

THIRTY-EIGHTH DAY - MARCH 4, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 4, 2015

PRAYER

The prayer was offered by Senator Kintner.

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 Murante who was excused; and Senators Davis, Hadley, Hansen, Kolowski, Schilz, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 361. Placed on General File.

(Signed) Mike Gloor, Chairperson

Agriculture

LEGISLATIVE BILL 85. Placed on General File.

(Signed) Jerry Johnson, Chairperson

Urban Affairs

LEGISLATIVE BILL 540. Placed on General File.

(Signed) Sue Crawford, Chairperson

Revenue

LEGISLATIVE BILL 156. Placed on General File with amendment.
AM645

1 1. On page 2, lines 11 and 13, strike "five" and insert "four".

LEGISLATIVE BILL 200. Placed on General File with amendment.
AM646

1 1. On page 2, line 11, after the period insert "This section
2 terminates three years after the effective date of this act.".

LEGISLATIVE BILL 249. Placed on General File with amendment.
AM622

1 1. On page 2, line 12, after "horses" insert "for breeding stock".

LEGISLATIVE BILL 408. Placed on General File with amendment.
AM586

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 77-1744, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 77-1744 The county treasurer shall not be entitled to credit on the
6 ~~his~~ final settlement for delinquent personal property tax until he or she
7 has filed with the clerk an affidavit that he or she has fully complied
8 with the provisions of sections 77-1715 to 77-1725.01 ~~77-1726~~ relating to
9 the giving of notice and issuing of distress warrants and been unable to
10 collect the tax due thereon by reason of a want of personal property of
11 the owner thereof; and that to the best of his or her knowledge and
12 belief no personal property of any such owner is in the county.
13 Sec. 2. Original section 77-1744, Reissue Revised Statutes of
14 Nebraska, is repealed.
15 Sec. 3. The following section is outright repealed: Section
16 77-1726, Reissue Revised Statutes of Nebraska.

(Signed) Mike Gloor, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

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

LB576

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

LR73

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services 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.

Laura A. Scholl - Board of Emergency Medical Services

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

John A. E. Craig - Nebraska Rural Health Advisory Commission

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Teresa Konda - State Board of Health

Aye: 7 Baker, Campbell, Cook, Crawford, Howard, Kolterman, Riepe. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Kathy Campbell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 366. Senator Coash offered the following amendment:

AM657

1 1. On page 2, line 5, strike "seventy-five" and insert "sixty".

The Coash amendment was adopted with 36 ayes, 5 nays, 4 present and not voting, and 4 excused and not voting.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

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

Voting in the affirmative, 29:

| | | | | |
|----------|----------|-----------|-------------|----------------|
| Baker | Crawford | Hadley | Kolowski | Nordquist |
| Bolz | Davis | Hansen | Krist | Pansing Brooks |
| Campbell | Friesen | Harr, B. | Kuehn | Seiler |
| Chambers | Garrett | Hilkemann | McCollister | Stinner |
| Coash | Gloor | Howard | Mello | Sullivan |
| Cook | Haar, K. | Hughes | Morfeld | |

Voting in the negative, 12:

| | | | |
|-----------|---------|-----------|----------|
| Brasch | Groene | Larson | Riepe |
| Craighead | Johnson | Lindstrom | Smith |
| Ebke | Kintner | McCoy | Williams |

Present and not voting, 5:

| | | | | |
|------------|-----------|--------|---------|------------|
| Bloomfield | Kolterman | Scheer | Schnoor | Schumacher |
|------------|-----------|--------|---------|------------|

Excused and not voting, 3:

| | | |
|---------|--------|------------|
| Murante | Schilz | Watermeier |
|---------|--------|------------|

Advanced to Enrollment and Review Initial with 29 ayes, 12 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 366A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 9 nays, 7 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 378. Placed on General File with amendment.
AM379

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

2 Section 1. Section 16-697.02, Reissue Revised Statutes of Nebraska,

3 is amended to read:

4 16-697.02 (1) The mayor and city council of any first-class city

5 shall have power to borrow money and pledge the property and credit of

6 the city upon its negotiable bonds or otherwise, for the purpose of

7 purchasing and improving land for parks, recreational facilities, and

8 public grounds, authority therefor having first been obtained by a

9 majority vote of the qualified electors of the city voting on such
 10 question at any general city election of such city or at an election
 11 called for that purpose, upon a proposition or propositions submitted in
 12 the manner provided by law for the submission of propositions to aid in
 13 the construction of railroads and other works of internal improvement.
 14 (2) The mayor and city council shall identify the specific type of
 15 security pledge securing any financing or bond issue in the proposition
 16 to borrow money and pledge the property and credit of the city upon its
 17 negotiable bonds or otherwise for the purposes described in subsection
 18 (1) of this section. The proposition with language identifying the
 19 specific type of security pledged to be used shall be placed on the
 20 ballot to be voted on by the qualified electors of the city.
 21 (3) If the mayor and city council decide to issue refunding bonds
 22 under section 10-142 for bonds issued pursuant to this section that
 23 change the specific type of security pledged, authority therefor must
 24 first be obtained by a majority vote of the qualified electors of the
 25 city voting on such refinancing proposition at any general city election
 26 of such city or at an election called for that purpose.

