inspector General of the Nebraska
27 Correctional System Act;
28 (2) Fair and honest disclosure of records and information reasonably
29 requested by the office in the course of an investigation under the act;
30 (3) Encouraging employees to fully comply with reasonable requests
31 of the office in the course of an investigation under the act;
1 (4) Prohibition of retaliation by owners, operators, or managers
2 against employees for providing records or information or filing or
3 otherwise making a complaint to the office;
4 (5) Not requiring employees to gain supervisory approval prior to
5 filing a complaint with or providing records or information to the
6 office;

7 (6) Provision of complete and truthful answers to questions posed by
8 the office in the course of an investigation; and
9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 4. The Office of Parole Administration shall provide the
11 Public Counsel and the Inspector General with direct computer access to
12 all computerized records, reports, and documents maintained by the office
13 in connection with administration of the Nebraska parole system, except
14 that access for the Public Counsel and the Inspector General to a
15 parolee's medical or mental health records shall be subject to the
16 parolee's consent.

17 Sec. 5. Section 68-1017.02, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 68-1017.02 (1)(a) The Department of Health and Human Services shall
20 apply for and utilize to the maximum extent possible, within limits
21 established by the Legislature, any and all appropriate options available
22 to the state under the federal Supplemental Nutrition Assistance Program
23 and regulations adopted under such program to maximize the number of
24 Nebraska residents being served under such program within such limits.
25 The department shall seek to maximize federal funding for such program
26 and minimize the utilization of General Funds for such program and shall
27 employ the personnel necessary to determine the options available to the
28 state and issue the report to the Legislature required by subdivision (b)
29 of this subsection.

30 (b) The department shall submit electronically an annual report to
31 the Health and Human Services Committee of the Legislature by December 1
1 on efforts by the department to carry out the provisions of this
2 subsection. Such report shall provide the committee with all necessary
3 and appropriate information to enable the committee to conduct a
4 meaningful evaluation of such efforts. Such information shall include,
5 but not be limited to, a clear description of various options available
6 to the state under the federal Supplemental Nutrition Assistance Program,
7 the department's evaluation of and any action taken by the department
8 with respect to such options, the number of persons being served under
9 such program, and any and all costs and expenditures associated with such
10 program.

11 (c) The Health and Human Services Committee of the Legislature,
12 after receipt and evaluation of the report required in subdivision (b) of
13 this subsection, shall issue recommendations to the department on any
14 further action necessary by the department to meet the requirements of
15 this section.

16 (2)(a) The department shall develop a state outreach plan to promote
17 access by eligible persons to benefits of the Supplemental Nutrition
18 Assistance Program. The plan shall meet the criteria established by the
19 Food and Nutrition Service of the United States Department of Agriculture
20 for approval of state outreach plans. The Department of Health and Human
21 Services may apply for and accept gifts, grants, and donations to develop
22 and implement the state outreach plan.

23 (b) For purposes of developing and implementing the state outreach
24 plan, the department shall partner with one or more counties or nonprofit

25 organizations. If the department enters into a contract with a nonprofit
26 organization relating to the state outreach plan, the contract may
27 specify that the nonprofit organization is responsible for seeking
28 sufficient gifts, grants, or donations necessary for the development and
29 implementation of the state outreach plan and may additionally specify
30 that any costs to the department associated with the award and management
31 of the contract or the implementation or administration of the state
1 outreach plan shall be paid out of private or federal funds received for
2 development and implementation of the state outreach plan.

3 (c) The department shall submit the state outreach plan to the Food
4 and Nutrition Service of the United States Department of Agriculture for
5 approval on or before August 1, 2011, and shall request any federal
6 matching funds that may be available upon approval of the state outreach
7 plan. It is the intent of the Legislature that the State of Nebraska and
8 the Department of Health and Human Services use any additional public or
9 private funds to offset costs associated with increased caseload
10 resulting from the implementation of the state outreach plan.

11 (d) The department shall be exempt from implementing or
12 administering a state outreach plan under this subsection, but not from
13 developing such a plan, if it does not receive private or federal funds
14 sufficient to cover the department's costs associated with the
15 implementation and administration of the plan, including any costs
16 associated with increased caseload resulting from the implementation of
17 the plan.

18 (3)(a)(i) On or before October 1, 2011, the department shall create
19 a TANF-funded program or policy that, in compliance with federal law,
20 establishes categorical eligibility for federal food assistance benefits
21 pursuant to the Supplemental Nutrition Assistance Program to maximize the
22 number of Nebraska residents being served under such program in a manner
23 that does not increase the current gross income eligibility limit.

24 (ii) Such TANF-funded program or policy shall eliminate all asset
25 limits for eligibility for federal food assistance benefits, except that
26 the total of liquid assets which includes cash on hand and funds in
27 personal checking and savings accounts, money market accounts, and share
28 accounts shall not exceed twenty-five thousand dollars pursuant to the
29 Supplemental Nutrition Assistance Program, as allowed under federal law
30 and under 7 C.F.R. 273.2(j)(2).

31 (iii) This subsection becomes effective only if the department
1 receives funds pursuant to federal participation that may be used to
2 implement this subsection.

3 (b) For purposes of this subsection:

4 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
5 U.S.C. 2011 et seq., and regulations adopted under the act; and

6 (ii) TANF means the federal Temporary Assistance for Needy Families
7 program established in 42 U.S.C. 601 et seq.

8 (4) ~~The (4)(a) Within the limits specified in this subsection, the~~
9 State of Nebraska opts out of the provision of the federal Personal
10 Responsibility and Work Opportunity Reconciliation Act of 1996, as such
11 act existed on January 1, 2009, that eliminates eligibility for the

12 Supplemental Nutrition Assistance Program for any person convicted of a
13 felony involving the possession, use, or distribution of a controlled
14 substance.

15 ~~(b) A person shall be ineligible for Supplemental Nutrition
16 Assistance Program benefits under this subsection if he or she (i) has
17 had three or more felony convictions for the possession or use of a
18 controlled substance or (ii) has been convicted of a felony involving the
19 sale or distribution of a controlled substance or the intent to sell or
20 distribute a controlled substance. A person with one or two felony
21 convictions for the possession or use of a controlled substance shall
22 only be eligible to receive Supplemental Nutrition Assistance Program
23 benefits under this subsection if he or she is participating in or has
24 completed a state licensed or nationally accredited substance abuse
25 treatment program since the date of conviction. The determination of such
26 participation or completion shall be made by the treatment provider
27 administering the program.~~

28 Sec. 6. Section 83-1,101, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 83-1,101 ~~The Director of Correctional Services with the consent of~~
31 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~
1 Administrator ~~who~~ shall be a person with appropriate experience and
2 training, including, but not limited to, familiarity with the
3 implementation of evidence-based processes for utilizing risk and needs
4 assessments to measure criminal risk factors and specific individual
5 needs in the field of corrections, or with training in relevant
6 disciplines at a recognized university.

7 Sec. 7. Section 83-4,114, Revised Statutes Supplement, 2015, is
8 amended to read:

9 83-4,114 (1) There shall be no corporal punishment or disciplinary
10 restrictions on diet.

11 (2) Disciplinary restrictions on clothing, bedding, mail,
12 visitations, use of toilets, washbowls, or scheduled showers shall be
13 imposed only for abuse of such privilege or facility and only as
14 authorized by written directives, guidance documents, and operational
15 manuals.

16 (3) No person shall be placed in solitary confinement.

17 (4) The director shall issue an annual report on or before September
18 15 to the Governor and the Clerk of the Legislature. The report to the
19 Clerk of the Legislature shall be issued electronically. For all inmates
20 who were held in restrictive housing during the prior year, the report
21 shall contain the race, gender, age, and length of time each inmate has
22 continuously been held in restrictive housing. The report shall also
23 contain:

24 (a) The number of inmates held in restrictive housing;

25 (b) The reason or reasons each inmate was held in restrictive
26 housing;

27 (c) The number of inmates held in restrictive housing who have been
28 diagnosed with a mental illness or behavioral disorder as defined in
29 ~~section 71-907~~ and the type of mental illness or behavioral disorder by

30 inmate;

31 (d) The number of inmates who were released from restrictive housing
1 directly to parole or into the general public and the reason for such
2 release;

3 (e) The number of inmates who were placed in restrictive housing for
4 his or her own safety and the underlying circumstances for each
5 placement;

6 (f) To the extent reasonably ascertainable, comparable statistics
7 for the nation and each of the states that border Nebraska pertaining to
8 subdivisions (4)(a) through (e) of this section; and

9 (g) The mean and median length of time for all inmates held in
10 restrictive housing.

