

SIXTEENTH DAY - JANUARY 30, 2014

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 2014

PRAYER

The prayer was offered by Pastor Jim Kiningham, Fellowship Bible Church, Newman Grove.

ROLL CALL

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

The roll was called and all members were present except Senator Krist who was excused; and Senators Ashford, Conrad, Cook, Janssen, Karpisek, Kintner, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 688. Placed on General File.
LEGISLATIVE BILL 700. Placed on General File.
LEGISLATIVE BILL 715. Placed on General File.
LEGISLATIVE BILL 717. Placed on General File.
LEGISLATIVE BILL 755. Placed on General File.
LEGISLATIVE BILL 788. Placed on General File.
LEGISLATIVE BILL 815. Placed on General File.

(Signed) Mike Gloor, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 415, 417, 418, 419, and 420 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 415, 417, 418, 419, and 420.

MOTIONS - Approve Appointments

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 354:

Military Department
Daryl L. Bohac, Adjutant General

Voting in the affirmative, 28:

Avery	Coash	Hadley	McCoy	Smith
Bloomfield	Crawford	Hansen	McGill	Sullivan
Brasch	Davis	Harms	Mello	Wallman
Carlson	Garrett	Johnson	Nelson	Wightman
Chambers	Gloor	Larson	Pirsch	
Christensen	Haar, K.	Lathrop	Schumacher	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Dubas	Kolowski	Scheer
Bolz	Harr, B.	Murante	Seiler
Campbell	Howard	Nordquist	Watermeier

Excused and not voting, 9:

Ashford	Cook	Karpisek	Krist	Schilz
Conrad	Janssen	Kintner	Lautenbaugh	

The appointment was confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Oil and Gas Conservation Commission
Robert P. Goodwin
Tim Wistrom

Voting in the affirmative, 31:

Avery	Crawford	Harr, B.	Mello	Sullivan
Bloomfield	Davis	Johnson	Nelson	Wallman
Bolz	Garrett	Kolowski	Nordquist	Wightman
Brasch	Gloor	Larson	Pirsch	
Campbell	Hadley	Lathrop	Schumacher	
Carlson	Hansen	McCoy	Seiler	
Christensen	Harms	McGill	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Coash	Haar, K.	Murante	Watermeier
Chambers	Dubas	Howard	Scheer	

Excused and not voting, 9:

Ashford	Cook	Karpisek	Krist	Schilz
Conrad	Janssen	Kintner	Lautenbaugh	

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Power Review Board
Chuck D. Haase

Voting in the affirmative, 29:

Avery	Chambers	Hadley	McGill	Schumacher
Bloomfield	Christensen	Hansen	Murante	Smith
Bolz	Davis	Harms	Nelson	Sullivan
Brasch	Dubas	Johnson	Nordquist	Wallman
Campbell	Garrett	Kolowski	Pirsch	Wightman
Carlson	Gloor	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Haar, K.	Larson	Scheer
Coash	Harr, B.	Lathrop	Seiler
Crawford	Howard	Mello	Watermeier

Excused and not voting, 8:

Ashford	Cook	Karpisek	Krist
Conrad	Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Power Review Board
Rick Morehouse

Voting in the affirmative, 27:

Avery	Davis	Harms	McGill	Schumacher
Bolz	Dubas	Harr, B.	Murante	Smith
Brasch	Garrett	Johnson	Nelson	Wightman
Campbell	Gloor	Kolowski	Nordquist	
Carlson	Hadley	Lathrop	Pirsch	
Christensen	Hansen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 14:

Adams	Coash	Howard	Scheer	Wallman
Bloomfield	Crawford	Larson	Seiler	Watermeier
Chambers	Haar, K.	Mello	Sullivan	

Excused and not voting, 8:

Ashford	Cook	Karpisek	Krist
Conrad	Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 369:

Environmental Quality Council
Mohamed F. Dahab
John Edward Dilsaver

Voting in the affirmative, 31:

Avery	Davis	Harr, B.	Nelson	Sullivan
Bloomfield	Dubas	Johnson	Nordquist	Wallman
Brasch	Garrett	Kolowski	Pirsch	Wightman
Campbell	Gloor	Lathrop	Schilz	
Carlson	Hadley	McCoy	Schumacher	
Chambers	Hansen	McGill	Seiler	
Christensen	Harms	Murante	Smith	

Voting in the negative, 0.

