

FIFTY-SIXTH DAY - APRIL 1, 2015**LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 1, 2015

PRAYER

The prayer was offered by Senator Scheer.

ROLL CALL

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

The roll was called and all members were present except Senator Mello who was excused; and Senator Coash who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 610. Senator Larson offered the following motion:

MO67

Bracket until April 2, 2015.

Senator Larson withdrew his motion to bracket.

Senator Larson offered the following motion:

MO68

Recommit to the Revenue Committee.

Senator Larson withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

MO69

Bracket until June 5, 2015.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 6 nays, and 12 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

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

Voting in the affirmative, 9:

Bloomfield	Brasch	Kintner	McCoy	Watermeier
Bolz	Garrett	Krist	Murante	

Voting in the negative, 29:

Baker	Ebke	Harr, B.	Lindstrom	Seiler
Campbell	Friesen	Hilkemann	McCollister	Smith
Coash	Gloor	Hughes	Nordquist	Stinner
Cook	Haar, K.	Johnson	Pansing Brooks	Sullivan
Crawford	Hadley	Kolowski	Scheer	Williams
Davis	Hansen	Kuehn	Schumacher	

Present and not voting, 9:

Chambers	Howard	Larson	Riepe	Schnoor
Groene	Kolterman	Morfeld	Schilz	

Excused and not voting, 2:

Craighead	Mello
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The Chambers motion to bracket failed with 9 ayes, 29 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO70

Reconsider the vote to bracket.

SPEAKER HADLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Davis requested a record vote on the motion to reconsider.

Voting in the affirmative, 11:

Bloomfield	Ebke	Krist	Murante
Brasch	Garrett	Larson	Watermeier
Chambers	Kintner	McCoy	

Voting in the negative, 31:

Baker	Friesen	Hughes	Nordquist	Stinner
Campbell	Gloor	Johnson	Pansing Brooks	Sullivan
Coash	Haar, K.	Kolowski	Riepe	Williams
Cook	Hadley	Kuehn	Scheer	
Craighead	Hansen	Lindstrom	Schumacher	
Crawford	Hilkemann	McCollister	Seiler	
Davis	Howard	Morfeld	Smith	

Present and not voting, 5:

Bolz	Groene	Harr, B.	Kolterman	Schnoor
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Excused and not voting, 2:

Mello	Schilz
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The Chambers motion to reconsider failed with 11 ayes, 31 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Smith moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

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

Voting in the affirmative, 26:

Baker	Groene	Kolowski	Nordquist	Stinner
Campbell	Haar, K.	Kolterman	Pansing Brooks	Williams
Coash	Hadley	Kuehn	Scheer	
Crawford	Harr, B.	Lindstrom	Schumacher	
Friesen	Hughes	McCollister	Seiler	
Gloor	Johnson	Morfeld	Smith	

Voting in the negative, 10:

Bloomfield	Brasch	Garrett	Larson	Sullivan
Bolz	Chambers	Kintner	Murante	Watermeier

Present and not voting, 8:

Cook	Davis	Hilkemann	Riepe
Craighead	Hansen	Howard	Schnoor

Absent and not voting, 1:

Ebke

Excused and not voting, 4:

Krist	McCoy	Mello	Schilz
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Advanced to Enrollment and Review Initial with 26 ayes, 10 nays, 8 present and not voting, 1 absent and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 610A. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 139, 140, 141, 142, 143, and 144 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 139, 140, 141, 142, 143, and 144.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 329. Placed on General File with amendment.

AM1042

1 1. Strike original sections 4 and 7 and insert the following new
2 section:

3 Sec. 4. (1) Except as provided in section 5 of this act, an owner
4 who allows a participant on the owner's premises for agritourism
5 activities shall not be liable for injury to or death of the participant
6 or damage to the participant's property resulting solely from an inherent
7 risk on the owner's premises.

8 (2) Except as provided in section 5 of this act, no participant or
9 participant's representative shall maintain an action against or recover
10 for injury to or death of the participant or damage to the participant's
11 property resulting solely from an inherent risk on the owner's premises
12 when such owner allows the participant on the owner's premises for
13 agritourism activities.