11 (5)(a) There is hereby established within the department a long-term
12 restrictive housing work group. The work group shall consist of:

13 (i) The director and all deputy directors. The director shall serve
14 as the chairperson of the work group;

15 ~~(ii) The director of health services within the department;~~

16 ~~(ii)~~ ~~(iii)~~ The behavioral health administrator within the department;

17 ~~(iii)~~ ~~(iv)~~ Two employees of the department who currently work with
18 inmates held in restrictive housing;

19 ~~(iv)~~ ~~(v)~~ Additional department staff as designated by the director;
20 and

21 ~~(v)~~ ~~(vi)~~ Four members as follows appointed by the Governor:

22 (A) Two representatives from a nonprofit prisoners' rights advocacy
23 group, including at least one former inmate; and

24 (B) Two mental health professionals independent from the department
25 with particular knowledge of prisons and conditions of confinement.

26 (b) The work group shall advise the department on policies and
27 procedures related to the proper treatment and care of offenders in long-
28 term restrictive housing.

29 (c) The director shall convene the work group's first meeting no
30 later than September 15, 2015, and the work group shall meet at least
31 semiannually thereafter. The chairperson shall schedule and convene the
1 work group's meetings.

2 (d) The director shall provide the work group with quarterly updates
3 on the department's policies related to the work group's subject matter.

4 Sec. 8. Original section 83-1,101, Reissue Revised Statutes of
5 Nebraska, section 68-1017.02, Revised Statutes Cumulative Supplement,
6 2014, and sections 47-901, 47-903, 47-908, and 83-4,114, Revised Statutes
7 Supplement, 2015, are repealed.

8 Sec. 9. Since an emergency exists, this act takes effect when
9 passed and approved according to law.

10 2. On page 1, strike beginning with "parole" in line 1 through the
11 semicolon in line 9 and insert "criminal justice; to amend section
12 83-1,101, Reissue Revised Statutes of Nebraska, section 68-1017.02,
13 Revised Statutes Cumulative Supplement, 2014, and sections 47-901,
14 47-903, 47-908, and 83-4,114, Revised Statutes Supplement, 2015; to
15 define a term; to require cooperation by and provide access to
16 information maintained by the Office of Parole Administration as

17 prescribed; to eliminate a provision relating to ineligibility for
18 Supplemental Nutrition Assistance Program benefits relating to certain
19 felons; to change provisions relating to appointment and qualifications
20 of the Parole Administrator; to change reporting requirements and work
21 group membership relating to restrictive housing as prescribed;".

LEGISLATIVE BILL 910A. Placed on Select File.

LEGISLATIVE BILL 1093. Placed on Select File with amendment.

ER188

1 1. On page 1, strike beginning with "public" in line 1 through line
2 6 and insert "economic development; to amend section 81-1210.01, Reissue
3 Revised Statutes of Nebraska, and sections 81-12,160 and 81-12,162,
4 Revised Statutes Supplement, 2015; to redefine a term relating to a grant
5 program for internships; to change the Business Innovation Act; to state
6 findings and require reports relating to the Nebraska Innovation Campus;
7 to repeal the original sections; and to declare an emergency.".

(Signed) Matt Hansen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 754A. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, One Hundred Fourth Legislature, Second Session, 2016.

MESSAGE(S) FROM THE GOVERNOR

March 11, 2016

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

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

Contingent upon your approval, the following individual is being appointed to the Game and Parks Commission:

Patrick Berggren, 1109 South 5th Avenue, Broken Bow, NE 68822

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 745. Senator Chambers offered the following motion:
 MO204
 Bracket until April 20, 2016.

The Chambers motion to bracket failed with 1 aye, 14 nays, 30 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:
 MO205
 Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Chambers asked unanimous consent to withdraw his amendment, AM2498, found on page 934, and replace it with the Brasch substitute amendment, AM2584. No objections. So ordered.
 AM2584

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 37-490, Revised Statutes Cumulative Supplement,
 4 2014, is amended to read:
 5 37-490 No person shall hunt any upland game birds and mallard ducks
 6 upon such breeding and controlled shooting area except between September
 7 1 and April 15 4 of each year, except that turkeys may be hunted
 8 throughout the open season and dog training or dog trial activities may
 9 be permitted as prescribed by rules and regulations of the commission or
 10 commission orders.
 11 Sec. 2. Original section 37-490, Revised Statutes Cumulative
 12 Supplement, 2014, is repealed.

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

Senator Brasch requested a roll call vote on her amendment.

Voting in the affirmative, 6:

Bloomfield	Chambers	McCoy
Brasch	Larson	Schumacher

Voting in the negative, 28:

Baker	Fox	Hughes	Lindstrom	Seiler
Campbell	Gloor	Johnson	McCollister	Stinner
Coash	Hadley	Kolowski	Mello	Watermeier
Crawford	Hansen	Kolterman	Pansing Brooks	Williams
Davis	Hilkemann	Krist	Scheer	
Ebke	Howard	Kuehn	Schilz	

Present and not voting, 9:

Bolz	Groene	Murante	Schnoor	Sullivan
Friesen	Harr, B.	Riepe	Smith	

Excused and not voting, 6:

Cook	Garrett	Kintner
Craighead	Haar, K.	Morfeld

The Brasch amendment lost with 6 ayes, 28 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

AM2499

- 1 1. Insert the following new sections:
- 2 Sec. 15. Section 37-452, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 37-452 (1) No person shall hunt antelope, elk, ~~or mountain sheep,~~ ~~or~~
- 5 ~~mountain lions~~ unless such person is at least twelve years of age, and
- 6 any person who is twelve through fifteen years of age shall only hunt
- 7 antelope, elk, ~~or mountain sheep,~~ ~~or mountain lions~~ when supervised by a
- 8 person nineteen years of age or older having a valid hunting permit.
- 9 (2) No person shall hunt deer unless such person is at least ten
- 10 years of age, and any person who is ten through fifteen years of age
- 11 shall only hunt deer when supervised by a person nineteen years of age or
- 12 older having a valid hunting permit.
- 13 (3) A person nineteen years of age or older having a valid hunting
- 14 permit shall not supervise more than two persons while hunting deer,
- 15 antelope, elk, ~~or mountain sheep,~~ ~~or mountain lions~~ at the same time.
- 16 Sec. 22. The following section is outright repealed: Section 37-473,
- 17 Revised Statutes Cumulative Supplement, 2014.
- 18 2. Renumber the remaining sections and correct the repealer
- 19 accordingly.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bloomfield	Coash	Hansen	Krist	Schumacher
Brasch	Crawford	Kolowski	Pansing Brooks	Sullivan

Voting in the negative, 16:

Friesen	Kolterman	Riepe	Seiler
Hilkemann	Kuehn	Scheer	Stinner
Hughes	McCollister	Schilz	Watermeier
Johnson	Murante	Schnoor	Williams

Present and not voting, 15:

Baker	Craighead	Fox	Harr, B.	McCoy
Campbell	Davis	Gloor	Howard	Mello
Chambers	Ebke	Hadley	Lindstrom	Smith

Excused and not voting, 8:

Bolz	Garrett	Haar, K.	Larson
Cook	Groene	Kintner	Morfeld

The Chambers amendment lost with 10 ayes, 16 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 459, 460, 461, 462, 465, 466, 467, 468, and 469 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 459, 460, 461, 462, 465, 466, 467, 468, and 469.

GENERAL FILE

LEGISLATIVE BILL 745. Senator Chambers offered the following motion:

MO207

Reconsider the vote taken on AM2499.

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

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

Voting in the affirmative, 8:

Bloomfield	Crawford	Kolowski	Pansing Brooks
Chambers	Haar, K.	Krist	Schumacher

Voting in the negative, 24:

Coash	Gloor	Hughes	McCollister	Seiler
Davis	Groene	Johnson	Murante	Stinner
Ebke	Hadley	Kolterman	Riepe	Watermeier
Friesen	Hansen	Kuehn	Scheer	Williams
Garrett	Hilkemann	Lindstrom	Schnoor	

Present and not voting, 13:

Baker	Campbell	Harr, B.	Mello	Sullivan
Bolz	Craighead	Howard	Morfeld	
Brasch	Fox	McCoy	Smith	

Excused and not voting, 4:

Cook	Kintner	Larson	Schilz
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The Chambers motion to reconsider failed with 8 ayes, 24 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

AM2513

- 1 1. On page 15, lines 16, 18, 21, 22, 23, and 26; and page 16, lines 21, 24, 28, and 30, strike "may", show as stricken, and insert "shall".
- 3 2. On page 15, line 25, strike "the" and show as stricken.
- 4 3. On page 16, line 8, after "wildlife" insert "and conservation of
5 habitat"; in line 10 strike "more" and insert "less" and strike "seven"
6 and insert "ten"; in line 11 strike "those"; in line 13 strike "more",
7 show as stricken, and insert "less" and strike "thirty-nine" and insert

8 "fifty"; in line 19 strike "more", show as stricken, and insert "less"
 9 and strike "two", show as stricken, and insert "three"; in line 21 strike
 10 "more" and insert "less"; in line 24 after "permits" insert "only"; and
 11 in line 25 after "as" insert "shall be".
 12 4. On page 17, line 2, strike "more", show as stricken, and insert
 13 "a greater number of"; in line 3 strike the first "are", show as
 14 stricken, and insert "is"; in line 9 strike "twenty-five", show as
 15 stricken, and insert "thirty"; in line 10 strike "forty-five", show as
 16 stricken, and insert "fifty-nine"; and in line 13 strike "misdemeanor",
 17 show as stricken, and insert "felony".

