

THIRTY-THIRD DAY - FEBRUARY 25, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 25, 2015

PRAYER

The prayer was offered by Pastor Earl Fuoss, Lutheran Church - Missouri Synod, Wayne.

ROLL CALL

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

The roll was called and all members were present except Senator Coash who was excused; and Senators Campbell, Craighead, K. Haar, Hansen, Hilkemann, Larson, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 74. Introduced by Garrett, 3; Crawford, 45.

WHEREAS, Bellevue University was founded as Bellevue College in 1966; and

WHEREAS, Bellevue University provides a quality education to approximately 10,000 students annually; and

WHEREAS, Bellevue University established a Military-Veteran Services Center which offers services and support for military and veteran students; and

WHEREAS, the Military-Veteran Services Center exemplifies Bellevue University's commitment to serving members of the military, veterans, and their families.

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

1. That the Legislature commends Bellevue University for its commitment to members of the military, veterans, and their families.
2. That a copy of this resolution be sent to Bellevue University.

Laid over.

AMENDMENT(S) - Print in Journal

Senator K. Haar filed the following amendment to LB177:
AM434

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 70-619, Revised Statutes Cumulative Supplement,
- 4 2014, is amended to read:
- 5 70-619 (1) The corporate powers of the district shall be vested in
- 6 and exercised by the board of directors of the district. No person shall
- 7 be qualified to hold office as a member of the board of directors unless
- 8 (a) he or she is a registered voter (i) of such chartered territory, (ii)
- 9 of the subdivision from which a director is to be elected if such
- 10 chartered territory is subdivided for election purposes as provided in
- 11 subsection (1), (2), or (3) of section 70-612, or (iii) of one of the
- 12 combined subdivisions from which directors are to be elected at large as
- 13 provided in section 70-612 or (b) he or she is a retail customer duly
- 14 certified in accordance with subsection (3) of section 70-604.03.
- 15 (2)(a) No person who is a full-time or part-time employee of the
- 16 district shall be eligible to serve as a member of the board of directors
- 17 of that district and no high-level manager employed by a district may
- 18 serve as a member of the board of directors of any district unless such
- 19 person (i) resigns or (ii) assumes an unpaid leave of absence for the
- 20 term as a member. The employing district shall grant such leave of
- 21 absence when requested by any employee for the purpose of the employee
- 22 serving as a member of such the board. A of directors. No person shall be
- 23 qualified to be a member of more than one such district board, except
- 24 that a director of a rural public power district may serve as a director
- 25 of another public power district formed or organized for the purpose of
- 26 generating electric energy or transmitting electric energy exclusively
- 1 for resale to some other public power districts, rural electric
- 2 cooperatives, and membership associations or municipalities. No member of
- 3 a governing body of any one of the municipalities within the areas of the
- 4 district may not shall be qualified to serve on the original board of
- 5 directors under sections 70-603 to 70-609.
- 6 (b) For purposes of this subsection, high-level manager means a
- 7 person employed by a district who serves in a high-level managerial
- 8 position, including chief executive officer, president, vice president,
- 9 chief financial officer, chief operations officer, general manager, or
- 10 assistant general manager.
- 11 Sec. 2. Original section 70-619, Revised Statutes Cumulative
- 12 Supplement, 2014, is repealed.

13 2. On page 1, line 1, after "power" insert "district"; and in line 3
14 after the semicolon insert "to define a term;".

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR73 was referred to the Reference Committee.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 25, 2015, summarizing the recommended appropriations for the following biennium.

MOTION(S) - Confirmation Report(s)

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 595:

State Energy Office
David Bracht, Director

Voting in the affirmative, 32:

Baker	Friesen	Hughes	Mello	Schumacher
Bloomfield	Garrett	Kolowski	Murante	Seiler
Chambers	Gloor	Krist	Pansing Brooks	Stinner
Cook	Groene	Kuehn	Riepe	Williams
Crawford	Hadley	Lindstrom	Scheer	
Davis	Harr, B.	McCollister	Schilz	
Ebke	Howard	McCoy	Schnoor	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Johnson	Kolterman	Smith	Watermeier
Brasch	Kintner	Nordquist	Sullivan	

Excused and not voting, 8:

Campbell	Craighead	Hansen	Larson
Coash	Haar, K.	Hilkemann	Morfeld

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 595:

Nebraska Oil and Gas Conservation Commission
Thomas D. Oliver

Voting in the affirmative, 35:

Baker	Ebke	Hughes	Lindstrom	Scheer
Bloomfield	Friesen	Johnson	McCollister	Schilz
Bolz	Garrett	Kintner	McCoy	Schnoor
Brasch	Gloor	Kolowski	Mello	Schumacher
Chambers	Groene	Kolterman	Murante	Seiler
Crawford	Hadley	Krist	Pansing Brooks	Smith
Davis	Howard	Kuehn	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 7:

Campbell	Harr, B.	Stinner	Watermeier
Cook	Nordquist	Sullivan	

Excused and not voting, 7:

Coash	Haar, K.	Hilkemann	Morfeld
Craighead	Hansen	Larson	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 596:

Nebraska Natural Resources Commission
Donald P. Batie
Owen A. Palm

Voting in the affirmative, 39:

Baker	Davis	Hughes	McCollister	Schilz
Bloomfield	Ebke	Johnson	McCoy	Schnoor
Bolz	Friesen	Kintner	Mello	Schumacher
Brasch	Garrett	Kolowski	Murante	Seiler
Campbell	Gloor	Kolterman	Nordquist	Smith
Chambers	Hadley	Krist	Pansing Brooks	Stinner
Cook	Hilkemann	Kuehn	Riepe	Williams
Crawford	Howard	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 4:

Groene Harr, B. Sullivan Watermeier

Excused and not voting, 6:

Coash Haar, K. Larson
Craighead Hansen Morfeld

The appointments were confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 602:

Department of Aeronautics
Ronnie Mitchell, Director

Voting in the affirmative, 40:

Baker	Davis	Howard	Lindstrom	Schilz
Bloomfield	Ebke	Hughes	McCollister	Schnoor
Bolz	Friesen	Johnson	McCoy	Schumacher
Brasch	Garrett	Kintner	Mello	Seiler
Campbell	Gloor	Kolowski	Murante	Stinner
Chambers	Groene	Kolterman	Nordquist	Sullivan
Cook	Hadley	Krist	Pansing Brooks	Watermeier
Crawford	Hilkemann	Kuehn	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 3:

Harr, B. Scheer Smith

Excused and not voting, 6:

Coash Haar, K. Larson
Craighead Hansen Morfeld

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Senator Seiler moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 611:

Crime Victim's Reparations Committee

Gerard A. (Fred) Ruiz

Michelle Schindler

Voting in the affirmative, 39:

Baker	Ebke	Hughes	McCoy	Schumacher
Bloomfield	Friesen	Johnson	Mello	Seiler
Brasch	Garrett	Kintner	Murante	Smith
Campbell	Gloor	Kolterman	Nordquist	Stinner
Chambers	Groene	Krist	Pansing Brooks	Sullivan
Cook	Hadley	Kuehn	Riepe	Watermeier
Crawford	Hilkemann	Lindstrom	Scheer	Williams
Davis	Howard	McCollister	Schnoor	

Voting in the negative, 0.

Present and not voting, 6:

Bolz	Kolowski	Morfeld
Harr, B.	Larson	Schilz

Excused and not voting, 4:

Coash	Craighead	Haar, K.	Hansen
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 10. Senator Chambers offered the following motion:

MO37

Recommit to the Government, Military and Veterans Affairs Committee.

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 56, 57, and 58 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 56, 57, and 58.

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO37, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

Pending.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 431. Placed on General File.

LEGISLATIVE BILL 477. Placed on General File.

LEGISLATIVE BILL 513. Placed on General File.

LEGISLATIVE BILL 49. Indefinitely postponed.

LEGISLATIVE BILL 616. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 75. Introduced by Kolterman, 24.

WHEREAS, Steven Bader, a senior at Centennial High School, won the 2015 Class C State Wrestling Championship in the 145-pound division; and

WHEREAS, Steven's win helped lead the Centennial Broncos to a sixth-place team finish; and

WHEREAS, Steven displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Steven Bader on his state wrestling championship.

2. That a copy of this resolution be sent to Steven Bader.

Laid over.

LEGISLATIVE RESOLUTION 76. Introduced by Kolterman, 24.

WHEREAS, Doyle Trout, a senior at Centennial High School, won the 2015 Class C State Wrestling Championship in the 126-pound division; and

WHEREAS, the victory gave Doyle his fourth straight state wrestling championship; and

WHEREAS, Doyle displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Doyle Trout on his state wrestling championship.

2. That a copy of this resolution be sent to Doyle Trout.

Laid over.

LEGISLATIVE RESOLUTION 77. Introduced by Johnson, 23.

WHEREAS, Drew Ratkovec of East Butler High School won the 2015 Class C State Wrestling Championship in the 138-pound division; and

WHEREAS, Drew's win helped lead the East Butler Tigers to a fourth-place team finish; and

WHEREAS, Drew displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Drew Ratkovec on his state wrestling championship.

2. That a copy of this resolution be sent to Drew Ratkovec.

Laid over.

