

**FIFTY-SEVENTH DAY - APRIL 2, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 2, 2015

**PRAYER**

The prayer was offered by Senator Hilkemann.

**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 Campbell who was excused; and Senators Murante and Smith who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

April 2, 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 appointed as the Chief Executive Officer of the Department of Health and Human Services:

Courtney Phillips, 6807 Mimosa Lane, Lincoln, NE 68521

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

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 1, 2015, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Muir, Tara  
Domestic Violence Council  
Wright, Lee  
Farmers Group, Inc. (Withdrawn 04/01/2015)

### **REPORTS**

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:  
<http://www.nebraskalegislature.gov/agencies/view.php>

### **MOTION - Reconsider Action on LB128**

Senator Davis offered his motion, MO62, found on page 1008, to reconsider the vote taken to recommit to the Agriculture Committee, to LB128.

Senator Davis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 37 ayes, 1 nay, and 11 not voting.

The Davis motion to reconsider prevailed with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

The Davis motion, MO60, found on page 999 and considered on page 1008, to recommit to the Agriculture Committee, was reconsidered.

Pending.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Joeckel, R.M. (Matt) - Climate Assessment Response Committee -  
Agriculture  
Phillips, Courtney, Chief Executive Officer - Department of Health and  
Human Services - Health and Human Services

(Signed) Bob Krist, Chairperson  
Executive Board

**COMMITTEE REPORT(S)**  
Revenue

**LEGISLATIVE BILL 423.** Placed on General File with amendment.  
AM1103 is available in the Bill Room.

(Signed) Mike Gloor, Chairperson

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

Senator Krist filed the following amendment to LB324:  
AM1114

(Amendments to Final Reading copy)

1 1. On page 20, strike line 12 and insert "district".

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 304.**

A BILL FOR AN ACT relating to cities and villages; to adopt the Municipal Custodianship for Dissolved Homeowners Associations Act; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Baker	Ebke	Hilkemann	McCollister	Schilz
Bloomfield	Friesen	Howard	McCoy	Schnoor
Bolz	Garrett	Hughes	Mello	Schumacher
Brasch	Gloor	Johnson	Morfeld	Seiler
Coash	Groene	Kintner	Murante	Smith
Cook	Haar, K.	Kolterman	Nordquist	Stinner
Craighead	Hadley	Krist	Pansing Brooks	Sullivan
Crawford	Hansen	Kuehn	Riepe	Watermeier
Davis	Harr, B.	Lindstrom	Scheer	Williams

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Larson

Excused and not voting, 2:

Campbell      Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Amendment to LB431**

Senator Groene withdrew his amendment, FA36, found on page 1003, to LB431.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 439.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-181, Reissue Revised Statutes of Nebraska, and section 53-180.05, Revised Statutes Cumulative Supplement, 2014; to change penalty provisions for certain violations relating to or committed by minors or persons who are mentally incompetent; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Bloomfield	Friesen	Howard	McCollister	Schilz
Bolz	Garrett	Hughes	McCoy	Schnoor
Brasch	Gloor	Johnson	Mello	Seiler
Coash	Groene	Kintner	Morfeld	Smith
Cook	Haar, K.	Kolterman	Murante	Sinner
Craighead	Hadley	Krist	Nordquist	Sullivan
Crawford	Hansen	Kuehn	Pansing Brooks	Watermeier
Davis	Harr, B.	Larson	Riepe	Williams
Ebke	Hilkemann	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Schumacher

Excused and not voting, 3:

Baker Campbell Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 304 and 439.

**GENERAL FILE**

**LEGISLATIVE BILL 458.** Title read. Considered.

Committee AM245, found on page 513, was offered.

Senator B. Harr moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 240.** Title read. Considered.

**SPEAKER HADLEY PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Sharon Medcalf - State Emergency Response Commission

Aye: 7 Craighead, Garrett, Groene, Hansen, Larson, McCoy, Murante. Nay: 0. Absent: 1 Bloomfield. Present and not voting: 0.

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 571.** Placed on General File.**LEGISLATIVE BILL 205.** Placed on General File with amendment.  
AM1004

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

3 Section 1. Section 3-402, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 3-402 As used in sections 3-401 to 3-409 and section 2 of this act,  
6 unless the context otherwise requires:

7 (1) Structure ~~means shall mean~~ any manmade object which is built,  
8 constructed, projected, or erected upon, from, and above the surface of  
9 the earth, including, but not limited to, towers, antennas, buildings,  
10 wires, cables, and chimneys;

11 (2) Meteorological evaluation tower means an anchored structure,  
12 including all guy wires and accessory facilities, on which one or more  
13 meteorological instruments are mounted for the purpose of meteorological  
14 data collection;

15 ~~(3 2)~~ Obstruction ~~means shall mean~~ any structure which obstructs the  
16 air space required for the flight of aircraft and in the landing and  
17 taking off of aircraft at any airport or restricted landing area; and

18 ~~(4 3)~~ Person ~~means shall mean~~ any public utility, public district,  
19 or other governmental division or subdivision or any person, corporation,  
20 partnership, or limited liability company.