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Bloomfield	Crawford	Kolowski	Pansing Brooks
Chambers	Haar, K.	Mello	Schumacher

Voting in the negative, 26:

Coash	Groene	Kolterman	Riepe	Watermeier
Davis	Hadley	Kuehn	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	
Fox	Hughes	McCollister	Schnoor	
Garrett	Johnson	Morfeld	Seiler	
Gloor	Kintner	Murante	Stinner	

Present and not voting, 13:

Baker	Campbell	Hansen	Krist	Sullivan
Bolz	Craighead	Harr, B.	McCoy	
Brasch	Friesen	Howard	Smith	

Excused and not voting, 2:

Cook	Larson
------	--------

The Chambers amendment lost with 8 ayes, 26 nays, 13 present and not voting, and 2 excused and not voting.

Senator McCollister offered the following motion:

MO206

Invoke cloture pursuant to Rule 7, Sec. 10.

The McCollister motion to invoke cloture prevailed with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 39:

Baker	Garrett	Howard	McCollister	Schnoor
Campbell	Gloor	Hughes	Mello	Seiler
Coash	Groene	Johnson	Morfeld	Smith
Craighead	Haar, K.	Kintner	Murante	Stinner
Crawford	Hadley	Kolowski	Pansing Brooks	Sullivan
Davis	Hansen	Kolterman	Riepe	Watermeier
Ebke	Harr, B.	Kuehn	Scheer	Williams
Fox	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 3:

Bloomfield Chambers McCoy

Present and not voting, 5:

Bolz Brasch Friesen Krist Schumacher

Excused and not voting, 2:

Cook Larson

Advanced to Enrollment and Review Initial with 39 ayes, 3 nays, 5 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 710. Placed on Final Reading.
LEGISLATIVE BILL 722. Placed on Final Reading.
LEGISLATIVE BILL 857. Placed on Final Reading.
LEGISLATIVE BILL 897. Placed on Final Reading.
LEGISLATIVE BILL 919. Placed on Final Reading.
LEGISLATIVE BILL 919A. Placed on Final Reading.
LEGISLATIVE BILL 1022. Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 977. Placed on Select File with amendment.
 ER189

- 1 1. In the Standing Committee amendments, AM2318:
- 2 a. On page 26, line 3, strike the comma;
- 3 b. On page 27, line 16, strike "in which" and insert "if"; and in

4 line 18 strike the last comma; and
 5 c. On page 37, line 19, strike "provided that" and insert "if".
 6 2. On page 1, strike beginning with the first "the" in line 1
 7 through line 6 and insert "motor vehicles; to amend sections 13-1209,
 8 13-1210, 13-1212, 60-3,104.02, 60-4,148, 60-6,144, 60-6,294, and 60-1403,
 9 Reissue Revised Statutes of Nebraska, sections 60-3,186, 60-3,202,
 10 60-4,131, 60-4,146, 60-4,149, 60-4,150, 60-1438.01, and 60-1505, Revised
 11 Statutes Cumulative Supplement, 2014, and sections 60-301, 60-3,104,
 12 60-3,130.04, 60-462, 60-601, and 60-6,230, Revised Statutes Supplement,
 13 2015; to authorize state financial assistance for capital acquisition
 14 costs for public transportation as prescribed; to provide for Breast
 15 Cancer Awareness Plates; to change provisions relating to specialty
 16 license plates; to change the use of motor vehicle tax proceeds; to
 17 provide for placement of taxes and fees in the Vehicle Title and
 18 Registration System Replacement and Maintenance Cash Fund as prescribed;
 19 to change provisions relating to distribution of the Motor Vehicle Tax
 20 Fund; to eliminate obsolete provisions; to provide for electronic
 21 issuance of commercial drivers' licenses and electronic application for
 22 renewal and replacement of commercial drivers' licenses and CLP-
 23 commercial learners' permits; to change provisions relating to the
 24 operation of implements of husbandry on highways, use of rotating or
 25 flashing blue and amber lights, and powers and duties of the Nebraska
 26 Motor Vehicle Industry Licensing Board; to change provisions relating to
 27 the Motor Vehicle Industry Regulation Act; to harmonize provisions; to
 1 provide operative dates; to repeal the original sections; and to declare
 2 an emergency."

LEGISLATIVE BILL 1105. Placed on Select File with amendment.
 ER184

1 1. On page 1, strike lines 2 through 6 and insert "53-103.09,
 2 53-103.18, 53-103.20, 53-103.41, 53-123.01, 53-124.11, 53-125, 53-129,
 3 53-131.01, 53-132, 53-168.06, 53-169, 53-171, 53-175, 53-178, 53-187,
 4 53-194.03, and 53-1,100, Reissue Revised Statutes of Nebraska, sections
 5 53-123.14, 53-123.17, and 53-124.12, Revised Statutes Cumulative
 6 Supplement, 2014, and sections 53-103.44, 53-123.15, 53-124, 53-124.01,
 7 and 53-135,"; and after the semicolon in line 20 insert "to change
 8 provisions relating to limits on bringing alcoholic liquor into the state
 9 for personal consumption; to change a requirement for eligibility to
 10 obtain a license;"

LEGISLATIVE BILL 754. Placed on Select File.

LEGISLATIVE BILL 1082. Placed on Select File with amendment.
 ER185

1 1. On page 1, lines 7 and 8, strike "to provide bond notification
 2 requirements;"
 3 2. On page 2, line 13, after the last comma insert "and".
 4 3. On page 7, line 20, after "the" insert "federal" and after "Act"
 5 insert "of 1978".

LEGISLATIVE BILL 1082A. Placed on Select File.

LEGISLATIVE BILL 906. Placed on Select File with amendment.
ER186

1 1. On page 2, line 1, after "4" insert "of this act".

LEGISLATIVE BILL 698A. Placed on Select File.

(Signed) Matt Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator B. Harr filed the following amendment to LR378CA:
AM2537

1 1. On page 1, strike lines 7 through 15 and insert the following new
2 subsection:
3 "XV-26 (1) To protect property rights as a vital component of
4 Nebraska's economy, and provide a foundation and stabilizing force to
5 property rights, the property rights of citizens and residents of
6 Nebraska shall be forever guaranteed in this state, and the Legislature
7 shall pass no law which abridges the property rights of citizens and
8 residents of Nebraska.".

Senator B. Harr filed the following amendment to LR378CA:
AM2530

1 1. On page 1, lines 14 and 15, strike "compelling state interest"
2 and insert "rational basis".

Senator B. Harr filed the following amendment to LR378CA:
AM2533

1 1. On page 1, line 15, after the period insert "For purposes of this
2 subsection, agricultural technology means the production of machines used
3 on a farm or ranch to aid farming or ranching operations.".

Senator Kolterman filed the following amendment to LB447:
AM2546

(Amendments to Final Reading copy)

1 1. On page 73, line 9, strike "beginning on or after September 1,
2 2007," and show as stricken and after "(i)" insert "(A) beginning on or
3 after September 1, 2007, through August 31, 2016."; and in line 11 after
4 "year" insert "or (B) beginning on or after September 1, 2016, one
5 hundred two percent of the contributions by the employees for such fiscal
6 year.".

Senator Kuehn filed the following amendment to LR378CA:
AM2586

(Amendments to Standing Committee amendments, AM2251)

1 1. On page 1, line 1, after the first comma insert "line 12, before
2 'Legislature' insert 'Nebraska', and in"; and in lines 5 and 6, before
3 "Legislature" insert "Nebraska".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 722A. Introduced by Baker, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 722, One Hundred Fourth Legislature, Second Session, 2016.

LEGISLATIVE BILL 1003A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1003, One Hundred Fourth Legislature, Second Session, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 477. Introduced by Seiler, 33.