Present and not voting, 11:

Adams	Coash	Howard	Scheer
Ashford	Crawford	Larson	Watermeier
Bolz	Haar, K.	Mello	

Excused and not voting, 7:

Conrad	Janssen	Kintner	Lautenbaugh
Cook	Karpisek	Krist	

The appointments were confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Hadley moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 384:

Tax Equalization and Review Commission
Nancy Salmon

Voting in the affirmative, 31:

Adams	Christensen	Hansen	Murante	Sullivan
Avery	Conrad	Harms	Nelson	Wallman
Bloomfield	Davis	Johnson	Nordquist	Wightman
Brasch	Dubas	Kolowski	Pirsch	
Campbell	Garrett	Lathrop	Schumacher	
Carlson	Gloor	McCoy	Seiler	
Chambers	Hadley	McGill	Smith	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Crawford	Howard	Scheer
Bolz	Haar, K.	Larson	Schilz
Coash	Harr, B.	Mello	Watermeier

Excused and not voting, 6:

Cook	Karpisek	Krist
Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Hadley moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 385:

Department of Revenue
Kim Conroy, Tax Commissioner

Voting in the affirmative, 30:

Adams	Chambers	Hadley	McCoy	Schilz
Avery	Christensen	Hansen	McGill	Schumacher
Bloomfield	Conrad	Harms	Murante	Seiler
Brasch	Dubas	Johnson	Nelson	Smith
Campbell	Garrett	Kolowski	Nordquist	Sullivan
Carlson	Gloor	Lathrop	Pirsch	Wallman

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Crawford	Harr, B.	Mello	Wightman
Bolz	Davis	Howard	Scheer	
Coash	Haar, K.	Larson	Watermeier	

Excused and not voting, 6:

Cook	Karpisek	Krist
Janssen	Kintner	Lautenbaugh

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

MOTION - Withdraw LB1024

Senator Mello offered his motion, MO122, found on page 404, to withdraw LB1024.

The Mello motion to withdraw the bill prevailed with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 656. ER124, found on page 357, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 657. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 658. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 659. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 174. Senator McGill offered the following motion:
MO123
Suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM1765.

The McGill motion to suspend the rules prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator McGill offered the following amendment:
AM1765

1 1. Insert the following new section:
2 Section 1. Section 14-415, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 14-415 The city, in addition to other remedies, may
5 institute any appropriate action or proceedings to prevent
6 an unlawful erection, construction, reconstruction, alteration,
7 conversion, maintenance, or use of any building or structure
8 in violation of any ordinance or regulations enacted or issued
9 pursuant to sections 14-401 to 14-418, to restrain, correct,
10 or abate such violation, to prevent the occupancy of ~~said the~~
11 building, structure, or land, or to prevent any illegal act,
12 conduct, business, or use in or about such premises. ~~Said The~~
13 ordinance or regulations shall be enforced by the city as it
14 may provide. In addition to and not in restriction of any other
15 powers, the city may cause any building, structure, place, or
16 premises to be inspected and examined and to order in writing the
17 remedying of any condition found to exist therein or thereat in
18 violation of any provision of the ordinance or regulations made
19 under authority of ~~said such~~ sections. The owner, general agent,
20 lessee, or tenant of a building or premises or of any part of
21 such building or premises; where a violation of any provision of
22 ~~said the ordinance or regulations has been committed or shall~~
23 exist; or the general agent, architect, builder, contractor, or
1 any other person who commits, takes part, or assists in any such
2 violation or who maintains any building or premises in which
3 any such violation shall exist; shall be guilty of a Class IV
4 misdemeanor ~~punishable by a fine of not less than ten dollars and~~
5 ~~not more than one hundred dollars for each and every day that such~~
6 ~~violation continues.~~ for a first or second violation and a Class
7 II misdemeanor for a third or subsequent violation, if the third
8 or subsequent violation is committed within two years after the

9 commission of the prior violation.
 10 2. Renumber the remaining sections and correct the
 11 repealer accordingly.