(Signed) Sue Crawford, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 100. Introduced by Stinner, 48.

WHEREAS, Ben Rodriguez, a sophomore at Scottsbluff High School, won the 2015 Class B State Wrestling Championship in the 132-pound division; and

WHEREAS, Ben's win helped lead the Scottsbluff Bearcats to a second-place team finish; and

WHEREAS, this is Ben's first state championship in wrestling; 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 Rodriguez on his state wrestling championship.

2. That a copy of this resolution be sent to Ben Rodriguez.

Laid over.

LEGISLATIVE RESOLUTION 101. Introduced by Stinner, 48.

WHEREAS, Lia Selvey is a freshman member of the Scottsbluff/Gering Seacats swimming and diving team; and

WHEREAS, Lia won the Special Olympics girls 50 Yard Freestyle with a season-best time at the 2015 State Swimming and Diving Championships; 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 Lia Selvey on winning the Special Olympics girls 50 Yard Freestyle at the 2015 State Swimming and Diving Championships.
2. That a copy of this resolution be sent to Lia Selvey.

Laid over.

LEGISLATIVE RESOLUTION 102. Introduced by Stinner, 48.

WHEREAS, Keegan Hessler, a senior at Scottsbluff High School, won the 2015 Class B State Wrestling Championship in the 120-pound division; and

WHEREAS, Keegan's win helped lead the Scottsbluff Bearcats to a second-place team finish; and

WHEREAS, Keegan is a two-time state champion in wrestling; 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 Keegan Hessler on his state wrestling championship.
2. That a copy of this resolution be sent to Keegan Hessler.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 10. Placed on Select File with amendment.

ER44

- 1 1. On page 1, line 1, strike "presidential electors" and insert
- 2 "elections"; and in line 4 after "to" insert "state political party
- 3 conventions, selection of presidential electors, and".

LEGISLATIVE BILL 431. Placed on Select File with amendment.

ER45

- 1 1. On page 2, line 22, strike "rate" and insert "date".

(Signed) Matt Hansen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 504. Title read. Considered.

Committee AM291, found on page 470, was offered.

Senator Krist offered his amendment, AM634, found on page 710, to the committee amendment.

The Krist amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 504A. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 128. Title read. Considered.

SPEAKER HADLEY PRESIDING

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

Advanced to Enrollment and Review Initial with 31 ayes, 12 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 103. Introduced by Davis, 43.

WHEREAS, Willy Cogdill, a senior at Chadron High School, won the 2015 Class B State Wrestling Championship in the 182-pound division; and

WHEREAS, Willy 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 Willy Cogdill on his state wrestling championship.
2. That a copy of this resolution be sent to Willy Cogdill.

Laid over.

LEGISLATIVE RESOLUTION 104. Introduced by Davis, 43.

WHEREAS, the Valentine High School wrestling team finished second at the 2015 Class C State Wrestling Championships; and

WHEREAS, the Valentine Badgers showed outstanding determination, teamwork, and skill during the competition and earned a team score of 105 points; 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 the Valentine High School wrestling team for finishing second at the 2015 Class C State Wrestling Championships.
2. That a copy of this resolution be sent to the Valentine High School wrestling team.

Laid over.

LEGISLATIVE RESOLUTION 105. Introduced by Campbell, 25.

WHEREAS, My'Kah Knowlin, age 13, a student at Lux Middle School in Lincoln, has achieved national recognition for exemplary volunteer service by being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award; and

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

WHEREAS, Ms. Knowlin earned this honor by giving generously of her time and energy to collect more than 3,000 books and 5,000 toys and donate them to children in need. She also hosted a Christmas party for preschool students in a school where most of the students are eligible for the free and reduced lunch program; and

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

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

1. That the Legislature congratulates My'Kah Knowlin for being named a Distinguished Finalist for the 2015 Prudential Spirit of Community Award.
2. That a copy of this resolution be sent to My'Kah Knowlin.