WHEREAS, the Hastings St. Cecilia High School girls' volleyball team won the 2015 Class C-2 Girls' State Volleyball Championship; and

WHEREAS, eighth-ranked Hastings St. Cecilia defeated third-ranked Stanton High School in the championship with scores of 25-13, 25-21, and 25-13; and

WHEREAS, Hastings St. Cecilia defeated fifth-ranked Doniphan-Trumbull High School and fourth-ranked Sutton High School at districts; and

WHEREAS, Hastings St. Cecilia defeated Sutton High School and second-ranked Guardian Angels Central Catholic High School at the state tournament before the championship game against Stanton; and

WHEREAS, first-year volleyball coach Thera Jones and her first-year assistant volleyball coach Bethany Riener rallied their team after suffering eleven regular season losses to win the championship; and

WHEREAS, the Hastings St. Cecilia girls' volleyball team made their fifth straight and twenty-first all-time state tournament appearance at the 2015 championship; and

WHEREAS, the Hastings St. Cecilia girls' volleyball team's dedication and teamwork resulted in their seventh state volleyball championship victory.

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

1. That the Legislature congratulates the Hastings St. Cecilia girls' volleyball team on winning the 2015 Class C-2 Girls' State Volleyball Championship.

2. That a copy of this resolution be sent to Head Coach Thera Jones and her championship team and to Father Tom Brouillette, Superintendent of Hastings St. Cecilia High School.

Laid over.

COMMITTEE REPORT(S)
Revenue

LEGISLATIVE BILL 685. Placed on General File with amendment.
AM2475 is available in the Bill Room.

LEGISLATIVE BILL 884. Placed on General File with amendment.
AM2522 is available in the Bill Room.

LEGISLATIVE BILL 889. Placed on General File with amendment.
AM2490 is available in the Bill Room.

(Signed) Mike Gloor, Chairperson

EXECUTIVE BOARD REPORT

Senator Krist, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

Election Technology Committee (LR403)

Senator Stinner
Senator Murante
Senator Hansen
Senator Hilke
Senator Hilke
Senator Hughes
Senator Lindstrom
Senator Morfeld

Task Force on Behavioral and Mental Health (LR413)

Senator Howard
Senator Seiler
Senator Mello
Senator Bolz
Senator Crawford
Senator McCollister
Senator Scheer

ACCESSNebraska Oversight Committee of the Legislature (LR418)

Senator Davis
Senator Hansen (Vice Chairperson)
Senator Howard (Chairperson)
Senator Kuehn
Senator McCollister
Senator Pansing Brooks
Senator Stinner

(Signed) Bob Krist, Chairperson
Legislative Council, Executive Board

EASE

The Legislature was at ease from 12:45 p.m. until 1:05 p.m.

SENATOR KRIST PRESIDING

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendments to LB745:

AM2514

- 1 1. On page 17, lines 23, 25, and 26; and page 18, line 3, strike
- 2 "more", show as stricken, and insert "less".
- 3 2. On page 17, line 26, strike "one", show as stricken, and insert
- 4 "two" and strike "ninety-eight".
- 5 3. On page 18, line 3, strike "twenty-five", show as stricken, and
- 6 insert "thirty-nine"; in line 4 strike "forty-five", show as stricken,
- 7 and insert "sixty"; and in line 8 strike "misdemeanor", show as stricken,
- 8 and insert "felony".

AM2501

- 1 1. On page 3, line 8, strike "may", show as stricken, and insert
- 2 "shall"; and in line 31 strike beginning with "The" through "31", show as
- 3 stricken, and insert "In acknowledgment of the holiday season, permits
- 4 shall expire at midnight on December 24".
- 5 2. On page 4, line 3, strike "made invalid", show as stricken, and
- 6 insert "rendered void"; in line 7 strike "officer or" and show as
- 7 stricken; and in line 28 strike beginning with "more" through "three",
- 8 show the old matter as stricken, and insert "less than twenty".

AM2502

- 1 1. On page 5, lines 29 and 30, strike "more", show as stricken, and
- 2 insert "less", and strike the new matter and insert "thirty".
- 3 2. On page 6, lines 1, 3, 11, 14, 16, 17, 18, and 20, strike "more",
- 4 show as stricken, and insert "less"; in line 1 strike "fifteen" and
- 5 insert "thirty"; in line 11 strike "one hundred six" and insert "one
- 6 hundred fifty"; in line 14 strike "seventy-three" and insert "ninety"; in
- 7 line 16 strike "twelve" and insert "twenty"; in line 17 strike "twenty-
- 8 two" and insert "thirty"; in line 18 strike "sixty-six" and insert
- 9 "eighty"; and in line 20 strike "fifty-" and insert "eighty-".

AM2503

- 1 1. On page 6, line 31, strike "two", show as stricken, and insert
- 2 "three".
- 3 2. On page 7, lines 1, 3, 6, 15, 17, and 20, strike "more", show as
- 4 stricken, and insert "less"; in line 1 strike "three hundred ninety-six"

5 and insert "four hundred"; in line 15 strike "five" and insert "six"; and
 6 in line 23 strike beginning with "Payment" through "sum", show as
 7 stricken, and insert "The entire fee shall be paid".

AM2504

1 1. On page 7, line 28, strike "more than five", show as stricken,
 2 and insert "less than eight"; and in line 31 strike "need not be", show
 3 as stricken, and insert "are not".
 4 2. On page 10, lines 4 and 6, strike "who" and show as stricken; in
 5 line 8 strike "evidence", show as stricken, and insert "proof"; in line 9
 6 strike "request", show as stricken, and insert "obtain"; strike beginning
 7 with "and" in line 10 through "amount" in line 11 and show as stricken;
 8 in line 14 strike "five", show as stricken, and insert "ten"; in line 19
 9 strike "that set", show as stricken, and insert "setting"; in line 20
 10 strike "in", show as stricken, and insert "by"; and strike beginning with
 11 "constitutes" in line 20 through "evidence" in line 21, show as stricken,
 12 and insert "shall constitute proof".

AM2505

1 1. On page 10, line 29, strike "an unexpired", show as stricken, and
 2 insert "a valid", and strike "the" and show as stricken; and in line 30
 3 strike beginning with "prior" through "animal" in line 31 and show as
 4 stricken.
 5 2. On page 11, lines 4 and 11, strike "an unexpired", show as
 6 stricken, and insert "a valid"; in line 5 strike the first "the" and show
 7 as stricken; in line 6 strike beginning with "prior" through "mussel" in
 8 line 7 and show as stricken; and in line 12 strike the first "the", show
 9 as stricken, and strike beginning with "prior" through "waterfowl" in
 10 line 14 and show as stricken.

AM2506

1 1. On page 11, lines 16 and 24, strike "appropriate", show as
 2 stricken, and insert "required"; in lines 17 and 25, strike "twenty",
 3 show as stricken, and insert "thirty"; in lines 18 and 27, strike
 4 "Payment of such", show as stricken, and insert "The entire"; in line 19
 5 and lines 27 and 28 strike "made in a lump sum", show as stricken, and
 6 insert "paid"; in lines 20 and 29 after "original" insert "stamp"; in
 7 lines 21 and 30 strike "more" and insert "less"; and in lines 21 and 30
 8 strike beginning with the comma through "commission" in lines 22 and 31
 9 and show as stricken.

AM2507

1 1. On page 12, line 2, strike "appropriate", show as stricken, and
 2 insert "required"; in line 3 strike "twenty" and insert "thirty"; in line
 3 6 strike "Payment of such", show as stricken, and insert "The entire"; in
 4 line 6 strike beginning with "made" through "sum" in line 7 and show as
 5 stricken; in line 8 after "original" insert "stamp"; and in line 9 strike
 6 "more", show as stricken, and insert "less".

AM2508

1 1. On page 12, line 12, strike "appropriate", show as stricken, and
 2 insert "required"; in lines 14 and 23 strike "more", show as stricken,
 3 and insert "less"; in line 16 strike "Payment of such", show as stricken,
 4 and insert "The entire", and strike "made in a lump sum", show as
 5 stricken, and insert "paid"; and in line 18 after "original" insert
 6 "stamp".

AM2509

1 1. On page 12, line 25, strike "Payment of such", show as stricken,
 2 and insert "The entire", and strike "made in a lump sum", show as
 3 stricken, and insert "paid"; in line 27 after "original" insert "stamp";
 4 in line 29 strike "appropriate", show as stricken, and insert "required";
 5 and in line 31 strike "more", show as stricken, and insert "less".

