

**FIFTEENTH DAY - JANUARY 28, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 28, 2015

**PRAYER**

The prayer was offered by Senator Riepe.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coash presiding.

The roll was called and all members were present except Senator McCoy who was excused; and Senators B. Harr, Larson, Mello, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 157.** Placed on General File.

(Signed) Jim Scheer, Chairperson

Urban Affairs

**LEGISLATIVE BILL 149.** Placed on General File.

**LEGISLATIVE BILL 168.** Placed on General File.

(Signed) Sue Crawford, Chairperson

Nebraska Retirement Systems

**LEGISLATIVE BILL 40.** Placed on General File.

(Signed) Jeremy Nordquist, Chairperson

**MOTION(S) - Confirmation Report(s)**

Senator Smith moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 312:

Department of Motor Vehicles  
Rhonda K. Lahm, Director

Voting in the affirmative, 38:

Baker	Craighead	Hansen	Kuehn	Schumacher
Bloomfield	Crawford	Hilkemann	Lindstrom	Seiler
Bolz	Ebke	Howard	McCollister	Smith
Brasch	Friesen	Hughes	Murante	Stinner
Campbell	Garrett	Johnson	Nordquist	Sullivan
Chambers	Groene	Kintner	Riepe	Williams
Coash	Haar, K.	Kolterman	Schilz	
Cook	Hadley	Krist	Schnoor	

Voting in the negative, 0.

Present and not voting, 4:

Davis	Gloor	Kolowski	Scheer
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Excused and not voting, 7:

Harr, B.	McCoy	Morfeld	Watermeier
Larson	Mello	Pansing Brooks	

The appointment was confirmed with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 88.** Title read. Considered.

Senator Chambers offered the following motion:

MO6

Indefinitely postpone.

**SENATOR GLOOR PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 5:

Bloomfield Ebke Murante Schnoor Schumacher

Voting in the negative, 38:

Baker	Friesen	Hilkemann	Larson	Schilz
Bolz	Garrett	Howard	Lindstrom	Seiler
Campbell	Gloor	Hughes	McCollister	Sinner
Coash	Groene	Johnson	Morfeld	Sullivan
Cook	Haar, K.	Kintner	Nordquist	Watermeier
Craighead	Hadley	Kolowski	Pansing Brooks	Williams
Crawford	Hansen	Kolterman	Riepe	
Davis	Harr, B.	Kuehn	Scheer	

Present and not voting, 4:

Brasch Chambers Krist Smith

Excused and not voting, 2:

McCoy Mello

The Chambers motion to indefinitely postpone failed with 5 ayes, 38 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

## COMMITTEE REPORT(S)

### Judiciary

**LEGISLATIVE BILL 43.** Placed on General File with amendment.

AM72

- 1 1. On page 2, line 10, after "guardian" insert "or a standby
- 2 guardian".
- 3 2. On page 3, line 12, after the first "guardian" insert "and upon
- 4 compliance with any rules promulgated by the Supreme Court"; in line 17
- 5 after "notification" insert "and upon compliance with any rules
- 6 promulgated by the Supreme Court"; in line 18 after the second
- 7 "guardianship" insert "appointment" and after the period insert "Δ
- 8 standby guardian shall complete the training required by section
- 9 30-2601.01 at the time or times required by rules promulgated by the
- 10 Supreme Court or as otherwise provided by order of the county court.";
- 11 and after line 18 insert the following new subsection:

12 "(f) The Public Guardian shall not be appointed as a standby  
 13 guardian."  
 14 3. On page 5, line 24, after the first "ward" insert ", any current,  
 15 suspended, or former conservator or guardian of the ward,".

**LEGISLATIVE BILL 190.** Placed on General File with amendment.  
 AM48

1 1. On page 3, line 18, after the semicolon insert "and"; strike  
 2 lines 19 and 20 and show the old matter as stricken; and in line 21  
 3 strike "(11)", show as stricken, and insert "(10)".

**LEGISLATIVE BILL 219.** Placed on General File with amendment.  
 AM43

1 1. On page 2, line 4, strike "eighteen" and insert "nineteen".  
 2 2. On page 16, lines 2 and 3, strike "the Uniform Deployed Parents  
 3 Custody and Visitation Act and"; and in line 3 after "43-2923" insert "or  
 4 the Uniform Deployed Parents Custody and Visitation Act if such act  
 5 applies".  
 6 3. On page 20, lines 10 and 11, strike "the Uniform Deployed Parents  
 7 Custody and Visitation Act and"; and in line 11 before "and" insert "or  
 8 the Uniform Deployed Parents Custody and Visitation Act if such act  
 9 applies".