21 Sec. 2. (1) A meteorological evaluation tower, the height of which  
22 is at least fifty feet above the surface of the ground at point of  
23 installation, shall be marked according to subsection (2) of this  
24 section. This section applies to a meteorological evaluation tower that  
25 is located outside the corporate limits of a city or village.

26 (2) A meteorological evaluation tower described in subsection (1) of  
27 this section shall: (a) Be painted in seven equal-width and alternating  
1 bands of aviation orange and white beginning with orange at the top of  
2 the tower and ending with orange at the base; (b) have two or more  
3 spherical marker balls at least twenty-one inches in diameter that are  
4 aviation orange in color and attached to each outer guy wire connected to  
5 the tower with the top ball no further than twenty feet from the top wire  
6 connection and the remaining ball or balls at or below the mid-point of  
7 the tower on the outer guy wires; and (c) have yellow safety sleeves  
8 installed on each outer guy wire extending at least fourteen feet above  
9 the anchor point of the guy wire.

10 (3) The owner of a meteorological evaluation tower subject to this  
11 section shall, not less than ten business days prior to erecting the  
12 tower, register with the Department of Aeronautics the name and address  
13 of the owner, the height and location of the tower, and any other  
14 information that the department deems necessary for aviation safety. The  
15 owner of a tower subject to this section shall also report the removal of

16 the tower to the department not more than thirty business days after its  
17 removal. The department shall make the information received pursuant to  
18 this subsection available to the public within five business days.  
19 (4) The owner of a tower described in subsection (1) of this section  
20 that was erected prior to the effective date of this act and which is  
21 either lighted, marked with balls at least twenty-one inches in diameter,  
22 painted, or modified in some other manner so it is recognizable in clear  
23 air during daylight hours from a distance of not less than two thousand  
24 feet, shall mark the tower as required by subsection (2) of this section  
25 within two years after the effective date of this act or at such time the  
26 tower is taken down for maintenance or other purposes, whichever comes  
27 first, except that the owner of a tower erected prior to the effective  
28 date of this act which is not lighted, marked, painted, or modified as  
29 described in this subsection shall mark such tower as required by  
30 subsection (2) of this section within ninety days after the effective  
31 date of this act. The registration requirements of subsection (3) of this  
1 section shall be performed by the owner of a tower erected prior to the  
2 effective date of this act within fifteen business days after the  
3 effective date of this act.  
4 (5) A material failure to comply with the marking and registration  
5 requirements of this section shall be admissible as evidence of  
6 negligence on the part of an owner of a meteorological evaluation tower  
7 in an action in tort for property damage, bodily injury, or death  
8 resulting from an aerial collision with such unmarked or unregistered  
9 tower.  
10 (6) The department may adopt and promulgate rules and regulations  
11 for carrying out the purposes of this section.  
12 Sec. 3. The Revisor of Statutes shall assign section 2 of this act  
13 within sections 3-401 to 3-409.  
14 Sec. 4. Original section 3-402, Reissue Revised Statutes of  
15 Nebraska, is repealed.  
16 Sec. 5. The following section is outright repealed: Section  
17 66-1901, Revised Statutes Cumulative Supplement, 2014.  
18 Sec. 6. Since an emergency exists, this act takes effect when  
19 passed and approved according to law.

(Signed) John Murante, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 610.** Placed on Select File with amendment.  
ER68

1 1. On page 1, line 3, after the second semicolon insert "to  
2 eliminate obsolete provisions;".

**LEGISLATIVE BILL 610A.** Placed on Select File.

**LEGISLATIVE BILL 106.** Placed on Select File with amendment.

ER69

1 1. On page 1, strike beginning with "livestock" in line 1 through  
2 line 5 and insert "zoning; to provide for a committee and an assessment  
3 matrix; and to provide powers and duties.".

(Signed) Matt Hansen, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 2, 2015, at 11:26 a.m. were the following: LBs 304 and 439.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**MOTIONS - Print in Journal**

Senator Chambers filed the following motion to LB431:

MO71

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB242:

MO72

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB242A:

MO73

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB367:

MO74

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB498:

MO75

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB33:

MO76

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB139:

MO77

Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB139A:

MO78

Bracket until June 5, 2015.



Senator Chambers filed the following motion to LB324:  
MO79  
Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB356:  
MO80  
Bracket until June 5, 2015.

Senator Chambers filed the following motion to LB627:  
MO81  
Bracket until June 5, 2015.

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

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

Davis - LB623  
Larson, Lindstrom, Murante - LB584  
Bolz, Craighead, Crawford, Ebke, Harr, B., Hilkemann - LB323

**VISITORS**

Visitors to the Chamber were Amera Frank, Josh Nix, Jay Davis, and Cathy and Alex Martinez from Lincoln; 14 tenth- and eleventh-grade students, teachers, and sponsors of a German Exchange group from Braunschweig, Germany; 35 fourth-grade students and teachers from Yutan; and 40 fourth-grade students and teachers from Milford.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 10:00 a.m., Tuesday, April 7, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