AM2510

1 1. On page 13, line 2, strike "Payment of such", show as stricken,
 2 and insert "The entire"; in line 3 strike "made in a lump sum", show as
 3 stricken, and insert "paid"; in line 13 strike "a showing of" and show as
 4 stricken; in line 17 strike "exhibit evidence", show as stricken, and
 5 insert "show proof"; in line 20 strike "evidence", show as stricken, and
 6 insert "proof"; in line 21 strike "be without", show as stricken, and
 7 insert "lack"; in line 24 strike "twenty-five" and insert "thirty"; in
 8 line 27 strike "more", show as stricken, and insert "less" and strike
 9 "twenty-five" and insert "thirty"; and in line 30 strike "fifteen" and
 10 insert "twenty".

AM2511

1 1. On page 14, line 1, strike "fifteen" and insert "twenty"; in line
 2 3 strike "more", show as stricken, and insert "less"; in line 4 strike
 3 "twenty" and insert "thirty"; in line 11 strike "ten" and insert
 4 "twenty"; strike beginning with "and" in line 11 through "stamp" in line
 5 12 and show the old matter as stricken; and in line 15 after "than"
 6 insert "twice".

AM2512

1 1. On page 14, line 21, after "devise" insert "annual" and strike
 2 "in two forms: Annual" and show as stricken; in line 22 after "temporary"
 3 insert "permits"; in line 23 strike "may be purchased by any person and"
 4 and show as stricken; in line 26 strike "thirty" and insert "fifty" and
 5 strike beginning with "and" through "dollars" and show the old matter as
 6 stricken; in line 28 strike the new matter and strike "more", show as
 7 stricken, and insert "less"; in line 29 strike "forty-five" and insert
 8 "fifty"; and in line 31 strike "may be purchased by any person and" and
 9 show as stricken.
 10 2. On page 15, strike beginning with "less" in line 2 through "not"
 11 in line 3; in line 3 strike "more", show as stricken, and insert "less"
 12 and strike "seven" and insert "ten"; strike beginning with "less" in line
 13 4 through "not" in line 5; in line 5 strike "more", show as stricken, and

14 insert "less" and strike "eight" and insert "twelve".

AM2515

1 1. On page 18, line 17, strike "twelve" and insert "twenty"; in line
 2 18 strike "not to exceed" and show as stricken; in line 19 strike "more",
 3 show as stricken, and insert "less"; in line 20 strike "one", show as
 4 stricken, and insert "two"; and in line 21 strike "three", show as
 5 stricken, and insert "four".
 6 2. On page 19, line 4, strike "misdemeanor", show as stricken, and
 7 insert "felony"; and in line 20 strike "thirty-four" and insert "fifty".
 8 3. On page 20, line 6, strike "III", show as stricken, and insert
 9 "I"; and in line 7 strike "misdemeanor", show as stricken, and insert
 10 "felony".

AM2516

1 1. On page 20, line 23; and on page 21, lines 6, 7, and 21, strike
 2 "more", show as stricken, and insert "less".
 3 2. On page 20, line 23, strike "thirty-one" and insert "thirty-
 4 five"; and in line 24 strike "twenty-six" and insert "fifty".
 5 3. On page 21, line 6, strike "twenty-five" and insert "thirty-
 6 five"; in line 7 strike "forty-five" and insert "fifty"; in line 19 after
 7 "oath" insert "or affirmation"; in line 21 strike "one", show as
 8 stricken, and insert "three"; and in line 26 after the third "the" insert
 9 "last four digits of the".

AM2517

1 1. On page 22, line 7, strike "may", show as stricken, and insert
 2 "shall", and strike "it deems", show as stricken, and insert "are"; in
 3 lines 15 and 16 strike "more", show as stricken, and insert "less"; in
 4 line 15 strike "twenty-three" and insert "thirty"; in line 16 strike
 5 "sixty-one" and insert "seventeen"; and in line 21 strike "less", show as
 6 stricken, and insert "younger".

AM2518

1 1. On page 23, line 25, strike "more than thirty-five", show as
 2 stricken, and insert "less than forty"; in line 26 strike "two", show as
 3 stricken, and insert "three"; and in line 28 strike "more" and insert
 4 "less".

GENERAL FILE

LEGISLATIVE BILL 956. Title read. Considered.

Committee AM2216, found on page 911, was offered.

Senator Mello offered the following amendment to the committee amendment:

AM2560

(Amendments to Standing Committee amendments, AM2216)

1 1. Purpose: To shift a one-time expenditure for aid to federally
2 qualified health centers from FY2016-17 to FY2015-16.

3 Amendment:

4 1. On page 7, lines 20 and 21, strike "-0- 1,000,000" and insert
5 "1,000,000 -0-"; and in lines 22 and 25 strike "FY2016-17" and insert
6 "FY2015-16".

7 2. Purpose: To correct a Cash Fund appropriation to the State Racing
8 Commission.

9 Amendment:

10 a. On page 9, lines 6 and 7 strike "960,432 975,165" and insert
11 "25,000 25,000"; and strike lines 8 through 13.

12 3. Purpose: To shift a one-time appropriation increase of \$250,000
13 for Adult Education from FY2016-17 to FY2015-16.

14 Amendment:

15 a. On page 15, strike line 2 and insert "GENERAL FUND 16,430,022
16 16,419,448"; and strike line 7 and insert "PROGRAM TOTAL 42,165,759
17 41,560,884"; and

18 b. On page 17, line 5, strike "FY2016-17" and insert "FY2015-16".

19 4. Purpose: To shift a one-time appropriation increase of \$250,000
20 for expanded learning opportunity grants from FY2016-17 to FY2015-16.

21 Amendment:

22 a. On page 17, strike line 17 and insert "GENERAL FUND 1,189,807,538
23 1,203,433,823"; strike line 21 and insert "PROGRAM TOTAL 1,503,937,614
24 1,517,563,899"; in line 24 strike "\$1,189,557,538" and insert
25 "\$1,189,807,538"; and in line 27 strike "\$1,203,683,823" and insert
26 "\$1,203,433,823"; and

1 b. On page 20, line 30, strike "FY2016-17" and insert "FY2015-16".

2 5. Purpose: To correct a General Fund lapse number.

3 Amendment:

4 a. On page 27, line 3, strike "\$73,434,455" and insert
5 "\$84,774,997".

6 6. Purpose: To correct an incorrect agency reference.

7 Amendment:

8 a. On page 34, line 13, strike "Nebraska Energy Office" and insert

9 "Department of Administrative Services, Personnel Division".

10 7. Purpose: Shift a one-time \$1,000,000 increase in General Fund
11 appropriation recommended for Aid to Community Colleges from FY2016-17 to
12 FY2015-16.

13 Amendment:

14 a. On page 36, strike lines 29 and 30 and insert "GENERAL FUND
15 98,891,562 100,828,308 PROGRAM TOTAL 98,891,562 100,828,308".

SPEAKER HADLEY PRESIDING

The Mello amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 478. Introduced by Kintner, 2; Watermeier, 1.

WHEREAS, the Lourdes Central Catholic High School boys' basketball team won the 2016 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Lourdes Knights defeated the Walthill Blujays in the championship game by a score of 61-50; and

WHEREAS, this is the Knights' first state title in boys' basketball; and

WHEREAS, the Knights and their fans also received the 2016 Class D-1 Sportsmanship award.

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

1. That the Legislature congratulates the Lourdes Central Catholic High School boys' basketball team on winning the 2016 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Lourdes Central Catholic High School boys' basketball team and Coach Joe Tynon.

Laid over.

LEGISLATIVE RESOLUTION 479. Introduced by Davis, 43; Baker, 30; Bloomfield, 17; Bolz, 29; Brasch, 16; Campbell, 25; Coash, 27; Craighead, 6; Crawford, 45; Ebke, 32; Fox, 7; Friesen, 34; Garrett, 3; Gloor, 35; Groene, 42; Haar, K., 21; Hadley, 37; Hansen, 26; Harr, B., 8; Hilkemann, 4; Howard, 9; Hughes, 44; Johnson, 23; Kintner, 2; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Riepe, 12; Scheer, 19; Schilz, 47; Schnoor, 15; Schumacher, 22; Seiler, 33; Smith, 14; Stinner, 48; Sullivan, 41; Watermeier, 1; Williams, 36.

WHEREAS, Mari Sandoz was a Nebraska author who grew up in the picturesque Sandhills and authored more than 20 books containing some of the most memorable and realistic accounts of pioneers and Native Americans ever written; and

WHEREAS, Mari Sandoz was an internationally acclaimed chronicler of the West and one of Nebraska's most important writers; and

WHEREAS, the Mari Sandoz High Plains Heritage Center at Chadron State College is dedicated to preserving the legacy of Sandoz's writing and the people she wrote about: Native Americans, ranchers, farmers, and the people who settled the High Plains; and

WHEREAS, the Mari Sandoz Heritage Society works to perpetuate and analyze the literary and historical works of Mari Sandoz; and

WHEREAS, the Society holds a writer's workshop every summer and a conference and lecture every fall at the High Plains Heritage Center to further an understanding of Sandoz and her work; and

WHEREAS, March 10, 2016, is the 50th anniversary of Sandoz's death; and

WHEREAS, the Mari Sandoz Heritage Society and the Mari Sandoz High Plains Heritage Center have a display in the lower rotunda of the State Capitol building the week of March 14, 2016, honoring the legacy of Mari Sandoz, her works, and the people depicted in her books.