The McGill amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 446. ER116, found on page 279, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 33. ER118, found on page 285, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 56. Senator Mello offered his amendment, AM1686, found on page 399.

The Mello amendment was adopted with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 403. ER125, found on page 361, was adopted.

Senator Seiler offered the following amendment:

AM1769

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 28-101, Revised Statutes Supplement,
 4 2013, is amended to read:
 5 28-101 Sections 28-101 to 28-1356 and section 2 of this
 6 act shall be known and may be cited as the Nebraska Criminal Code.
 7 Sec. 2. (1) For purposes of this section:
 8 (a) Novelty lighter means a mechanical or electrical
 9 device that is typically used for lighting cigarettes, cigars, or
 10 pipes, that has only one button or function, and that (i) is
 11 designed to resemble a cartoon character, a toy, a gun, a watch,
 12 a musical instrument, a vehicle, an animal, a food or beverage
 13 container, or a similar item, (ii) plays musical notes, or (iii)
 14 has flashing lights; and
 15 (b) Novelty lighter does not include:
 16 (i) A lighter manufactured prior to January 1, 1980;
 17 (ii) A lighter incapable of being fueled or lacking a
 18 device necessary to produce combustion or a flame; or
 19 (iii) A standard disposable or refillable lighter that is

20 printed or decorated with a logo, label, decal, artwork, or heat
21 shrinkable sleeve.
22 (2) It shall be unlawful to sell at retail, offer for
23 retail sale, or distribute for retail sale or promotion in this
1 state a novelty lighter manufactured on or after the effective date
2 of this act without a child safety feature.
3 (3) Any person who violates this section shall be guilty
4 of a Class IV misdemeanor.
5 (4) This section does not apply to the transportation
6 of novelty lighters through the state or the storage of novelty
7 lighters in a warehouse or distribution center in this state that
8 is closed to the public for purposes of retail sales.
9 Sec. 3. Original section 28-101, Revised Statutes
10 Supplement, 2013, is repealed.

The Seiler amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 215. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 470. ER126, found on page 362, was adopted.

Senator Carlson offered the following motion:
MO125
Bracket until April 15, 2014.

SENATOR MCGILL PRESIDING

Senator Carlson withdrew his motion to bracket.

Senator Carlson moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Carlson requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 45:

Adams	Christensen	Hansen	Larson	Pirsch
Ashford	Coash	Harms	Lathrop	Scheer
Avery	Conrad	Harr, B.	Lautenbaugh	Schilz
Bloomfield	Cook	Howard	McCoy	Schumacher
Bolz	Crawford	Janssen	McGill	Seiler
Brasch	Davis	Johnson	Mello	Smith
Campbell	Dubas	Karpisek	Murante	Sullivan
Carlson	Garrett	Kintner	Nelson	Wallman
Chambers	Haar, K.	Kolowski	Nordquist	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Gloor

Excused and not voting, 3:

Hadley Krist Watermeier

Advanced to Enrollment and Review for Engrossment with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 76. ER127, found on page 365, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 371. ER128, found on page 365, was adopted.

Senator Mello offered his amendment, AM1710, found on page 398.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 272. ER129, found on page 373, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 514. ER130, found on page 375, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 597. Senator Larson offered his amendment, AM1747, found on page 405.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 513. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 278. Considered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 429. Introduced by Mello, 5; Ashford, 20; Davis, 43; K. Haar, 21; Howard, 9; Kolowski, 31; McGill, 26; Nordquist, 7; Seiler, 33; Smith, 14; Sullivan, 41.