- 14 2. On page 2, line 7, after the second comma insert "ecological";
 15 in line 20 strike "pleasure driving"; and in line 23 after the first
 16 comma insert "ecological".
 17 3. On page 4, line 9, after "used" insert "on the premises".
 18 4. On page 5, line 9, after "resulting" insert "solely".
 19 5. Renumber the remaining section accordingly.

(Signed) Ken Schilz, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, April 8, 2015 1:00 p.m.

John Arley Rundel - Nebraska Oil and Gas Conservation Commission

Wednesday, April 8, 2015 1:00 p.m.

Rodney R. Christen - Nebraska Environmental Trust Board

(Signed) Ken Schilz, Chairperson

COMMITTEE REPORT(S)

Agriculture

The Agriculture 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.

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

Aye: 5 Bloomfield, Harr, B., Johnson, Kolterman, Riepe. Nay: 0. Absent: 3
 Chambers, Larson, Schilz. Present and not voting: 0.

(Signed) Jerry Johnson, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 165. Introduced by Garrett, 3;
 Crawford, 45.

WHEREAS, Offutt Air Force Base, the 55th Wing, the United States Strategic Command, and Olde Towne Bellevue are all sources of pride to the community of Bellevue; and

WHEREAS, Olde Towne businesses have faithfully provided the personnel at Offutt Air Force Base with antiques, baked goods, beverages, bicycles, haircuts, food, jewelry, tailoring, and other goods and services; and

WHEREAS, many of these businesses rely on the economic impact of Offutt Air Force Base and the patronage of the personnel at Offutt Air Force Base; and

WHEREAS, in December 2014, Offutt Air Force Base closed the Bellevue Gate for safety and security reasons; and

WHEREAS, after three months of being closed, the Bellevue Gate reopened on March 30, 2015. The reopening keeps relations between Bellevue and Offutt Air Force Base strong and provides base personnel access to quality Bellevue goods and services.

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

1. That the Legislature commends Brigadier General Gregory Guillot, Commander of the 55th Wing, for reopening the Bellevue Gate.
2. That the Legislature commends the businesses of Olde Towne Bellevue for persevering during the closure of the Bellevue Gate.
3. That a copy of this resolution be sent to Brigadier General Gregory Guillot and the Bellevue Chamber of Commerce.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Schilz filed the following amendment to LB500:
AM1041

(Amendments to Standing Committee amendments, AM650)

1. On page 1, line 11, strike "and" and insert an underscored comma
2. and after the second "therapy" insert ", and in-home family services
3. model".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Gloor, Haar, K., Hansen, Morfeld, Stinner - LB623
Cook, Crawford, Harr, B., Kolowski - LB623
Ebke, Johnson, Krist, Sullivan, Williams - LB623
Coash - LB278
Chambers - LB623

VISITORS

Visitors to the Chamber were Bob Dudley from Norfolk; Jessica Meyer from Syracuse; 26 fourth-grade students and teachers from Weeping Water; 60 fourth-grade students and teachers from St. Pius Leo School, Omaha; 3

fourth-grade students and sponsors from Chase County School, Imperial; and 50 fourth-grade students and teachers from Conestoga Elementary, Murray.

RECESS

At 12:13 p.m., on a motion by Senator Watermeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Mello who was excused; and Senators Craighead, Hilkemann, and Morfeld who were excused until they arrive.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 36. Indefinitely postponed.
LEGISLATIVE BILL 355. Indefinitely postponed.
LEGISLATIVE BILL 379. Indefinitely postponed.
LEGISLATIVE BILL 401. Indefinitely postponed.
LEGISLATIVE BILL 520. Indefinitely postponed.
LEGISLATIVE BILL 527. Indefinitely postponed.
LEGISLATIVE BILL 589. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 106. Senator Schnoor offered his motion, MO66, found on page 1032, to bracket until June 5, 2015.

Senator Schnoor withdrew his motion to bracket.

The Bloomfield motion, MO64, found on page 1026, to recommit to the Government, Military and Veterans Affairs Committee, was renewed.

Senator Bloomfield withdrew his motion to recommit to committee.

The Watermeier-Groene amendment, AM1029, found on page 1014 and considered on page 1024, to the committee amendment, was renewed.