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

1. That the Legislature recognizes the Mari Sandoz High Plains Heritage Center and the Mari Sandoz Heritage Society for their dedication and efforts to keep Sandoz's legacy alive and to educate Nebraskans and visitors from other states and countries about her life and work and her impact on all Nebraskans.

2. That a copy of this resolution be sent to the Mari Sandoz High Plains Heritage Center and the Mari Sandoz Heritage Society in recognition of their work.

Laid over.

LEGISLATIVE RESOLUTION 480. Introduced by Johnson, 23.

WHEREAS, the Bishop Neumann High School boys' basketball team won the 2016 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Bishop Neumann Cavaliers defeated the Adams Central Patriots in the championship game by a score of 63-54; and

WHEREAS, this is the Cavaliers' second state title in boys' basketball in the last three seasons; and

WHEREAS, the Cavaliers brought great pride to their school, community, friends, and family as they demonstrated discipline, efficiency, and tenacity throughout the 2015-16 season.

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

1. That the Legislature congratulates the Bishop Neumann High School boys' basketball team on winning the 2016 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Bishop Neumann High School boys' basketball team and Coach Mike Weiss.

Laid over.

LEGISLATIVE RESOLUTION 481. Introduced by Harr, B., 8; Krist, 10; McCollister, 20.

WHEREAS, Brother Mike Wilmot, on behalf of Gesu Housing, has received a 2016 Community Excellence Award in recognition of his excellent work in serving the community; and

WHEREAS, this award, presented by the City of Omaha during the celebration of National Community Development Week, honors contributions to the quality of life and overall health of Omaha neighborhoods; and

WHEREAS, Gesu Housing earned this honor by making home ownership accessible for low and moderate income families in North Omaha; and

WHEREAS, Gesu Housing plays a vital role in addressing poverty and neighborhood decline by building high-quality homes that are energy efficient and affordable.

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

1. That the Legislature congratulates Brother Mike Wilmot and Gesu Housing for receiving a 2016 Community Excellence Award.

2. That a copy of this resolution be sent to Brother Mike Wilmot and Gesu Housing.

Laid over.

LEGISLATIVE RESOLUTION 482. Introduced by Harr, B., 8; Krist, 10; McCollister, 20.

WHEREAS, Thomas Francis Cavanaugh was a fifth-generation native son of Nebraska; and

WHEREAS, Thomas dedicated his life to public service in Nebraska; and

WHEREAS, Thomas was the longest serving County Clerk/Comptroller in the history of Douglas County; and

WHEREAS, Thomas was nationally recognized for his many innovations and achievements in making government more transparent, accountable, and responsive to the people it serves; and

WHEREAS, Thomas was widely known for his honesty and his stated philosophy of public service, "We work for you"; and

WHEREAS, Thomas died in Omaha on October 23, 2015, surrounded by his loving family; and

WHEREAS, Thomas is survived by his two wonderful daughters, Maeve and Grace.

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

1. That the Legislature recognizes the many important contributions to public service made by Thomas Francis Cavanaugh for the benefit of all the people of Nebraska.

2. That the Legislature extends its deepest sympathy to the family of Thomas Francis Cavanaugh.

3. That a copy of this resolution be sent to the family of Thomas Francis Cavanaugh.

Laid over.

LEGISLATIVE RESOLUTION 483. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System of the State of Nebraska, the Retirement System for Nebraska Counties, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the retirement system established pursuant to the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee is designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 467A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

LEGISLATIVE BILL 768A. Introduced by Garrett, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 768, One Hundred Fourth Legislature, Second Session, 2016.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Keith Deiml - State Emergency Response Commission
Polly Jordening - State Emergency Response Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Brian Tessman - State Personnel Board

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Edward A. Toner - Chief Information Officer

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Jeffery T. Peetz - Nebraska Accountability and Disclosure Commission

Aye: 8 Bloomfield, Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Campbell filed the following amendment to LB746A:
AM2583

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 3. Laws 2015, LB657, section 10, is amended to read:

3 Sec. 10. AGENCY NO. 3 — LEGISLATIVE COUNCIL

4 Program No. 122 - Legislative Services

5	FY2015-16	FY2016-17
6 GENERAL FUND	9,271,131	9,574,405
7 <u>CASH FUND</u>	<u>60,000</u>	<u>70,000</u>
8 CASH FUND	130,000	130,000
9 FEDERAL FUND est.	39,270	39,270
10 <u>PROGRAM TOTAL</u>	<u>9,370,401</u>	<u>9,683,675</u>
11 PROGRAM TOTAL	9,440,401	9,743,675
12 SALARY LIMIT	6,834,905	7,047,126

13 There is included in the appropriation to this program for FY2015-16
14 ~~\$5,000~~ ~~\$75,000~~ Cash Funds and for FY2016-17 ~~\$15,000~~ ~~\$75,000~~ Cash Funds
15 from the Nebraska Health Care Cash Fund for the purpose of ongoing
16 health-related research and public policy development by the Health and
17 Human Services Committee of the Legislature. Such funds may be used for,
18 but shall not be limited to, hiring temporary legal research assistance,
19 consulting and research contracts, reimbursement for necessary and
20 appropriate expenses incurred in connection with such research and policy
21 development, and actual and necessary travel reimbursement for task
22 forces and committees established to conduct health policy work.
23 The unexpended General Fund appropriation balance existing on June
24 30, 2015, is hereby reappropriated.

25 Sec. 4. Original Laws 2015, LB657, section 10, is repealed.

26 2. Renumber the remaining section accordingly.

1 3. On page 1, line 1, after the semicolon insert "to amend Laws
2 2015, LB657, section 10;"; and in line 3 after the semicolon insert "to
3 change an appropriation; to repeal the original section;".

Senator Hilkemann filed the following amendments to LB900:
AM2564

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "nineteen" and insert "one hundred".

AM2565

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "nineteen" and insert "seventy-five".

AM2566

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "nineteen" and insert "fifty".

AM2568

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 12, line 4, strike "eight" and insert "sixteen".

AM2570

(Amendments to Standing Committee amendments, AM1957)

1 1. Insert the following new sections:

2 Sec. 11. Section 60-569, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-569 Sections 60-501 to 60-569 and section 12 of this act shall be
5 known and may be cited as the Motor Vehicle Safety Responsibility Act.

6 Sec. 12. Every operator of a motorcycle or moped shall have, as part
7 of his or her automobile liability policy or bond, at least one million
8 dollars of medical payments coverage.

9 2. Renumber the remaining sections and correct internal references
10 and the repealer accordingly.

AM2567

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 9, after the period insert "Each registrant shall
2 provide proof of his or her status as an organ and tissue donor in
3 accordance with section 60-494 and maintain such status during the period
4 of registration.".

AM2569

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 6, line 29, after "Advisory" insert "Safety, and Brain
2 Injury Trust"; and in line 30 after "which" insert ", until the effective
3 date of this act".

4 2. On page 7, lines 7, 13, 14, and 19, strike the new matter; after
5 line 7 insert the following new subsection:

6 "(2) Beginning on the effective date of this act, the board shall
7 consist of twelve members. The members shall be the six health care
8 providers as set forth in subsection (1) of this section, plus the
9 following six members appointed by the Governor: One person from a public
10 or private health organization; one person from a disability advisory or
11 planning group within Nebraska; one person from a service provider for
12 individuals with brain injuries; an individual with a brain injury; a
13 family member of an individual with a brain injury; and one person from
14 the general public. The Director of Public Health of the Department of
15 Health and Human Services or his or her designee and the Director of
16 Motor Vehicles or his or her designee shall serve as ex officio
17 members."; in line 8 strike "(2)", show as stricken, and insert "(3)";

18 after line 12 insert the following new subsection:

19 "(4) Of the initial members of the board described under subsection
20 (2) of this section, two shall be appointed for four years, two shall be
21 appointed for three years, and two shall be appointed for two years.
22 Thereafter, each member shall be appointed for a term of four years and
23 until a successor is appointed and qualified."; in line 13 before "If"

24 insert "(5)"; in line 19 before "The" insert "(6)"; and strike lines 26
 25 through 31.
 26 3. On page 8, strike lines 1 through 27; and in line 30 after "The"
 1 insert "Health Advisory, Safety, and".