(Signed) Les Seiler, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 Health and Human Services

Room 1510

Wednesday, February 4, 2015 1:30 p.m.

LB366  
 LB353  
 LB346

Thursday, February 5, 2015 1:30 p.m.

LB320  
 LB405  
 LB440

Friday, February 6, 2015 1:30 p.m.

LB543  
 LB89  
 LB147

Wednesday, February 11, 2015 1:30 p.m.

LB471  
LB452  
LB567

Thursday, February 12, 2015 1:30 p.m.

LB80  
LB315

Wednesday, February 18, 2015 1:30 p.m.

LB490  
LB335  
LB607

Thursday, February 19, 2015 1:30 p.m.

LB243  
LB441  
LB199  
LB296

Friday, February 20, 2015 1:30 p.m.

LB196  
LB549

(Signed) Kathy Campbell, Chairperson

Judiciary

Room 1113

Wednesday, February 4, 2015 1:30 p.m.

LB663  
LB602  
LB648  
LB647  
LB586

(Signed) Les Seiler, Chairperson

Government, Military and Veterans Affairs

Room 1507

Friday, February 6, 2015 1:30 p.m.

LB487

(Signed) John Murante, Chairperson

**AMENDMENT(S) - Print in Journal**Senator Crawford filed the following amendment to LB168:

AM51

- 1 1. On page 7, line 22; and page 9, line 15, after "based" insert "
- 2 primarily".

Senator Crawford filed the following amendment to LB151:

AM85

- 1 1. On page 3, line 27, after "owner" insert "of the trust property".

Senator Larson filed the following amendment to LB118:

AM98

(Amendments to Standing Committee amendments, AM97)

- 1 1. On page 1, line 13, after the period insert "Public
- 2 accommodations, research institutions, tobacco retail outlets, and cigar
- 3 shops provide revenue for the state and local governments and provide
- 4 employment opportunities for the public.".

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 44.** Introduced by Kolterman, 24.

WHEREAS, York Public Schools received a 2014 NebraskARTS Award presented by Nebraskans for the Arts; and

WHEREAS, Nebraskans for the Arts annually recognizes select schools that make a notable and worthwhile contribution to the arts and arts education in the state of Nebraska; and

WHEREAS, the award event was held in the State Capitol rotunda on October 14, 2014, and included student artwork displays and performances from the honored schools; and

WHEREAS, York Public Schools demonstrates a high education standard and enriches the lives of its students through the arts; and

WHEREAS, York Public Schools offers over 40 opportunities for students to take part in fine art activities; and

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

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

1. That the Legislature congratulates York Public Schools for receiving a 2014 NebraskARTS Award.
2. That a copy of this resolution be sent to York Public Schools.

Laid over.

**LEGISLATIVE RESOLUTION 45.** Introduced by Craighead, 6.

WHEREAS, Michael B. Yanney has been selected as a 2015 winner of the Excellence in Mentoring Award given by MENTOR: The National Mentoring Partnership; and

WHEREAS, Michael was one of the primary advocates for launching the Midlands Mentoring Partnership, an organization that seeks to increase the number and quality of mentoring programs available for youth in Omaha; and

WHEREAS, Michael and his wife, Dr. Gail Walling Yanney, founded Partnership 4 Kids, an after-school mentoring program currently serving over 5,000 youths in Omaha; and

WHEREAS, Michael was presented with the award by United States Senator Ben Sasse at a special dinner at the Library of Congress.

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

1. That the Legislature congratulates Michael B. Yanney for winning the Excellence in Mentoring Award.
2. That a copy of this resolution be sent to Michael B. Yanney.

Laid over.

#### **MOTION - Print in Journal**

Senator Baker filed the following motion to LB432:

MO7

Withdraw bill.

#### **GENERAL FILE**

**LEGISLATIVE BILL 88.** Senator Chambers offered the following motion:

MO8

Reconsider the vote to indefinitely postpone.

**SENATOR COASH PRESIDING**

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

The Chambers motion to reconsider failed with 2 ayes, 33 nays, 11 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO9

Bracket until February 13, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

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

Voting in the affirmative, 2:

Murante        Schumacher

Voting in the negative, 37:

Baker	Friesen	Hilkemann	Larson	Schilz
Bolz	Garrett	Howard	Lindstrom	Stinner
Campbell	Gloor	Hughes	McCollister	Sullivan
Coash	Groene	Johnson	Morfeld	Watermeier
Cook	Haar, K.	Kintner	Nordquist	Williams
Craighead	Hadley	Kolterman	Pansing Brooks	
Crawford	Hansen	Krist	Riepe	
Ebke	Harr, B.	Kuehn	Scheer	

Present and not voting, 5:

Bloomfield    Brasch        Chambers    Davis        Smith

Excused and not voting, 5:

Kolowski      McCoy        Mello        Schnoor      Seiler

The Chambers motion to bracket failed with 2 ayes, 37 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO10

Reconsider the vote to bracket until February 13, 2015.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.