Senator Watermeier withdrew the Watermeier-Groene amendment.

Senator Groene withdrew his amendment, AM1018, found on page 985.

Senator Watermeier withdrew his amendment, AM997, found on page 986.

Senator Davis withdrew his amendment, AM1034, found on page 998.

Committee AM521, found on page 752 and considered on pages 1014 and 1024, was renewed.

The committee amendment lost with 0 ayes, 37 nays, 9 present and not voting, and 3 excused and not voting.

Senator Watermeier offered the following amendment:

AM1099

1 1. Strike the original sections and all amendments thereto and

2 insert the following new section:

3 Section 1. (1) The Director of Agriculture shall appoint a

4 committee of experts, not to exceed ten persons, to advise the Department

5 of Agriculture on the development of the assessment matrix described in

6 subsection (2) of this section. Experts shall include representation from

7 county board members, county zoning administrators, livestock production

8 agriculture, the University of Nebraska, and other experts as may be

9 determined by the director. The committee shall review the matrix

10 annually and recommend to the department changes as needed.

11 (2) The Department of Agriculture shall, in consultation with the

12 committee created under subsection (1) of this section, develop an

13 assessment matrix which may be used by county officials to determine

14 whether to approve or disapprove a conditional use permit or special

15 exception application. The matrix shall be developed within one year

16 after the effective date of this act. In the development of the

17 assessment matrix, the department shall:

18 (a) Consider matrices already developed by the counties and other

19 states;

20 (b) Design the matrix to produce quantifiable results based on the

21 scoring of objective criteria according to an established value scale.

22 Each criterion shall be assigned points corresponding to the value scale.

23 The matrix shall consider risks and factors mitigating risks if the

24 livestock operation were constructed according to the application;

25 (c) Assure the matrix is a practical tool for use by persons when

26 completing permit applications and by county officials when scoring

27 conditional use permit or special exception applications. To every extent

1 feasible, the matrix shall include criteria that may be readily scored

2 according to ascertainable data and upon which reasonable persons

3 familiar with the location of a proposed construction site would not

4 ordinarily disagree; and

5 (d) Provide for definite point selections for all criteria included

6 in the matrix and provide for a minimum threshold total score required to

7 receive approval by county officials.

8 (3) The Department of Agriculture may develop criteria in the matrix

9 which include factors referencing the following:

- 10 (a) Size of operation;
 11 (b) Type of operation;
 12 (c) Whether the operation has received or is in the process of
 13 applying for a permit from the Department of Environmental Quality, if
 14 required by law;
 15 (d) Environmental practices adopted by the operation operator which
 16 may exceed those required by the Department of Environmental Quality;
 17 (e) Odor control practices;
 18 (f) Consideration of proximity of a livestock operation to
 19 neighboring residences, public use areas, and critical public areas;
 20 (g) Community support and communication with neighbors and other
 21 community members;
 22 (h) Manure storage and land application sites and practices;
 23 (i) Traffic;
 24 (j) Economic impact to the community; and
 25 (k) Landscape and aesthetic appearance.
 26 (4) In developing the matrix, the Department of Agriculture shall
 27 consider whether the proposed criteria are:
 28 (a) Protective of public health or safety;
 29 (b) Practical and workable;
 30 (c) Cost effective;
 31 (d) Objective;
 1 (e) Based on available scientific information that has been
 2 subjected to peer review;
 3 (f) Designed to promote the growth and viability of animal
 4 agriculture in this state;
 5 (g) Designed to balance the economic viability of farm operations
 6 with protecting natural resources and other community interests; and
 7 (h) Usable by county officials.

The Watermeier amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 347A. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 347, One Hundred Fourth Legislature, First Session, 2015.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 166. Introduced by Larson, 40; Schilz, 47.