LEGISLATIVE RESOLUTION 78. Introduced by Johnson, 23.

WHEREAS, Alexander Reimers of David City Aquinas Catholic High School won the 2015 Class C State Wrestling Championship in the 195-pound division; and

WHEREAS, Alexander's win helped lead the David City Aquinas Catholic Monarchs to an eighth-place team finish; and

WHEREAS, Alexander displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Alexander Reimers on his state wrestling championship.
2. That a copy of this resolution be sent to Alexander Reimers.

Laid over.

LEGISLATIVE RESOLUTION 79. Introduced by Johnson, 23.

WHEREAS, Matthew Kindler of David City Aquinas Catholic High School won the 2015 Class C State Wrestling Championship in the 182-pound division; and

WHEREAS, Matthew's win helped lead the David City Aquinas Catholic Monarchs to an eighth-place team finish; and

WHEREAS, Matthew displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Matthew Kindler on his state wrestling championship.
2. That a copy of this resolution be sent to Matthew Kindler.

Laid over.

LEGISLATIVE RESOLUTION 80. Introduced by Johnson, 23.

WHEREAS, Trevor Nichelson of Ashland-Greenwood High School won the 2015 Class B State Wrestling Championship in the 170-pound division; and

WHEREAS, Trevor's win helped lead the Ashland-Greenwood Bluejays to a fourth-place team finish; and

WHEREAS, Trevor displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Trevor Nichelson on his state wrestling championship.
2. That a copy of this resolution be sent to Trevor Nichelson.

Laid over.

LEGISLATIVE RESOLUTION 81. Introduced by Johnson, 23.

WHEREAS, Ben Stille of Ashland-Greenwood High School won the 2015 Class B State Wrestling Championship in the 220-pound division; and

WHEREAS, Ben's win helped lead the Ashland-Greenwood Bluejays to a fourth-place team finish; and

WHEREAS, Ben displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Ben Stille on his state wrestling championship.
2. That a copy of this resolution be sent to Ben Stille.

Laid over.

LEGISLATIVE RESOLUTION 82. Introduced by Johnson, 23.

WHEREAS, Wyatt Phillips of David City High School won the 2015 Class C State Wrestling Championship in the 120-pound division; and

WHEREAS, Wyatt's win helped lead the David City Scouts to a fifth-place team finish; and

WHEREAS, Wyatt displayed outstanding determination, perseverance, and skill in winning the state championship; 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 Wyatt Phillips on his state wrestling championship.
2. That a copy of this resolution be sent to Wyatt Phillips.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR73 Government, Military and Veterans Affairs

(Signed) Bob Krist, Chairperson
Executive Board

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Morfeld has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 10. The Chambers motion, MO37, found in this day's Journal, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

SPEAKER HADLEY PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB10:
AM528

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new section:
- 3 Section 1. (1) The Legislature finds that:
- 4 (a) The President and Vice President of the United States are
- 5 elected by the Electoral College which consists of 538 presidential
- 6 electors from the fifty states and the District of Columbia;
- 7 (b) A candidate must currently receive a majority of 270 electoral
- 8 votes to win the office of President or Vice President;
- 9 (c) Article II, Section 1, Clause 2, of the United States
- 10 Constitution requires each state legislature to determine how
- 11 presidential electors for each state are chosen;
- 12 (d) In every state except Maine and Nebraska, presidential electors
- 13 are chosen by a "winner-take-all" method which awards all presidential
- 14 electors to the candidate who receives the most votes in those states;
- 15 (e) Maine and Nebraska use a proportional method whereby
- 16 presidential electors are allocated based on the popular vote winner
- 17 within each state's congressional districts and the statewide popular
- 18 vote winner receives two additional presidential electors;
- 19 (f) Advocates of the proportional method for allocating presidential
- 20 electors believe it encourages grassroots organizing within each
- 21 congressional district and incentivizes presidential candidates to
- 22 broaden their campaigns in otherwise noncompetitive states; and
- 23 (g) In the interest of fairness, all states should have the same
- 24 method for allocating presidential electors and the proportional method
- 25 is most democratic method while still maintaining the Electoral College.
- 26 (2) It is the intent of the Legislature to urge each state to adopt
- 27 or continue the proportional method for allocating presidential electors.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Cook - LB167
Morfeld - LB485

VISITORS

Visitors to the Chamber were members from the League of Women Voters of Nebraska and American Association of University Women of Nebraska; and 60 fourth-grade students and teachers from Morton Elementary, Lexington.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Gloor, the Legislature adjourned until 9:00 a.m., Thursday, February 26, 2015.

Patrick J. O'Donnell
Clerk of the Legislature