AM2571

(Amendments to Standing Committee amendments, AM1957)

1 1. Insert the following new sections:
 2 Sec. 11. Section 60-569, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 60-569 Sections 60-501 to 60-569 and section 12 of this act shall be
 5 known and may be cited as the Motor Vehicle Safety Responsibility Act.
 6 Sec. 12. Every operator of a motorcycle or moped shall have platinum
 7 plan coverage as his or her health insurance as such plan is established
 8 under the federal Patient Protection and Affordable Care Act.
 9 2. Renumber the remaining sections and correct internal references
 10 and the repealer accordingly.

AM2563

(Amendments to Standing Committee amendments, AM1957)

1 1. On page 1, line 6, strike "six", show as stricken, and insert
 2 "one hundred".

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 2102

Tuesday, March 22, 2016 12:00 p.m.

Debra Parsow - State Board of Health
 Jim Trebbien - State Board of Health
 Douglas Vander Broek - State Board of Health

Wednesday, March 30, 2016 12:00 p.m.

Diane Jackson - State Board of Health
 Wayne Stuberg - State Board of Health

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 957. Title read. Considered.

Committee AM2217, found on page 911, was adopted with 33 ayes, 1 nay,
 12 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 8 present
 and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 981. Title read. Considered.

SENATOR SCHEER PRESIDING

Committee AM2405, found on page 863, was offered.

Senator B. Harr offered the following amendment to the committee amendment:

AM2582

(Amendments to Standing Committee amendments, AM2405)

- 1 1. Insert the following new section:
- 2 Sec. 3. The following sum of money, or so much thereof as may be
- 3 required, is hereby appropriated from the General Fund or from other
- 4 funds as indicated in the state treasury, not otherwise appropriated, for
- 5 the payment of an indemnification claim which has been settled by the
- 6 State Claims Board and approved by the district court, which has been
- 7 settled by the Attorney General in the district court, or in which a
- 8 court judgment has been entered and which requires the approval of the
- 9 Legislature for payment.
- 10 \$230,000.00 for Tort Claim Number 2016-15711, against the State of
- 11 Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite
- 12 920, Lincoln, NE 68508-3608, out of the General Fund.
- 13 The claim included in this section shall be paid through Program 592
- 14 in Agency 65.
- 15 For informational purposes only, the appropriation contained in this
- 16 section and fund source:

17 <u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
18 <u>GENERAL FUND</u>	<u>\$230,000.00</u>
19 <u>CASH FUND</u>	<u>\$-0-</u>
20 <u>REVOLVING FUND</u>	<u>\$-0-</u>
21 <u>TOTAL</u>	<u>\$230,000.00</u>

- 22 2. Renumber the remaining sections accordingly.

The B. Harr amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator B. Harr offered the following amendment to the committee amendment:

AM2579

(Amendments to Standing Committee amendments, AM2405)

- 1 1. On page 5, after line 17, insert the following new paragraph:
- 2 "\$10,936.86 for Request Number 2016-15423, made by the Lottery
- 3 Division of the Department of Revenue."

The B. Harr amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 977A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 977, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Sullivan filed the following amendment to LB930:
AM2551

(Amendments to Standing Committee amendments, AM2280)

1 1. On page 8, line 2, strike "tests" and insert "test".

Senator Campbell filed the following amendment to LB698A:
AM2593

1 1. Insert the following new sections:

2 Sec. 3. There is hereby appropriated (1) \$396,866 from the Nebraska
3 State Patrol Cash Fund for FY2016-17 and (2) \$274,470 from the Nebraska
4 State Patrol Cash Fund for FY2017-18 to the Nebraska State Patrol, for
5 Program 100, to aid in carrying out the provisions of Legislative Bill
6 698, One Hundred Fourth Legislature, Second Session, 2016.
7 Total expenditures for permanent and temporary salaries and per
8 diems from funds appropriated in this section shall not exceed \$184,732
9 for FY2016-17 or \$184,732 for FY2017-18.

10 Sec. 4. Since an emergency exists, this act takes effect when passed
11 and approved according to law.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 484. Introduced by Schnoor, 15; Bloomfield, 17; Garrett, 3; Gloor, 35; Hadley, 37; Kolowski, 31; Krist, 10; Riepe, 12; Seiler, 33.

WHEREAS, Staff Sergeant Kenneth M. Morrison of the 155th Security Forces Squadron, Nebraska Air National Guard, was named a 2015 Outstanding Airman of the Year; and

WHEREAS, to win this title, Staff Sergeant Morrison competed against Nebraska Air National Guard members from the 155th Air Refueling Wing, the 170th Group from Offutt Air Force Base, and the Joint Force Headquarters; and

WHEREAS, Staff Sergeant Morrison has been exemplary in his leadership and the performance of his duties, and has displayed dedication to self-improvement and community involvement, including running relays across the state in the Miles for Heroes program, which raises money for injured veterans.

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

1. That the Legislature thanks Staff Sergeant Kenneth M. Morrison for his service and congratulates him on being named a 2015 Outstanding Airman of the Year.

2. That a copy of this resolution be sent to Staff Sergeant Kenneth M. Morrison.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 960. Title read. Considered.

Committee AM2418, found on page 911, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 960A. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Coash filed the following amendment to LB934:
AM2544

(Amendments to E and R amendments, ER178)

- 1 1. Insert the following new sections:
- 2 Sec. 11. Section 29-4003, Revised Statutes Cumulative Supplement,
- 3 2014, is amended to read:
- 4 29-4003 (1)(a) The Sex Offender Registration Act applies to any
- 5 person who on or after January 1, 1997:
- 6 (i) Has ever pled guilty to, pled nolo contendere to, or been found
- 7 guilty of any of the following:
- 8 (A) Kidnapping of a minor pursuant to section 28-313, except when
- 9 the person is the parent of the minor and was not convicted of any other
- 10 offense in this section;
- 11 (B) False imprisonment of a minor pursuant to section 28-314 or
- 12 28-315;
- 13 (C) Sexual assault pursuant to section 28-319 or 28-320;
- 14 (D) Sexual assault of a child in the second or third degree pursuant
- 15 to section 28-320.01;
- 16 (E) Sexual assault of a child in the first degree pursuant to
- 17 section 28-319.01;
- 18 (F) Sexual abuse of a vulnerable adult or senior adult pursuant to

19 subdivision (1)(c) of section 28-386;
20 (G) Incest of a minor pursuant to section 28-703;
21 (H) Pandering of a minor pursuant to section 28-802;
22 (I) Visual depiction of sexually explicit conduct of a child
23 pursuant to section 28-1463.03 or 28-1463.05;
24 (J) Knowingly possessing any visual depiction of sexually explicit
25 conduct which has a child as one of its participants or portrayed
26 observers pursuant to section 28-813.01;
1 (K) Criminal child enticement pursuant to section 28-311;
2 (L) Child enticement by means of an electronic communication device
3 pursuant to section 28-320.02;
4 (M) Debauching a minor pursuant to section 28-805; or
5 (N) Attempt, solicitation, aiding or abetting, being an accessory,
6 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
7 through (1)(a)(i)(M) of this section;
8 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
9 guilty of any offense that is substantially equivalent to a registrable
10 offense under subdivision (1)(a)(i) of this section by any village, town,
11 city, state, territory, commonwealth, or other jurisdiction of the United
12 States, by the United States Government, by court-martial or other
13 military tribunal, or by a foreign jurisdiction, notwithstanding a
14 procedure comparable in effect to that described under section 29-2264 or
15 any other procedure to nullify a conviction other than by pardon;
16 (iii) Is incarcerated in a jail, a penal or correctional facility,
17 or any other public or private institution or is under probation or
18 parole as a result of pleading guilty to or being found guilty of a
19 registrable offense under subdivision (1)(a)(i) or (ii) of this section
20 prior to January 1, 1997; or
21 (iv) Enters the state and is required to register as a sex offender
22 under the laws of another village, town, city, state, territory,
23 commonwealth, or other jurisdiction of the United States.
24 (b) In addition to the registrable offenses under subdivision (1)(a)
25 of this section, the Sex Offender Registration Act applies to any person
26 who on or after January 1, 2010:
27 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this
28 section, has ever pled guilty to, pled nolo contendere to, or been found
29 guilty of any of the following:
30 (I) Murder in the first degree pursuant to section 28-303;
31 (II) Murder in the second degree pursuant to section 28-304;
1 (III) Manslaughter pursuant to section 28-305;
2 (IV) Assault in the first degree pursuant to section 28-308;
3 (V) Assault in the second degree pursuant to section 28-309;
4 (VI) Assault in the third degree pursuant to section 28-310;
5 (VII) Stalking pursuant to section 28-311.03;
6 (VIII) Violation of section 28-311.08 requiring registration under
7 the act pursuant to subsection (5) of section 28-311.08;
8 (IX) Kidnapping pursuant to section 28-313;
9 (X) False imprisonment pursuant to section 28-314 or 28-315;
10 (XI) Sexual abuse of an inmate or parolee in the first degree