WHEREAS, the month of January is National Mentoring Month; and

WHEREAS, National Mentoring Month is an opportunity to raise public awareness of the importance of mentoring, recognize the dedicated individuals who serve as mentors, and encourage more citizens to help build a brighter future for Nebraska's youth through mentoring; and

WHEREAS, mentors build character, encourage success, boost confidence and life expectations, and inspire young people to do their best by serving as friends, role models, teachers, and sources of stability and support for a child during a critical time in that child's life; and

WHEREAS, research shows that mentoring has beneficial long-term effects on youth by increasing their academic engagement and decreasing the likelihood of substance abuse and other risky behavior; and

WHEREAS, mentoring is a proven, effective strategy that helps children and young adults by matching them with a caring, responsible adult who can provide guidance and direction and build their self-confidence; and

WHEREAS, residents of Nebraska are making a profound difference in the lives of young people by serving as mentors and are supported by many private and public sector organizations that offer mentoring opportunities for youth; and

WHEREAS, mentoring strengthens Nebraska's economic and social well-being by helping young people fulfill their potential while helping maintain healthy families and promoting more vibrant communities; and

WHEREAS, thousands of Nebraska's children are in need of a caring adult mentor in their lives, and closing the mentoring gap will take more investment, partnerships, and volunteers ready to make a difference in a child's life; and

WHEREAS, the citizens of Nebraska recognize that our collective success depends on helping every child succeed in school and reach his or her full

potential in life, and that young people need a solid foundation of support that will help them become well-educated, confident, and productive citizens.

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

1. That the Legislature designates January 2014 as National Mentoring Month in Nebraska.

2. That the Legislature recognizes and appreciates the work of mentors who teach, inspire, and guide young people to reach for their dreams.

3. That Nebraskans are encouraged to come together to commemorate and celebrate National Mentoring Month so that in every corner of Nebraska, mentors will push our next generation to shape their ambitions, set a positive course, and achieve their boundless potential.

Laid over.

LEGISLATIVE RESOLUTION 430. Introduced by Kintner, 2.

WHEREAS, Brock Milius of Plattsmouth, Nebraska, 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, Brock has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

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

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

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

1. That the Legislature congratulates Brock Milius on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Brock Milius.

Laid over.

LEGISLATIVE RESOLUTION 431. Introduced by Kintner, 2.

WHEREAS, the Louisville-Weeping Water baseball team won the 2013 Class C Junior Legion State Tournament with a 5-0 victory over Shelton-Gibbon; and

WHEREAS, the Louisville-Weeping Water Lions outscored their opponents 33-1 during the tournament to win their first state title and finished the season with a 26-5-1 record; and

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

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

1. That the Legislature congratulates the Louisville-Weeping Water baseball team on a successful season and for winning the 2013 Class C Junior Legion State Tournament.

2. That a copy of this resolution be sent to the Louisville-Weeping Water Lions baseball team and to coaches Monty Daganaar and Gary Dillon.

Laid over.

MOTIONS - Print in Journal

Senator Chambers filed the following motion to LB399:

MO124

Bracket until April 17, 2014.

Senator Davis filed the following motion to LB1079:

MO126

Withdraw bill.

Senator Schumacher filed the following motion to LB278:

MO127

Bracket until April 17, 2014.

UNANIMOUS CONSENT - Add Cointroducers

Senators Ashford, K. Haar, Lathrop, and Mello asked unanimous consent to add their names as cointroducers to LB754. No objections. So ordered.

Senators Conrad and Nordquist asked unanimous consent to add their names as cointroducers to LB834. No objections. So ordered.

Senator Kintner asked unanimous consent to add his name as cointroducer to LB1097. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB691. No objections. So ordered.

Senator Conrad asked unanimous consent to add her name as cointroducer to LB691. No objections. So ordered.

Senators Conrad and Nordquist asked unanimous consent to add their names as cointroducers to LB947. No objections. So ordered.

VISITORS

Visitor to the Chamber was Beckie Cromer from Falls City.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, January 31, 2014.

Patrick J. O'Donnell
Clerk of the Legislature