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

Voting in the affirmative, 5:

Bloomfield    Chambers    Davis    Ebke    Murante

Voting in the negative, 34:

Baker	Friesen	Harr, B.	Krist	Riepe
Bolz	Garrett	Hilkemann	Kuehn	Schumacher
Campbell	Gloor	Howard	Lindstrom	Stinner
Coash	Groene	Hughes	McCollister	Sullivan
Cook	Haar, K.	Johnson	Morfeld	Watermeier
Craighead	Hadley	Kintner	Nordquist	Williams
Crawford	Hansen	Kolterman	Pansing Brooks	

Present and not voting, 2:

Brasch    Smith

Excused and not voting, 8:

Kolowski	McCoy	Scheer	Schnoor
Larson	Mello	Schilz	Seiler

The Chambers motion to reconsider failed with 5 ayes, 34 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

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

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

John Bernthal - Coordinating Commission for Postsecondary Education

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

**LEGISLATIVE BILL 18.** Placed on General File.

**LEGISLATIVE BILL 109.** Placed on General File with amendment.

AM66

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 85-502.01, Reissue Revised Statutes of Nebraska,  
 3 is amended to read:  
 4 85-502.01 (1) A person who enrolls in a public college or university  
 5 in this state and who is either a veteran as defined in Title 38 of the  
 6 United States Code section 80-401.01 and was discharged or released from  
 7 a period of not fewer than ninety days of service in the active military,  
 8 naval, or air service less than three years before the date of initial  
 9 enrollment, a spouse or dependent of such a veteran, has been off active  
 10 duty for two years or less or an eligible recipient entitled to  
 11 educational assistance of such a veteran as provided in 38 U.S.C. 3311(b)  
 12 (9) or 38 U.S.C. 3319, as such sections existed on January 1, 2015, who  
 13 is a spouse or dependent of such a veteran who enrolls in a public  
 14 college or university in this state shall be considered a resident  
 15 student notwithstanding the provisions of section 85-502 if the person is  
 16 (a) registered to vote in Nebraska and (b) demonstrates objective  
 17 evidence of intent to be a resident of Nebraska.  
 18 (2) A person who is an eligible individual under 38 U.S.C. 3679(c)  
 19 (2), as such section existed on January 1, 2015, or who is a spouse or  
 20 dependent of such a veteran under and who is younger than eighteen years  
 21 of age is not required to comply with subdivision (1)(a) of this section  
 22 until he or she attains eighteen years of age.  
 23 ~~(3) This section does not apply to a veteran who qualifies for~~  
 24 ~~benefits pursuant to 38 U.S.C. 3317, as such section existed on January~~  
 25 ~~1, 2014. This subsection does not affect the applicability of this~~  
 26 ~~section with respect to the spouse or dependent of such a veteran.~~  
 27 (3 4) For purposes of this section, objective evidence of intent to  
 1 be a resident of Nebraska includes either a Nebraska driver's license or  
 2 state identification card or a Nebraska motor vehicle registration.

(Signed) Kate Sullivan, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 198.** Placed on General File.

(Signed) Jim Scheer, Chairperson

General Affairs

**LEGISLATIVE BILL 118.** Placed on General File with amendment.  
 AM97

1 1. Insert the following new sections:  
 2 Sec. 5. Section 71-5717, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:  
 4 71-5717 The purpose of the Nebraska Clean Indoor Air Act is to  
 5 protect the public health and welfare by prohibiting smoking in public  
 6 places and places of employment with limited exceptions for public  
 7 accommodations, research, tobacco retail outlets, and cigar shops. The  
 8 limited exceptions permit smoking in public places where the public would

9 reasonably expect to find persons smoking, including guestrooms which are  
 10 subject to expectations of privacy like private residences, institutions  
 11 engaged in research related to smoking, and tobacco retail outlets and  
 12 cigar shops which provide the public legal retail outlets to sample, use,  
 13 and purchase tobacco products and products related to smoking. The act  
 14 shall not be construed to prohibit or otherwise restrict smoking in  
 15 outdoor areas. The act shall not be construed to permit smoking where it  
 16 is prohibited or otherwise restricted by other applicable law, ordinance,  
 17 or resolution. The act shall be liberally construed to further its  
 18 purpose.