Laid over.

ANNOUNCEMENT(S)

Senator Lindstrom designates LB469 as his priority bill.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 310. Placed on General File.

LEGISLATIVE BILL 328. Placed on General File.

LEGISLATIVE BILL 412. Placed on General File.

LEGISLATIVE BILL 413. Placed on General File with amendment.

AM566

1 1. Insert the following new sections:

2 Sec. 4. The Environmental Infrastructure Sustainability Fund is
3 created. The fund shall be administered by the department. Revenue from
4 the following sources shall be credited to the fund: (1) Application fees
5 collected under section 5 of this act; (2) reimbursements for actual
6 costs necessary to complete environmental infrastructure sustainability
7 evaluations as authorized under section 3 of this act; (3) supplemental
8 environmental projects resulting from enforcement settlements; and (4)
9 gifts, grants, reimbursements, or appropriations from any source intended
10 to be used for purposes of section 3 of this act. The fund shall be used
11 by the department to offset costs related to the completion of
12 environmental infrastructure sustainability evaluations as authorized by
13 section 3 of this act. Any money in the fund available for investment
14 shall be invested by the state investment officer pursuant to the
15 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
16 Act.

17 Sec. 5. Any political subdivision requesting an evaluation
18 authorized under section 3 of this act shall submit a request on a form
19 approved by the department and provide the department with an application
20 fee not to exceed five thousand dollars. If the costs of the department
21 exceed the initial deposit, the department and political subdivision
22 shall enter into an agreement establishing a schedule for the payment of
23 additional costs by the political subdivision. After the completion of
24 the environmental infrastructure sustainability evaluation, any balance
25 of funds paid under this section shall be refunded to the political
26 subdivision.

27 Sec. 6. The council shall adopt and promulgate rules and
1 regulations to establish a tiered application fee schedule to be charged
2 to political subdivisions requesting an environmental infrastructure
3 sustainability evaluation as authorized under section 3 of this act. The

4 rules and regulations shall take into account the population of a
5 political subdivision and any financial hardship that may impact the
6 ability to pay the application fee.

7 2. On page 22, lines 14 and 21, strike "shall" and insert "may".

8 3. On page 23, line 10, strike "section 3" and insert "sections 3 to
9 6".

10 4. Renumber the remaining sections accordingly.

The Natural Resources 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.

Henry H. (Hod) Kosman - Nebraska Natural Resources Commission

Aye: 8 Friesen, Hughes, Johnson, Kolowski, Lindstrom, McCollister, Schilz, Schnoor. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Ken Schilz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 242. Title read. Considered.

Committee AM357, found on page 493, was offered.

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

Senator Larson requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 19:

| | | | | |
|----------|----------|----------|----------------|------------|
| Baker | Cook | Harr, B. | Kolowski | Schilz |
| Campbell | Davis | Howard | Krist | Schumacher |
| Chambers | Groene | Johnson | Nordquist | Sullivan |
| Coash | Haar, K. | Kintner | Pansing Brooks | |

Voting in the negative, 18:

| | | | | |
|------------|-----------|-------------|---------|------------|
| Bloomfield | Hilkemann | Lindstrom | Scheer | Watermeier |
| Brasch | Hughes | McCollister | Schnoor | Williams |
| Ebke | Kolterman | McCoy | Seiler | |
| Friesen | Kuehn | Riepe | Stinner | |

Present and not voting, 9:

| | | | | |
|----------|---------|--------|--------|-------|
| Bolz | Garrett | Hadley | Larson | Smith |
| Crawford | Gloor | Hansen | Mello | |

Excused and not voting, 3:

Craighead Morfeld Murante

The committee amendment lost with 19 ayes, 18 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 177. Placed on Final Reading Second.

ST14

(Final Reading copy)

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

1. In the Haar amendment, AM434, on page 2, line 13, "district" has been struck and "districts" inserted.

(Signed) Matt Hansen, Chairperson

EXECUTIVE BOARD REPORT

The Executive Board reported the resignation of Senator Sullivan from the Midwestern Higher Education Commission Committee and appointed Senator Kolowski to fill the vacancy.

(Signed) Bob Krist, Chairperson
Executive Board

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Ebke - LB357

VISITORS

Visitors to the Chamber were Senator Schnoor's brother, Brian, and nephew, Owen, from Scribner; and 11 eleventh- and twelfth-grade students from Fairbury.

The Doctor of the Day was Dr. Michelle Sell from Central City.

ADJOURNMENT

At 12:08 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Thursday, March 5, 2015.

Patrick J. O'Donnell
Clerk of the Legislature