11 pursuant to section 28-322.02;
12 (XII) Sexual abuse of an inmate or parolee in the second degree
13 pursuant to section 28-322.03;
14 (XIII) Sexual abuse of a protected individual pursuant to section
15 28-322.04;
16 (XIV) Incest pursuant to section 28-703;
17 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
18 28-707;
19 (XVI) Enticement by electronic communication device pursuant to
20 section 28-833; or
21 (XVII) Attempt, solicitation, aiding or abetting, being an
22 accessory, or conspiracy to commit an offense listed in subdivisions (1)
23 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
24 (B) In order for the Sex Offender Registration Act to apply to the
25 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
26 (VI), (VII), (IX), and (X) of this section, a court shall have found that
27 evidence of sexual penetration or sexual contact, as those terms are
28 defined in section 28-318, was present in the record, which shall include
29 consideration of the factual basis for a plea-based conviction and
30 information contained in the presentence report;
31 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
1 guilty of any offense that is substantially equivalent to a registrable
2 offense under subdivision (1)(b)(i) of this section by any village, town,
3 city, state, territory, commonwealth, or other jurisdiction of the United
4 States, by the United States Government, by court-martial or other
5 military tribunal, or by a foreign jurisdiction, notwithstanding a
6 procedure comparable in effect to that described under section 29-2264 or
7 any other procedure to nullify a conviction other than by pardon; or
8 (iii) Enters the state and is required to register as a sex offender
9 under the laws of another village, town, city, state, territory,
10 commonwealth, or other jurisdiction of the United States.
11 (2) A person appealing a conviction of a registrable offense under
12 this section shall be required to comply with the act during the appeals
13 process.
14 Sec. 12. Section 29-4103, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:
16 29-4103 For purposes of the DNA Identification Information Act:
17 (1) Combined DNA Index System means the Federal Bureau of
18 Investigation's national DNA identification index system that allows the
19 storage and exchange of DNA records submitted by state and local forensic
20 DNA laboratories;
21 (2) DNA means deoxyribonucleic acid which is located in the cells
22 and provides an individual's personal genetic blueprint. DNA encodes
23 genetic information that is the basis of human heredity and forensic
24 identification;
25 (3) DNA record means the DNA identification information stored in
26 the State DNA Data Base or the Combined DNA Index System which is derived
27 from DNA typing test results;
28 (4) DNA sample means a blood, tissue, or bodily fluid sample

29 provided by any person covered by the DNA Identification Information Act
30 for analysis or storage, or both;

31 (5) DNA typing tests means the laboratory procedures which evaluate
1 the characteristics of a DNA sample which are of value in establishing
2 the identity of an individual;

3 (6) Law enforcement agency includes a police department, a town
4 marshal, a county sheriff, and the Nebraska State Patrol;

5 (7) Other specified offense means misdemeanor stalking pursuant to
6 sections 28-311.02 to 28-311.05 or false imprisonment in the second
7 degree pursuant to section 28-315 or an attempt, conspiracy, or
8 solicitation to commit stalking pursuant to sections 28-311.02 to
9 28-311.05, false imprisonment in the first degree pursuant to section
10 28-314, false imprisonment in the second degree pursuant to section
11 28-315, knowing and intentional sexual abuse of a vulnerable adult or
12 senior adult pursuant to subdivision (1)(c) of section 28-386, or a
13 violation of the Sex Offender Registration Act pursuant to section
14 29-4011; and

15 (8) Released means any release, parole, furlough, work release,
16 prerelease, or release in any other manner from a prison, a jail, or any
17 other detention facility or institution.

18 Sec. 32. Section 83-174.02, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-174.02 (1) The Department of Correctional Services shall order an
21 evaluation of the following individuals by a mental health professional
22 to determine whether or not the individual is a dangerous sex offender:

23 (a) Individuals who have been convicted of (i) sexual assault of a
24 child in the first degree pursuant to section 28-319.01 or (ii) sexual
25 assault in the first degree pursuant to section 28-319;

26 (b) Individuals who have been convicted of two or more offenses
27 requiring registration as a sex offender under section 29-4003 if one of
28 the convictions was for any of the following offenses: (i) Kidnapping of
29 a minor pursuant to section 28-313, except when the person is the parent
30 of the minor and was not convicted of any other offense; (ii) sexual
31 assault in the first degree pursuant to section 28-319 or sexual assault
1 in the second degree pursuant to section 28-320; (iii) sexual assault of
2 a child pursuant to section 28-320.01; (iv) sexual assault of a child in
3 the first degree pursuant to section 28-319.01; (v) sexual assault of a
4 child in the second or third degree pursuant to section 28-320.01; (vi)
5 sexual assault of a vulnerable adult or senior adult pursuant to
6 subdivision (1)(c) of section 28-386; (vii) incest of a minor pursuant to
7 section 28-703; (viii) visual depiction of sexually explicit conduct of a
8 child pursuant to section 28-1463.03; or (ix) any offense that is
9 substantially equivalent to an offense listed in this section by any
10 state, territory, commonwealth, or other jurisdiction of the United
11 States, by the United States Government, or by court-martial or other
12 military tribunal, notwithstanding a procedure comparable in effect to
13 that described in section 29-2264 or any other procedure to nullify a
14 conviction other than by pardon;

15 (c) Individuals convicted of a sex offense against a minor who have

16 refused to participate in or failed to successfully complete the sex
 17 offender treatment program offered by the Department of Correctional
 18 Services or the Department of Health and Human Services during the term
 19 of incarceration. The failure to successfully complete a treatment
 20 program due to time constraints or the unavailability of treatment
 21 programming shall not constitute a refusal to participate in treatment;
 22 and
 23 (d) Individuals convicted of failure to comply with the registration
 24 requirements of the Sex Offender Registration Act who have previously
 25 been convicted for failure to comply with the registration requirements
 26 of the act or a similar registration requirement in another state.
 27 (2) The evaluation required by this section shall be ordered at
 28 least one hundred eighty days before the scheduled release of the
 29 individual. Upon completion of the evaluation, and not later than one
 30 hundred fifty days prior to the scheduled release of the individual, the
 31 department shall send written notice to the Attorney General, the county
 1 attorney of the county where the offender is incarcerated, and the
 2 prosecuting county attorney. The notice shall contain an affidavit of the
 3 mental health professional describing his or her findings with respect to
 4 whether or not the individual is a dangerous sex offender.
 5 Sec. 34. Since an emergency exists, this act takes effect when
 6 passed and approved according to law.
 7 2. On page 2, strike beginning with the comma in line 11 through
 8 "adult" in line 12.
 9 3. On page 7, line 14; page 13, line 10; page 15, lines 2 and 25;
 10 and page 17, lines 5 and 6 and 12, strike "12 to 21" and insert "14 to
 11 23".
 12 4. On page 11, line 24, strike "14" and insert "16".
 13 5. On page 22, lines 1 and 3, strike "and"; in line 1 after the last
 14 comma insert "and 83-174.02,"; and in line 3 after the last comma insert
 15 "29-4003, and 29-4103,".
 16 6. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 901A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 901, One Hundred Fourth Legislature, Second Session, 2016.

LEGISLATIVE BILL 908A. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 908, One Hundred Fourth Legislature, Second Session, 2016.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Fox - LB990

VISITOR(S)

Visitors to the Chamber were 8 eleventh-grade students and teacher from Seward; 30 fourth-grade students from St. Wenceslaus School, Wahoo; 14 twelfth-grade students and teacher from Wilcox-Hildreth; 140 fourth-grade students from Crete; Senator Hilkemann's wife, Julie, and Mary Cleveland, Diana Waggoner, and Jane Power from Omaha; Delegation members from the Consulate General of Canada: Consul General Jamshed Merchant, Consul Brian Shipley, Political Officer Joel Wessman, Public Affairs Officer Dani Fisher, Sgt. Michael Shortland of the Royal Canadian Mounted Police, and photographer Erin Eppenbaugh; 4 first-, third-, fifth-, and seventh-grade students and sponsor from Ronald Reagan Elementary and Beadle Middle School, Omaha; 20 high school students from Elwood; Aisha Witte from the University of Nebraska College of Law; and Pork Leadership Program participants with the Nebraska Pork Producers Association.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Davis, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 2016.

Patrick J. O'Donnell
Clerk of the Legislature