19 Sec. 7. If any section in this act or any part of any section is  
 20 declared invalid or unconstitutional, the declaration shall not affect  
 21 the validity or constitutionality of the remaining portions.

22 2. On page 3, line 2, strike "in triplicate original" and show as  
 23 stricken; and in line 30 after the period insert "The rules and  
 24 regulations existing on August 1, 2014, applicable to cigar bars shall  
 25 apply to cigar shops until amended or repealed by the commission.".

26 3. On page 4, after line 30; and page 6, after line 7, insert the  
 27 following new subsection:

1 "(3)(a) The Legislature finds that allowing smoking in tobacco  
 2 retail outlets as a limited exception to the Nebraska Clean Indoor Air  
 3 Act does not interfere with the original intent that the general public  
 4 and employees not be unwillingly subjected to second-hand smoke since  
 5 employees have ample other opportunities for similar employment at other  
 6 establishments and the general public would not frequent those  
 7 establishments and should reasonably expect that there would be second-  
 8 hand smoke in a tobacco retail outlet and could choose to avoid such  
 9 exposure.

10 (b) It is the intent of the Legislature to allow smoking in tobacco  
 11 retail outlets that meet specific statutory criteria. This exception to  
 12 the Nebraska Clean Indoor Air Act is narrowly tailored in accordance with  
 13 the intent of the act to protect public places and places of  
 14 employment."

15 4. Renumber the remaining sections and correct the repealer  
 16 accordingly.

(Signed) Tyson Larson, Chairperson

Banking, Commerce and Insurance

**LEGISLATIVE BILL 269.** Placed on General File with amendment.  
 AM68

1 1. On page 2, reinstate the stricken matter beginning with "A" in  
 2 line 10 through "director" in line 12 and after the reinstated matter  
 3 insert "and maintained and updated at least annually on the board's web  
 4 site in a printable format.".

(Signed) Jim Scheer, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources

Room 1525

Thursday, February 5, 2015 1:30 p.m.

LB104  
LB337  
LB469

Friday, February 6, 2015 1:30 p.m.

Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission  
LB203

(Signed) Ken Schilz, Chairperson

Judiciary

Room 1113

Thursday, February 5, 2015 1:30 p.m.

Randall L. Rehmeier - Board of Parole  
LB651  
LB504  
LB505  
LB630

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

The Banking, Commerce and Insurance 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.

Bruce Ramge, Director - Department of Insurance

Aye: 7 Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, Williams. Nay: 0. Absent: 1 Scheer. Present and not voting: 0.

The Banking, Commerce and Insurance 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.

Mark Quandahl, Director - Department of Banking and Finance

Aye: 7 Campbell, Craighead, Gloor, Howard, Lindstrom, Schumacher, Williams. Nay: 0. Absent: 1 Scheer. Present and not voting: 0.

(Signed) Jim Scheer, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Schumacher filed the following amendment to LB88:

FA4

After the period in line 15 page 2 insert the following sentence: "In the case where either of the persons applying for the issuance of a marriage license has minor children the fifty dollar fee shall be waived."

Senator Kintner filed the following amendment to LB88:

AM110

1 1. On page 2, line 13, strike beginning with "of" though "dollars"  
2 and show the old matter as stricken; on line 15 after the period insert "  
3 Such fee shall be set by each county board in an amount ranging between  
4 thirty and fifty dollars.".

Senator Larson filed the following amendment to LB111:

AM107

1 1. Strike section 15.

Senator Larson filed the following amendment to LB619:

AM102

1 1. Strike section 9.

Senator Larson filed the following amendment to LB330:

AM101

1 1. Strike section 18.

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

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

Davis, Hughes, Murante, Scheer, Stinner, Williams - LB187

Schilz - LB187

Bloomfield, Davis, Friesen, Groene, Johnson, Kolterman - LR23

Baker, Hilke, Hughes, Kuehn, McCoy, Williams - LR23

Craighead, Ebke, Lindstrom, McCollister, Schnoor, Stinner - LR23

Bolz, Gloor, Kintner, Pansing Brooks, Schumacher - LR23  
Haar, K., Hadley, Kolowski, Krist, Murante, Schilz - LR23  
Brasch, Crawford, Larson, Seiler, Smith, Sullivan - LR23  
Kuehn, Larson - LB187  
Kintner - LB118  
Coash, Larson, Murante, Schilz - LB31

### **VISITORS**

Visitors to the Chamber were 25 students and teacher from Little Priest Tribal College, Winnebago.

### **ADJOURNMENT**

At 12:07 p.m., on a motion by Speaker Hadley, the Legislature adjourned until 9:00 a.m., Thursday, January 29, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature