

FORTY-SEVENTH DAY - MARCH 18, 2015

LEGISLATIVE JOURNAL

**ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 18, 2015

PRAYER

The prayer was offered by Reverend Edwin Anderson, Good Shepherd Baptist Church, Omaha.

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 Senators Campbell, Hansen, Howard, Morfeld, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

MESSAGE(S) FROM THE GOVERNOR

March 17, 2015

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 reappointed to the Climate Assessment Response Committee:

Barbara Cooksley, 81830 Highway 2, Anselmo, NE 68813

Contingent upon your approval, the following individuals are being appointed to the Climate Assessment Response Committee:

Mary Baker, 6026 Cleveland Avenue, Lincoln, NE 68507
 Richard Koelsch, 7946 Dawson Creek Drive, Lincoln, NE 68505

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
 (Signed) Pete Ricketts
 Governor

Enclosures

RESOLUTION(S)

LEGISLATIVE RESOLUTION 120. Introduced by Hughes, 44.

WHEREAS, Coy Aerni, a member of Troop 160, 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, Coy 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, Coy, 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 FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Coy Aerni on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Coy Aerni.

Laid over.

LEGISLATIVE RESOLUTION 121. Introduced by Hughes, 44.

WHEREAS, Kaden Kammerer, a member of Troop 160, 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, Kaden 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, Kaden, 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 FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Kaden Kammerer on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Kaden Kammerer.

Laid over.

AMENDMENT(S) - Print in Journal

Senator McCoy filed the following amendments to LB268:

AM916

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike original section 9.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM917

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike original section 12.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM918

(Amendments to Standing Committee amendments, AM754)

- 1 1. Strike original section 20.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 110, 111, and 112 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 110, 111, and 112.

GENERAL FILE

LEGISLATIVE BILL 324. Committee AM662, found on page 746 and considered on page 887, was renewed.

Senator McCoy offered the following amendment to the committee amendment:

AM919

(Amendments to Standing Committee amendments, AM662)

- 1 1. On page 1, line 21; page 3, line 8; page 11, line 6; and page 13,
- 2 line 2, after the period insert "Any owner having an interest in the real
- 3 property within the limits of the sanitary and improvement district who
- 4 decides to utilize the solid waste collection services contracted by the
- 5 sanitary and improvement district shall pay for such services separately
- 6 to the district and not through a tax or special assessment levied
- 7 against the owner's real property to pay for such services.".
- 8 2. On page 4, lines 11 and 12, strike the new matter.
- 9 3. On page 9, lines 20 and 21, strike the new matter.

SENATOR KRIST PRESIDING

The McCoy amendment lost with 14 ayes, 20 nays, and 15 present and not voting.

The committee amendment was adopted with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 554. Placed on General File with amendment.

AM744

- 1 1. On page 3, after line 27 insert the following new paragraphs:
- 2 "\$95,000.00 for Tort Claim Number 2009-03751, against the State of
- 3 Nebraska, pay to Debra Rhodes on behalf of Estate of David Peterson, c/o
- 4 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
- 5 out of the General Fund.

6 \$95,000.00 for Tort Claim Number 2010-04062, against the State of
 7 Nebraska, pay to Natasha Lunn on behalf of Estate of Travis Lunn, c/o
 8 Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496,
 9 out of the General Fund."
 10 2. On page 4, lines 14 and 17, strike "1,004,509.97" and insert
 11 "1,194,509.97".

(Signed) Burke Harr, Chairperson

General Affairs

LEGISLATIVE BILL 619. Placed on General File with amendment.
 AM115 is available in the Bill Room.

(Signed) Tyson Larson, Chairperson

Business and Labor

The Business and Labor 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.

Steven Bley - Boiler Safety Code Advisory Board
 Robert Kirkpatrick - Boiler Safety Code Advisory Board
 Thomas E. Phipps - Boiler Safety Code Advisory Board

Aye: 6 Bloomfield, Chambers, Crawford, Ebke, Harr, B., McCollister. Nay:
 0. Absent: 1 Johnson. Present and not voting: 0.

(Signed) Burke Harr, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 122. Introduced by Ebke, 32.

WHEREAS, the Exeter-Milligan High School boys' basketball team won the 2015 Class D-2 Boys' State Basketball Championship by defeating Bancroft-Rosalie High School in double overtime by a score of 67-62; and

WHEREAS, Exeter-Milligan High School became the second school since 1995 to win both the Class D-2 state football championship and the Class D-2 boys' state basketball 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 the Exeter-Milligan High School boys' basketball team on winning the 2015 Class D-2 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Exeter-Milligan High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 123. Introduced by Brasch, 16.

WHEREAS, the Bancroft-Rosalie High School boys' basketball team advanced to the 2015 Class D-2 Boys' State Basketball Tournament; and

WHEREAS, the Bancroft-Rosalie High School boys' basketball team played in the championship game and finished in second place; 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 Bancroft-Rosalie High School boys' basketball team on finishing second at the 2015 Class D-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the Bancroft-Rosalie High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 124. Introduced by Brasch, 16.

WHEREAS, Guardian Angels Central Catholic High School in West Point had an outstanding 2015 season in girls' basketball; and

WHEREAS, the Guardian Angels Central Catholic Bluejays won third place at the 2015 Class C-2 Girls' State Basketball Tournament by defeating Sutton High School 69-28 in the third-place game; 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 Guardian Angels Central Catholic High School for their outstanding season in girls' basketball and for winning third place at the 2015 Class C-2 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the Guardian Angels Central Catholic High School girls' basketball team.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Baker, Mary - Climate Assessment Response Committee - Agriculture
Cooksley, Barbara - Climate Assessment Response Committee - Agriculture
Koelsch, Richard - Climate Assessment Response Committee - Agriculture

(Signed) Bob Krist, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 356. Title read. Considered.

Committee AM803, found on page 787, was offered.

Senator B. Harr withdrew his amendment, AM867, found on page 888.

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

AM930

(Amendments to Standing Committee amendments, AM803)

- 1 1. On page 1, line 10, after "58-219" insert "involving rental
- 2 housing as defined in section 58-220".
- 3 2. On page 3, line 5; and page 4, lines 17 and 23, strike "income
- 4 and expense" and insert "actual income and actual expense".

The B. Harr amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 89. Title read. Considered.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

CONFLICT OF INTEREST STATEMENT(S)

Pursuant to Rule 1, Sec. 19, Senator Craighead 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.

AMENDMENT(S) - Print in Journal

Senator Craighead filed the following amendment to LB324:
AM791

(Amendments to Standing Committee amendments, AM662)

- 1 1. Insert the following new section:
- 2 Sec. 7. (1) If the chairperson of a sanitary and improvement
- 3 district board of trustees or the legal counsel or administrator for the
- 4 district receives written notice from a city or village proposing to
- 5 annex territory within the sanitary and improvement district under the
- 6 authority of sections 14-117, 15-104, 16-117, 16-130, 17-405.01, or
- 7 17-407, the district shall not spend assets for a period of ninety days
- 8 after receiving such notice, except for:
- 9 (a) All interest and principal payments on bonds due and payable
- 10 from the construction fund or bond fund of the district;
- 11 (b) All interest and principal payments on construction fund
- 12 warrants due and payable from the construction fund or bond fund of the
- 13 district;
- 14 (c) All interest and principal payments on general fund warrants due
- 15 and payable from the general fund of the district;
- 16 (d) Payment or issuance of warrants for services, work, labor, or
- 17 materials that were ordered or contracted for by the district prior to
- 18 receiving notice of the city or village's proposal to annex the district.
- 19 Such payments or warrants shall be paid from the district's general fund,
- 20 construction fund, bond fund, or service fee fund, so long as such
- 21 payment or warrant shall not cause the district to exceed its total
- 22 budget for the fund from which payment or warrant is to be made;
- 23 (e) Payment or issuance of warrants for any expense incurred by the
- 24 district prior to receiving notice of the city or village's proposal to
- 25 annex the district that is required by the district (i) to satisfy any
- 26 statutory obligation of the district, (ii) to address emergency or
- 1 imminent public safety repairs or replacements to district property, and
- 2 expenses that would be paid by the district in the ordinary course of
- 3 business of the district, and (iii) to address projects for which a
- 4 notice to contractors has been published, the bidding process has begun,
- 5 and contracts are awarded for such project that (A) does not cause the
- 6 district to exceed the district's total general fund budget and is paid
- 7 from the general fund, including, but not limited to, levied tax receipts
- 8 to be received by the district on April 1 and August 1 if the annexation
- 9 is to occur after such dates, (B) does not cause the district to exceed
- 10 the district's total construction fund or bond fund budget and is paid
- 11 from the construction fund or bond fund, and (C) does not cause the
- 12 district to exceed the district's total service fee fund budget and is
- 13 paid from the service fee fund; and
- 14 (f) Payment or issuance of warrants for a commitment or contract
- 15 that will bind the district to pay for any other expense approved in
- 16 writing by the city finance director or other designated person
- 17 responsible for such approvals.