WHEREAS, Nebraska is ranked first in the United States for commercial red meat production, cattle on feed, corn and corn byproducts fed to cattle, and irrigated land harvested; and

WHEREAS, Nebraska ranks second in the nation for the number of cattle and calves raised in our state and ranks third in nation for corn grown for grain production; and

WHEREAS, ranches in Nebraska actively rope and brand calves each spring. Ranch horses are used year-round to provide horseback care for the cattle herds; and

WHEREAS, the food supply in the United States is one of the safest in the world; and

WHEREAS, rodeo is a contest of skills utilized for, and derived from, the care of cattle that is still used on Nebraska ranches; and

WHEREAS, the first rodeos were competitions to break and train horses for use on ranches and cattle drives; and

WHEREAS, rodeo is often a link between the general public and agricultural production, particularly cattle production.

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

1. That the Legislature expresses its appreciation to all the people involved in agricultural and cattle production.
2. That the Legislature recognizes the importance of rodeo to Nebraska ranchers and the role rodeo has played in Nebraska agriculture.

Laid over.

LEGISLATIVE RESOLUTION 167. Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' basketball team won the 2015 Class C-2 Girls' State Basketball Championship by defeating Hastings St. Cecilia Catholic High School by a score of 48-39; and

WHEREAS, the Crofton Warriors girls' basketball team won their fourth straight 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 the Crofton High School girls' basketball team on winning the 2015 Class C-2 Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Crofton High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 168. Introduced by Larson, 40.

WHEREAS, the O'Neill St. Mary's High School girls' basketball team won the 2015 Class D-1 Girls' State Basketball Championship by defeating Dundy County-Stratton High School by a score of 52-33; and

WHEREAS, the victory gave the St. Mary's Lady Cardinals their first 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 the St. Mary's High School girls' basketball team on winning the 2015 Class D-1 Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the St. Mary's High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 169. Introduced by Craighead, 6.

WHEREAS, David Brown of Omaha Creighton Prep High School was named a 2015 Horatio Alger Nebraska and Western Iowa Scholar; and

WHEREAS, the Horatio Alger Association provides scholarships to deserving young people who have demonstrated integrity, determination in overcoming adversity, academic potential, and the personal aspiration to make a unique contribution to society; and

WHEREAS, David won the award for his academic success as well as for his philanthropic activities with organizations such as the YMCA, the Open Door Mission, and Operation Others; and

WHEREAS, David overcame tragedy and hardship when both his mother and father died while he was attending high school; and

WHEREAS, David exhibited extraordinary leadership with the Creighton Prep High School Freshman Retreat program, embodying the motto of the school, "Man for Others"; 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 David Brown on being named a 2015 Horatio Alger Nebraska and Western Iowa Scholar.

2. That a copy of this resolution be sent to David Brown.

Laid over.

MESSAGE(S) FROM THE GOVERNOR

April 1, 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 appointed to the Climate Assessment Response Committee:

Dr. R.M. (Matt) Joeckel, UNL - Conservation and Survey Division
615 Hardin Hall, 3310 Holdrege Street, Lincoln, NE 68583

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB243:
AM1045 is available in the Bill Room.

Senator Pansing Brooks filed the following amendment to LB245:
AM1070

(Amendments to Final Reading copy)

- 1 1. On page 2, line 21, strike "on its own motion or"; and in line 22
- 2 after "party" insert "and following a hearing".
- 3 2. On page 3, line 9, reinstate the stricken matter; and in line 10
- 4 reinstate the stricken "than", after the stricken "three" insert "five",
- 5 reinstate the stricken "years after the date of the verdict", and after
- 6 the reinstated "verdict" insert ", unless the motion and supporting
- 7 documents show the new evidence could not with reasonable diligence have
- 8 been discovered and produced at trial and such evidence is so substantial
- 9 that a different result may have occurred".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Garrett - LB591
Schilz - LB623

VISITORS

Visitors to the Chamber were Senator Sullivan's daughter, Jill, and grandson, River, from Los Angeles, CA; 66 fourth-grade students and teachers from Longfellow Elementary, Hastings; and Susie, Jake, and Claire Bonnett from Westside High School, and exchange student Sara Modig from Stockholm, Sweden.

The Doctor of the Day was Dr. Pat Hotovy from York.

ADJOURNMENT

At 3:40 p.m., on a motion by Senator Bloomfield, the Legislature adjourned until 9:00 a.m., Thursday, April 2, 2015.

Patrick J. O'Donnell
Clerk of the Legislature