18 (2) If a district plans to commence a construction project or enter
 19 into any contracts required to be publicly bid pursuant to section 31-741
 20 and for which a notice to contractors has not been published and the
 21 bidding process has not begun prior to the district receiving notice of
 22 the city or village's proposal to annex the district, the district shall
 23 first submit either the plans and specifications for the improvements or
 24 the proposed contract to the city or village finance director or other
 25 designated person. Within ten business days after the district submits
 26 the plans and specifications or the proposed contract, the city or
 27 village finance director or other designated person shall either (a)
 28 approve or deny such plans and specifications or the proposed contract or
 29 (b) direct the department head within the city or village responsible for
 30 reviewing plans and specifications or contracts to approve or deny such
 31 plans and specifications or the proposed contract within ten business
 1 days.

2 2. Renumber the remaining section accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 382A. Introduced by Cook, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 382, One Hundred Fourth Legislature, First Session, 2015; and to provide for a transfer.

LEGISLATIVE BILL 465A. Introduced by Harr, B., 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, One Hundred Fourth Legislature, First Session, 2015.

SENATOR KRIST PRESIDING

GENERAL FILE

LEGISLATIVE BILL 498. Title read. Considered.

Committee AM413, found on page 605, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, and 17 present and not voting.

LEGISLATIVE BILL 367. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 89A. Introduced by Campbell, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, One Hundred Fourth Legislature, First Session, 2015; and to declare an emergency.

LEGISLATIVE BILL 137A. Introduced by Johnson, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 125. Introduced by Bloomfield, 17; Baker, 30; Bolz, 29; Brasch, 16; Campbell, 25; Chambers, 11; Coash, 27; Cook, 13; Craighead, 6; Crawford, 45; Davis, 43; Ebke, 32; 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; Larson, 40; Lindstrom, 18; McCollister, 20; McCoy, 39; Mello, 5; Morfeld, 46; Murante, 49; Nordquist, 7; 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, the Winnebago High School boys' basketball team won the 2015 Class C-1 Boys' State Basketball Championship by defeating Scotus Central Catholic High School of Columbus by a score of 66-51; and

WHEREAS, this was the Winnebago Indians first state championship in boys' basketball in 75 years; and

WHEREAS, Coach Jeff Berridge guided the team to an outstanding 27-1 season; and

WHEREAS, throughout the year the Winnebago Indians boys' basketball team has demonstrated that hard work, dedication, and teamwork produces remarkable results; and

WHEREAS, the members of the Winnebago Indians boys' basketball team are positive role models for young athletes in the community and throughout the state; and

WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but also through the support of the entire community.

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

1. That the Legislature congratulates the Winnebago High School boys' basketball team on winning the 2015 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Winnebago High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 126. Introduced by McCoy, 39.

WHEREAS, the Mount Michael Benedictine High School academic decathlon team of Elkhorn won the 2015 Nebraska Academic Decathlon; and

WHEREAS, the Academic Decathlon is a ten-event scholastic competition for teams of high school students. This year's theme was "New Alternatives in Energy: Ingenuity and Innovation"; and

WHEREAS, Coach Dave Cormier did a tremendous job of mentoring and fostering the team; and

WHEREAS, Adam Terasinki, Jared Mikuls, Jon Collins, Jacob Bova, Alex Hotovy, Cade Johnson, Max deMayo, Michael Fischer, Broden Kaps, Jacob Raemakers, Walt Wear, and Andrew Ahn displayed hard work and dedication as they prepared for the competition; 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 Mount Michael Benedictine High School academic decathlon team on winning the 2015 Nebraska Academic Decathlon.

2. That a copy of this resolution be sent to the Mount Michael Benedictine High School academic decathlon team and Coach Dave Cormier.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

McCollister - LB47

Kolterman, Mello, Nordquist - LB323

McCollister - LB437

Cook - LB405

McCollister - LB623

Cook, Howard, Johnson, Stinner, Watermeier - LB323

VISITORS

Visitors to the Chamber were 13 seventh- through tenth-grade students and sponsor from Wilber-Clatonia; Senator Davis' nephew, Hunter Sieckmeyer, from Lincoln; 6 eighth-grade students and teacher from Norris Leadership Team; 9 middle school students and teacher from Aurora; 20 members of the Nebraska Civic Leadership Program from the UNO Political Science Department; 5 eighth-grade students and teacher from Otte Middle School, Blair; 5 middle school students and teacher from St. Wenceslaus School, Omaha; 40 members for Madison County Day at the Capitol; Senator Craighead's daughter, Staci Craighead, from Kearney; Senator Bloomfield's wife, Dee, from Hoskins and Karen Kruger from Hoskins; and Senator Hilkemann's wife, Julie, from Omaha and Paty Swarez from Omaha.

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Thursday, March 19, 2015.

Patrick J. O'Donnell
Clerk of the Legislature